

Exhibit-B



**OFFICE OF SHERIFF
BEAUFORT COUNTY**

P.O. BOX 1758
BEAUFORT, SOUTH CAROLINA 29901

AREA CODE (843)

SHERIFF 470-3200
CHIEF DEPUTY 470-3192
CRIMINAL RECORDS 470-3186
CIVIL RECORDS 470-3188
FAX # 470-3187

P.J. Tanner
Sheriff

Evidence Submittal Form

Case Number:
Victim (s):
Suspect (s):
Incident Type:

20060207359
[REDACTED]
Unknown
Armed Robbery / Criminal Sexual Contact

Item Number	Description of Evidence
1	(1) Daisy Proline B.B. pistol model 92 CO ₂ Serial # 8E08359
2	(1) Crossman Airguns B.B. pistol Serial # 480211531
Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County. <u>Michael M. Hubbard</u> Chief Deputy Beaufort County Sheriff's Office	

Evidence submitted is provisionally accepted as being correctly described as listed above. Officer agrees that the actual inventory of evidence conducted by the evidence division will be the correct inventory.

LCPL. B. Chapman 02-15-06
Submitted by (Print) Date

LCPL. B. Chapman 02-15-06
Submitted by (Sign) Date

R.K. Cooper 2/15/06
Received by (Print) Date

R.K. Cooper 2/15/06
Received by (Sign) Date

1310

P.O. BOX 1758

AREA CODE (843)

SHERIFF 470-3200
CHIEF DEPUTY 470-3192
CRIMINAL RECORDS 470-3186
CIVIL RECORDS 470-3188
FAX # 470-3187

Evidence Submittal Form

Case Number:
Victim (s):
Suspect (s):
Incident Type:

20060207359
[REDACTED]
WKF B/m
CSC 137

[illegible]

Evidence submitted is provisionally accepted as being correctly described as listed above. Officer agrees that the actual inventory of evidence conducted by the evidence division will be the correct inventory.

Submitted by (Print) B Baird Date _____

ER, 03

Received by (Print) _____ Date _____

ce division will be the correct inventory.

[Signature] *2/14/06*
Submitted by (Sign) Date

Submitted by (Sign) [Signature] Date 12 AM
Received by (Sign) [Signature] Date 2/14/06

P.O. BOX 1758
BEAUFORT, SOUTH CAROLINA 29901

SHERIFF 470-3200
CHIEF DEPUTY 470-3192
CRIMINAL RECORDS 470-3186
CIVIL RECORDS 470-3188
FAX # 470-3187

Evidence Submittal Form

20060207-359
[REDACTED]
Unknown
Criminal Sexual Conduct / Armed Robbery

SCANNED 04/25/2006

ORIGIN

REPORT

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

NCIC

20060207359

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DECLASSIFIED 12/08/2000

SUPPLEMENTAL INCIDENT REPORT

ORIGINAL

CASE NUMBER

20060207359

NCIC

INQ.

ENTD.

☒ ORIGINAL
☐ MODIFIES
☐ ORIGINAL

☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE OF 3 PAGES.

Interview of

Interviewed by [redacted] on 02-07-06

[redacted] stated that she was inside her residence when the suspect knocked on her door. [redacted] stated that she asked the suspect through the window what he wanted and he told her that he wanted to use her phone. [redacted] stated that she observed people (Surveyors) working on the street and she believed it would be safe to let him inside. [redacted] stated that she allowed the suspect to enter her residence and she gave him the phone. [redacted] stated that the suspect attempted to call someone but he stated he did not get an answer. [redacted] stated that the suspect asked her if she knew someone named Green. When she told him no he attempted to call again and still did not get an answer. [redacted] stated that he asked if a Green lived in the area and she told him she did not believe so, but that she would write down a note for him in case the neighbor across the street, who's name she was not sure of was Green. [redacted] stated that she turned around to get her note pad at which time the suspect then produced a pistol from behind his back. [redacted] stated that the suspect then told her that she would have to do what he told her to do. [redacted] was told to go to the bedroom. [redacted] stated in the bedroom he told her to take off her pants. [redacted] stated that she pleaded with the suspect. [redacted] stated she took her pants off but only to her thighs. [redacted] stated that the suspect then held her down and he inserted his penis inside her vagina. [redacted] stated that she was able to stop the suspect from continuing. [redacted] stated that she told the suspect that she was five months pregnant and that he would hurt her baby. [redacted] stated that the suspect then forced his fingers inside her vagina which caused her pain. [redacted] stated the suspect attempted to hold her down and force his penis back inside her vagina. [redacted] stated that she attempted to get the gun from behind the suspect's back but the pistol had slipped down into his pants. [redacted] stated that they struggled for the gun and the suspect threw her on the floor and took the gun out of his pants. [redacted] stated that she begged the suspect to leave her alone and told him that she was expecting her husband any minute. [redacted] stated she believed the suspect was going to shoot her. [redacted] stated that the suspect left the room and went into the living room. [redacted] stated that the suspect was only gone for a short time, and when he returned he yanked the bedroom phone from a wall. [redacted] stated that the suspect opened two dresser drawers, and that he pushed his hand through one, but he did not take anything out of the drawer. [redacted] stated that the suspect left the room and walked to the front of the residence at which time she grabbed her husband's pants from the floor and ran outside. [redacted] stated that no one was at her neighbors house so she ran over to the people who were working by the road and asked for help. [redacted] further stated that the suspect stole four hundred and seventy-two dollars from her note book.

Officer's Actions:

Upon my arrival in the area of the incident location I briefly spoke to the witness, [redacted] then I went to the incident location and met with the victim. I asked [redacted] to describe the pistol the suspect had, she stated it was a large dull black pistol but that it was not a revolver. I gave dispatch a description of the suspect so responding units could check the area for the suspect. I secured the scene. I checked the area for the suspect's shoe and for bicycle tire tracks. I was not able to identify any shoe prints belonging to the suspect and no bicycle tire tracks were observed. I had [redacted] write a voluntary statement. I dusted the listed items for latent prints, two telephones, one phone outlet and one dresser. I obtained two latent prints from the telephone in the dining area. I seized her pants that [redacted] was wearing during the incident from beside the bed. I had Cpl. Runnion obtain a statement from the witnesses. Detective Chapman responded to the scene to continue the investigation. Detective Chapman advised that [redacted] went to the hospital to have a rape kit preformed.

Evidence Disposition:

The evidence will be turned into the evidence department ASAP.

Attachments:

(Two voluntary statements)

Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County.

Michael M. Haggard
Chief Deputy Beaufort County Sheriff's Office

SUBJECT IDENTIFIED

☐ YES ☒ NO

SUBJECT LOCATED

☐ YES ☒ NO

☐ ACTIVE

☐ ADM. CLOSED

☐ UNFOUNDED

☐ ARRESTED UNDER 18

☐ ARRESTED 18 AND OVER

☐ EX-CLEAR UNDER 18

☐ EX-CLEAR 18 AND OVER

IN FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH.

2. ☐ NO PROSECUTION.

3. ☐ EXTRADITION DENIED.

4. ☐ VICTIM DECLINES COOPERATION.

5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)

DATE

UNIT NUMBER

APPROVING OFFICER

DATE

UNIT NUMBER

Merrill, Jr

02-07-06

M1974

FOLLOW-UP INVESTIGATION

☐ YES

OFFICER

☐ NO

SCANNED 02/08/2006

Exhibit - ~~2~~ F
SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor

SCANNED



RECEIVED

ROBERT M. STEWART
Chief

JUN 30 2006

Beaufort County Sheriff's Office

Inv. Brian Chapman
Beaufort County Sheriff's Office
P. O. Box 1758
Beaufort, SC 29901

EVIDENCE PROCESSING

June 20, 2006

SLED LAB: L06-02390

Your Case No: 20060207359

Incident Date: 02/07/2006

(V) [REDACTED]

(S) Nathaniel Johnson, Jr.

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Item: 2 Fitted sheet

RESULTS:

All potential evidence collected was sent to the DNA Department.

Item: 4 Pants from [REDACTED]

RESULTS:

No hair found.

All potential evidence collected was sent to the DNA Department.

Certified to be a true and correct
copy of the original document on file
with the Office of Sheriff for Beaufort County.

Michael M. Hafford
Chief Deputy Beaufort County Sheriff's Office



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SCANNED 06/30/2006

Exhibit - I

This Space Reserved For Lab Receipt Barcode.



SLED LABORATORY FORENSIC SERVICES REQUEST

SLED LAB No. L06-02390

Submission: 1 02/17/2006

Name of Investigating officer: Brian ChapmanAgency: Beaufort County Sheriff's Office Phone No: 843-525-7256

Fax No: _____ Email: _____

Mailing Address: PO Box 1758City / State / Zip: Beaufort, SC 29901

CC: _____

ORI No: SC0070000Agency Case No: 20060207359Offense: SEXUAL ASSAULTCounty: BeaufortOffense Date: 02/07/2006Officer Involved Shooting ☐ YesRush: ☒ Yes

Is this evidence related to another lab number?

☐ Yes ☒ No

If yes, Lab Number: _____

SUBMITTER NO. LAB ONLY	Agency Item No.	Description of Evidence	Analysis Requested
1		CSC kit - [REDACTED]	DNA ANALYSIS
2		bed linens - victim bed	DNA ANALYSIS
3		swab(s) -	DNA ANALYSIS
4		Clothing - [REDACTED]	

Victim(s)	Sex	Race	DOB	SSN
[REDACTED]	F	W	10/28/1970	

Comments

Submitted By :

Received By :



SLED LABORATORY EVIDENCE INVENTORY SHEET

(Use ballpoint pen and press firmly. Print all information except where signature is required.)

Exhibit - ~~BI~~ I

FORM: LAB-004
NOVEMBER 1993
Previous Editions
May Be Used

Lab Number L Sheet Number 2 of 2

(Use more than one sheet if necessary.)

ITEM #	DESCRIPTION OF EVIDENCE: 2006-0207 359 I.E. SUBJECT OR VICTIM'S (EVIDENCE TO INCLUDE SPECIFIC ARTICLES AS TO COLOR, ETC., IF DRUGS THEY ARE TO BE COUNTED, ETC.)	EXAMINATIONS REQUESTED
1	(1) Sexual Assault Evidence Collection Kit in the name of [REDACTED] (our #1)	Routine Exam; if semen or blood is present, please develop DNA profile and conduct a CODIS search
2	(1) Brown paper evidence bag containing one bed sheet from victim's bed (Biohazard) (our #2)	Routine Exam; if semen or blood is present, please develop DNA profile and conduct a CODIS search
3	(1) Plastic Evidence bag containing 2 Q-tip swabs taken from victim's bite wound / labeled envelopes #1 and #2 (our #3)	Routine Exam; if bodily fluids are present, please develop DNA profile and conduct a CODIS search
4	(1) Brown paper evidence bag containing one pair of black slacks from victim (possible Bio-hazard) (our #5)	Routine Exam; if semen or blood is present, please develop DNA profile and conduct a CODIS search

EVIDENCE SUBMITTED IN SEALED CONTAINER IS PROVISIONALLY ACCEPTED AS BEING CORRECTLY DESCRIBED AS LISTED ABOVE. CONTRIBUTORS AGREE THAT THE ACTUAL INVENTORY OF EVIDENCE CONDUCTED BY THE SLED EXAMINER WILL BE THE CORRECT INVENTORY.

Cpl. R.K. Cooper

Delivered By (Print)

Cpl. R.K. Cooper

Delivered By (Sign)

2/17/06

Date

Item #

Received By

Date

Item #

Received By

Date



SLED LABORATORY FORENSIC SERVICES REQUEST

(Use ballpoint pen and press firmly. Print all
information except where signature is required.)

Exhibit - J

2/10/04

RKC2

FORM: LAB-003
NOVEMBER 1993
Previous Editions
May Be Used

Name of Investigating Officer Brian Chapman Rank LCPL
Department Beaufort County Sheriff's Office Telephone Number 843-470-3469
Street Address or Post Office Box PO Box 1758
City Beaufort State SC Zip Code 29902
Sled Lab No. _____
Contributing Agency ORI SC 010000
Contributing Agency Case No. 20060207-359
County Beaufort
Incident Date 02-07-2006
Related Lab No. _____

Subject # _____ Victim# X Sex: M _____ F X SID/FBI
Last Name _____ First Name _____ Middle Name _____ DL/SS NO: _____
Race: Cau X Blk _____ Other _____
DOB: 10-28-72

Subject # X Victim# _____ Sex: M _____ F _____ SID/FBI
Last Name unknown First Name _____ Middle Name _____ DL/SS NO: _____
Race: Cau _____ Blk _____ Other _____
DOB: _____

Subject # _____ Victim# _____ Sex: M _____ F _____ SID/FBI
Last Name _____ First Name _____ Middle Name _____ DL/SS NO: _____
Race: Cau _____ Blk _____ Other _____
DOB: _____

Subject # _____ Victim# _____ Sex: M _____ F _____ SID/FBI
Last Name _____ First Name _____ Middle Name _____ DL/SS NO: _____
Race: Cau _____ Blk _____ Other _____
DOB: _____

*Could any subjects or victims have the following: (circle) AIDS VD Hepatitis Tetanus TB Lice

Comments: _____

COMPLETE THIS SECTION ON ALL CASES: (Circle Appropriately)

Homicide Suicide Accidental Death Natural Death Child Fatality Autopsy Performed: Yes No

(A) Gunshot (B) Stabbing (C) Beating (D) Strangulation (E) Drug/Poison (F) Alcohol (G) Carbon Monoxide (H) Fire (I) Hanging (J) Electrocution

(K) Heart Related (L) Disease (M) Other _____

Accident Fatality Victim: (A) Driver (B) Pedestrian (C) Motorcyclist (D) Bicyclist (E) Passenger (F) Swimming/Boating

TYPE OF CASE: (IF NOT DEATH) (A) Drugs (B) CSC (C) Burglary (D) Larceny (E) Other _____

FOR TOXICOLOGY CASES: (Circle Appropriately)

DUI Felony DUI Was a Breath Test given? Yes No If Yes, Reading _____

Number of Specimens Enclosed: Blood _____ Urine _____ Ocular Fluid _____ Other _____

Examination Requested: Blood Alcohol Drug Screen CO Blood Type Other _____

Drugs Suspected: Yes No List Drugs _____

FOR SEROLOGY/ DNA/HAIR/FIBER CASES: (Circle Appropriately)

Was the subject(s) bleeding? Yes No unknown Have any of the victims / subjects been transfused in the last 120 days? Yes No unknown

Crime occurred: Suspect's residence Victim's residence Suspect's vehicle Victim's vehicle Other _____

Was a weapon involved? yes No Unknown Type of weapon? unknown caliber handgun

Have standards from all possible bleeders or body fluid donors been submitted? Yes No Unknown Comments: _____

Submission of victim and suspect standards is necessary before complete analysis can be performed.

THE ITEMS SUBMITTED WILL BE EXAMINED WITH YOUR ASSURANCE THAT THE SUBMITTED SPECIMENS HAVE NOT NOR WILL BE SUBMITTED TO
ANY OTHER LABORATORY FOR TECHNICAL OR SCIENTIFIC EXAMINATION. THIS STATEMENT WAS READ BY OFFICER.

Print Name of Delivering Officer Cpl. R.K. Cooper

Signature of Delivering Officer Cpl. R.K. Cooper

NOTICE OF RIGHT TO PRELIMINARY HEARING

STATE OF SOUTH CAROLINA
COUNTY/CITY OF BEAUFORT

IN THE SUMMARY COURT

Exhibit - K

WARRANT/TICKET NUMBERS

OFFENSES

J330912
J330913
J330915

Kidnapping / Kidnapping
CSC 1ST
POSS OF WEAPON DURING VIOLENT CRIME

I wish to be present at hearing.

Nathaniel Jr. Johnson, you are charged with the above named offense(s) and you may be entitled to a Preliminary Hearing. You must request a Preliminary Hearing within ten (10) days of this Notice or lose your right to such a Hearing. You may request a Preliminary Hearing by completing the lower left section of this notice and returning it to the Court listed below, either in person or by mailing it to the following address:

**BEAUFORT MAGISTRATES COURT
104 RIBAUT ROAD
BEAUFORT, SC 29902
843-470-5203**

I request a Preliminary Hearing:

THIS NOTICE GIVEN BY:

Nathaniel Jr. Johnson Jr.
Signature of Defendant

Nathaniel Jr. Johnson

St. Chase - 8-22-06
Beaufort County/City
Beaufort County Bond Court

BCDC #19149 P.O. Drawer 1228
Address

Beaufort SC 29901-1228

My Attorney is:

Public Defender

FOR COURT USE ONLY:

Date Request Received: _____

Clerk: _____

Certified - A True Copy

23 August 2006
[Signature]
BC9
my commission expires
02 Sept 2013

[Signature]
Elizabeth M. Smith - Clerk of Court
Beaufort County SC

NOTICE OF RIGHT TO PRELIMINARY HEARING

STATE OF SOUTH CAROLINA)

IN THE SUMMARY COURT

COUNTY/CITY OF BEAUFORT)

WARRANT/TICKET NUMBERS

OFFENSES

J330914

Burglary / Burglary (After June 20, 1985) - First degree

I wish to be present at hearing.

Nathaniel Jr. Johnson, you are charged with the above named offense(s) and you may be entitled to a Preliminary Hearing. You must request a Preliminary Hearing within ten (10) days of this Notice or lose your right to such a Hearing. You may request a Preliminary Hearing by completing the lower left section of this notice and returning it to the Court listed below, either in person or by mailing it to the following address:

**BEAUFORT MAGISTRATES COURT
104 RIBAUT ROAD
BEAUFORT, SC 29902
843-470-5203**

I request a Preliminary Hearing:

THIS NOTICE GIVEN BY:

Nathaniel Jr. Johnson Jr
Signature of Defendant
Nathaniel Jr. Johnson

[Signature] 8-22-06
Beaufort County/City
Beaufort County Bond Court

BCDC #19149 P.O. Drawer 1228
Address

Beaufort, SC. 29901-1228

My Attorney is:

Public Defender

FOR COURT USE ONLY:

Date Request Received: _____

Clerk: _____

23 August 2006

BCDC #19149

*my commission expires
10 Sept 2013*

Certified - A True Copy

[Signature]
Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

Exhibit - L



P.O. BOX 1758
BEAUFORT, SOUTH CAROLINA 29901

AREA CODE (843)

SHERIFF 470-3200
CHIEF DEPUTY 470-3192
CRIMINAL RECORDS 470-3186
CIVIL RECORDS 470-3188
FAX # 470-3187

P.J. Tanner
Sheriff

Evidence Submittal Form

Case Number:
Victim (s):
Suspect (s):
Incident Type:

200602070359
[REDACTED]
Unknown
Criminal Sexual Conduct & Armed Robbery

[illegible]

Evidence submitted is provisionally accepted as being correctly described as listed above. Officer agrees that the actual inventory of evidence conducted by the evidence division will be the correct inventory.

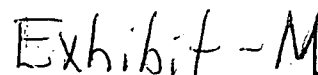
cm. metr. nka 2-8-06
Submitted by (Print) Date

ERIO'S

Received by (Print) _____ Date _____

M. Mendenhall 2-8-06
Submitted by (Sign) Date
Eileen R. 0745
Received by (Sign) Date 2-8-06

04/11/2016



AREA CODE (843)

SHERIFF 470-3200
CHIEF DEPUTY 470-3192
CRIMINAL RECORDS 470-3186
CIVIL RECORDS 470-3188
FAX # 470-3187

Evidence Submittal Form

Description of Evidence

Evidence submitted is provisionally accepted as being correctly described as listed above. Officer agrees that the actual inventory of evidence conducted by the evidence division will be the correct inventory.

Submitted by (Sign) LCPL B. Chapman Date 12-8-06

Received by (Sign) [Signature] 083
2/8 D2

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor

Exhibit- No 



 ROBERT M. STEWART
Chief

LCPL. Brian Chapman
Beaufort County Sheriff's Office
PO Box 1758
Beaufort, SC 29902

DNA ANALYSIS
August 11, 2006
SLED LAB: L06-02390
Your Case No: 20060207-359
Incident Date: 02/07/2006
(V) 
(S) Nathaniel Johnson

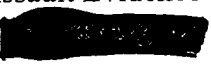
This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

SEROLOGY ANALYSIS

Items Submitted:

Results of Examinations:

1.0	Sexual Assault Evidence Collection Kit from 	1.2	See DNA analysis.
1.2	Blood standard	1.4	No analysis performed.
1.4	Smears (vaginal and oral)	1.5	No semen identified.
1.5	Vaginal swabs	1.6	No semen identified.
1.6	Oral swabs	1.7	Semen identified. See DNA analysis.
1.7	Miscellaneous body fluids	1.8 R	See DNA analysis.
1.8 R	Fingernail scrapings (Right)		



45

[REDACTED]

[REDACTED]

Items Submitted:

Results of Examinations:

1.8 L	Fingernail scrapings (Left)	1.8 L	Nothing of apparent serological evidentiary value found.
1.9	Bite mark swabs	1.9	See DNA analysis.
1.10	Known head hairs	1.10	No analysis performed.
2.1	Cutting from fitted sheet	2.1	Semen identified. See DNA analysis.
2.2	Cutting from fitted sheet	2.2	No analysis performed.
2.3	Cutting from fitted sheet	2.3	Semen identified. See DNA analysis.
2.4	Cutting from fitted sheet	2.4	Semen identified. See DNA analysis.
2.5	Cutting from fitted sheet	2.5	No analysis performed.
2.6	Trace evidence collected from fitted sheet	2.6	No analysis performed.
3.0	Swabs		
3.1	Swab one taken from bite wound	3.1	See DNA analysis.
3.2	Swab two taken from bite wound	3.2	See DNA analysis.
4.1.1	Cutting from pants	4.1.1	See DNA analysis.
5.0	Plastic spoon said to have been used by Nathaniel Johnson, Jr.	5.0	See DNA analysis.
6.0	Napkin said to have been used by Nathaniel Johnson, Jr.	6.0	See DNA analysis.



August 11, 2006

Exhibit - N

DNA ANALYSISITEMS ANALYZED:

- 1.2 Blood standard from [REDACTED]
- 1.7 Miscellaneous body fluids
- 1.8 Fingernail scrapings from right hand
- 1.9 Bite mark swabs
- 2.1 Cutting from fitted sheet
- 2.3 Cutting from fitted sheet
- 2.4 Cutting from fitted sheet
- 3.1 Swab one taken from bite wound
- 3.2 Swab two taken from bite wound
- 4.1.1 Cutting from pants
- 5.0 Plastic spoon said to have been used by Nathaniel Johnson, Jr.
- 6.0 Napkin said to have been used by Nathaniel Johnson, Jr.

EXAMINATIONS

DNA analysis was performed on items 1.2, 1.7, 1.8, 1.9, 2.1, 2.3, 2.4, 3.1, 3.2, 5.0, and 6.0 using Short Tandem Repeat (STR) PCR DNA analysis. The results of the analysis are shown in Table 1 and Table 2.

RESULTS

The DNA profile developed from the semen on items 1.7, 2.1, 2.3, and 2.4 is from an unidentified male individual and has been entered into the Combined DNA Index System (CODIS) for comparison purposes.

The partial DNA profile developed from the male contributor to items 1.8 R and 1.9 is consistent with the semen donor to item 1.7.

The partial DNA profile developed from item 5.0 is also consistent with the semen donor to item 1.7.

The DNA profiles developed from items 3.1 and 3.2 are mixtures. [REDACTED] and the unidentified male individual from item 1.7 cannot be excluded as contributors to these mixtures. The probability of randomly selecting an unrelated individual who could have contributed to the mixture from item 3.1 is approximately 1 in 330 thousand.

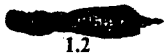
The partial DNA profile developed from item 6.0 is too weak to reliably interpret.

No human DNA was extracted from item 4.1.1.



Exhibit - N

Table 1 - Profiler Plus

Items	D3S1358	vWA	FGA	D8S1179	D21S11	D18S51	D5818	D13S317	D7S820	Amelo- genin
 1.2	15,16	15,17	24,25	14	30,31.2	11,16	11,12	9,12	12,13	X
Misc. body fluids 1.7 F	15,16	15,17	24,25	14	30,31.2	11,16	11,12	9,12	12,13	X
Misc. body fluids 1.7 M	16	15,18	22,24	14,15	28,(31.2)	12,13	8,(11), 13	(9),11, (12),13	11,12	XY
Fingernail scrapings 1.8 R	(15),16	15,(17), (18)	(22,24)	14,15	28,(30)	(12)	8,(11), (12),13	(9,11), (12,13)	-	XY
Bite mark swabs 1.9	15,16	15,17	24,25	14,15	(28),30, 31.2	11,(13), 16	(8),11, 12,(13)	9,12 (13)	12,13	XY
Cutting-fitted sheet 2.1 F	16	15,18	22,24	14,15	28	(11),12, 13,(16)	8,(11) 13	11,13	11,12	XY
Cutting-fitted sheet 2.1 M	16	15,18	22,24	14,15	28	12,13	8,13	11,13	11,12	XY
Cutting-fitted sheet 2.3 F	16	15,18	22,24	14,15	28,(30)	(11),12, 13	8,(11), 13	11,13	11,12	XY
Cutting-fitted sheet 2.3 M	16	15,18	22,24	14,15	28	12,13	8,13	11,13	11,12	XY
Cutting-fitted sheet 2.4 F	15,16	15,17, 18	22,24, 25	14,15	28,30, 31.2	11,12, 13,16	8,11, 12,13	9,11, 12,13	11,12, (13)	XY
Cutting-fitted sheet 2.4 M	16	15,18	22,24	14,15	28	12,13	8,13	11,13	11,12	XY
Swab one from bite wound 3.1	15,16	15,17, 18	22,24, 25	14,15	28,30, 31.2	11,(12), 13,16	8,11, 12,13	9,11, 12,13	(11),12, 13	XY
Swab two from bite wound 3.2	15,16	15,17, (18)	(22),24, 25	14,15	28,30, 31.2	11,(12), (13),16	8,11, 12,13	9,(11), 12,13	12,13	XY
Plastic Spoon from Nathaniel Johnson 5.0	16	15,18	22,(24)	14,15	28	12,13	8,(13)	(11),(13)	(11),(12)	XY
Napkin from Nathaniel Johnson 6.0	(17)	(17)	-	(14),(15)	-	-	-	-	(10)	(Y)

() = alleles between 75 and 149 rfu

- = no results

Bold = major contributor

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Michael M. Holtzfeld
Chief Deputy Beaufort County Sheriff's Office



Exhibit - N

Table 2 - Cofiler

Items	D3S1358	D16S539	TH01	TPOX	CSF1PO	D7S820	Amelogenin
1.2	15,16	12	7	8	10,11	12,13	X
Misc. body fluids 1.7 F	15,16	12	7	8	10,11	12,(13)	X
Misc. body fluids 1.7 M	16	12,13	6,7, 8	9	10,11	11,12, (13)	XY
Fingernail scrapings 1.8 R	16	12,(13)	(6),7, (8)	8,9	10,(11)	-	XY
Bite mark swabs 1.9	15,16	12	6,7	8,9	10,11	(11)12, 13	X(Y)
Cutting-fitted sheet 2.1 F	16	12,13	6,(7), 8	(8),9	10,11	11,12	XY
Cutting-fitted sheet 2.1 M	16	12,13	6,8	9	10,11	11,12	XY
Cutting-fitted sheet 2.3 F	16	12,13	6,8	8,9	10,11	11,12	XY
Cutting-fitted sheet 2.3 M	16	12,13	6,8	9	10,11	11,12	XY
Cutting-fitted sheet 2.4 F	15,16	12,13	6,7, 8	8,9	10,11	11,12, 13	XY
Cutting-fitted sheet 2.4 M	16	12,13	6,8	9	10,11	11,12	XY
Swab one from bite wound 3.1	14,15, 16	12,13	6,7, 8	8,9, (11)	10,11	11,12, 13	XY
Swab two from bite wound 3.2	15,16	12,13	6,7, 8	8,9	10,11	(11),12, 13	XY
Plastic Spoon from Nathaniel Johnson 5.0	16	(12),(13)	(6),(8)	9	(11)	-	XY
Napkin from Nathaniel Johnson 6.0	(17)	-	-	-	-	-	(X)(Y)

() = alleles between 75 and 149 rfu

- = no results

Bold = major contributor

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Michael M. Hoffield

Chief Deputy Beaufort County Sheriff's Office



August 11, 2006

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.

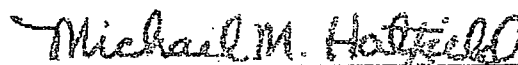
Please submit the suspect's blood standard for comparison purposes.



Kimberly A. Hahn
Forensic Scientist

cc: Beaufort County Solicitor's Office

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Chief Deputy Beaufort County Sheriff's Office



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SCANNED 08/16/2006

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor

RECEIVED

AUG 16 2006



ROBERT M. STEWART
Chief

Exhibit-N 1

Beaufort County Sheriff's Office

LCPL. Brian Chapman
Beaufort County Sheriff's Office
PO Box 1758

Beaufort, SC 29902 is a true and correct
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Michael M. Hatfield
Chief Deputy Beaufort County Sheriff's Office

SCANNED

DNA ANALYSIS

August 11, 2006

SLED LAB: L06-02390

Your Case No: 20060207-359

Incident Date: 02/07/2006

(S) Nathaniel Johnson

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

SEROLOGY ANALYSIS

Items Submitted:

Results of Examinations:

1.0 Sexual Assault Evidence Collection
Kit from [REDACTED]

1.2 Blood standard

1.2 See DNA analysis.

1.4 Smears (vaginal and oral)

1.4 No analysis performed.

1.5 Vaginal swabs

1.5 No semen identified.

1.6 Oral swabs

1.6 No semen identified.

1.7 Miscellaneous body fluids

Semen identified. See DNA analysis.

1.8 R Fingernail scrapings (Right)

1.8 R See DNA analysis.

*No semen
inside her
on her
but on bed.
collected
from
when?*

*found on
vs body*



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SCANNED 08/16/2006

August 11, 2006

Exhibit-N 1

*do u recognize this
#wals u recognize
what is it
did u test
this for
DNA*

Items Submitted:

Results of Examinations:

1.8 L Fingernail scrapings (Left)

1.8 L Nothing of apparent serological evidentiary value found.

1.9 Bite mark swabs

1.9 See DNA analysis. *admitted.*

1.10 Known head hairs

1.10 No analysis performed.

~~2.1 Cutting from fitted sheet~~

~~2.1 Semen identified. See DNA analysis.~~

2.2 Cutting from fitted sheet

2.2 No analysis performed.

~~2.3 Cutting from fitted sheet~~

~~2.3 Semen identified. See DNA analysis.~~

~~2.4 Cutting from fitted sheet~~

~~2.4 Semen identified. See DNA analysis.~~

2.5 Cutting from fitted sheet

2.5 No analysis performed.

2.6 Trace evidence collected from fitted sheet

2.6 No analysis performed.

3.0 Swabs

3.1 Swab one taken from bite wound

3.1 See DNA analysis.

3.2 Swab two taken from bite wound

3.2 See DNA analysis.

4.1.1 Cutting from pants

4.1.1 See DNA analysis. *No human DNA*

5.0 Plastic spoon said to have been used by Nathaniel Johnson, Jr.

5.0 See DNA analysis. *admitted*

6.0 Napkin said to have been used by Nathaniel Johnson, Jr.

6.0 See DNA analysis. *admitted*

Were results obtained

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Michael M. Holtfield
Chief Deputy Beaufort County Sheriff's Office



August 11, 2006

Exhibit - N1

DNA ANALYSIS

ITEMS ANALYZED:

- 1.2 Blood standard from [REDACTED]
- 1.7 Miscellaneous body fluids from [REDACTED]
- 1.8 Fingernail scrapings from right hand
- 1.9 Bite mark swabs
- 2.1 Cutting from fitted sheet
- 2.3 Cutting from fitted sheet
- 2.4 Cutting from fitted sheet
- 3.1 Swab one taken from bite wound
- 3.2 Swab two taken from bite wound
- 4.1.1 Cutting from pants
- 5.0 Plastic spoon said to have been used by Nathaniel Johnson, Jr.
- 6.0 Napkin said to have been used by Nathaniel Johnson, Jr.

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Michael M. Holtz
Chief Deputy Beaufort County Sheriff's Office

EXAMINATIONS

DNA analysis was performed on items 1.2, 1.7, 1.8, 1.9, 2.1, 2.3, 2.4, 3.1, 3.2, 5.0, and 6.0 using Short Tandem Repeat (STR) PCR DNA analysis. The results of the analysis are shown in Table 1 and Table 2.

RESULTS

The DNA profile developed from the semen on items 1.7, 2.1, 2.3, and 2.4 is from an unidentified male individual and has been entered into the Combined DNA Index System (CODIS) for comparison purposes.

The partial DNA profile developed from the male contributor to items 1.8 R and 1.9 is consistent with the semen donor to item 1.7.

The partial DNA profile developed from item 5.0 is also consistent with the semen donor to item 1.7.

The DNA profiles developed from items 3.1 and 3.2 are mixtures. [REDACTED] and the unidentified male individual from item 1.7 cannot be excluded as contributors to these mixtures. The probability of randomly selecting an unrelated individual who could have contributed to the mixture from item 3.1 is approximately 1 in 330 thousand.

The partial DNA profile developed from item 6.0 is too weak to reliably interpret.

No human DNA was extracted from item 4.1.1.

*Pants that she had on, only
pulled to her waist NO DNA but DNA
in bed*



August 11, 2006

Exhibit - N1

Table 1 – Profiler Plus

Items	D3S1358	vWA	FGA	D8S1179	D21S11	D18S51	D5818	D13S317	D7S820	Amelogenin
1.2	15,16	15,17	24,25	14	30,31.2	11,16	11,12	9,12	12,13	X
Misc. body fluids 1.7 F	15,16	15,17	24,25	14	30,31.2	11,16	11,12	9,12	12,13	X
Misc. body fluids 1.7 M	16	15,18	22,24	14,15	28,(31.2)	12,13	8,(11), 13	(9),11, (12),13	11,12	XY
Fingernail scrapings 1.8 R	(15),16	15,(17), (18)	(22,24)	14,15	28,(30)	(12)	8,(11), (12),13	(9,11), (12,13)	-	XY
Bite mark swabs 1.9	15,16	15,17	24,25	14,15	(28),30, 31.2	11,(13), 16	(8),11, 12,(13)	9,12 (13)	12,13	XY
Cutting-fitted sheet 2.1 F	16	15,18	22,24	14,15	28	(11),12, 13,(16)	8,(11) 13	11,13	11,12	XY
Cutting-fitted sheet 2.1 M	16	15,18	22,24	14,15	28	12,13	8,13	11,13	11,12	XY
Cutting-fitted sheet 2.3 F	16	15,18	22,24	14,15	28,(30)	(11),12, 13	8,(11), 13	11,13	11,12	XY
Cutting-fitted sheet 2.3 M	16	15,18	22,24	14,15	28	12,13	8,13	11,13	11,12	XY
Cutting-fitted sheet 2.4 F	15,16	15,17, 18	22,24, 25	14,15	28,30, 31.2	11,12, 13,16	8,11, 12,13	9,11, 12,13	11,12, (13)	XY
Cutting-fitted sheet 2.4 M	16	15,18	22,24	14,15	28	12,13	8,13	11,13	11,12	XY
Swab one from bite wound 3.1	15,16	15,17, 18	22,24, 25	14,15	28,30, 31.2	11,(12), 13,16	8,11, 12,13	9,11, 12,13	(11),12, 13	XY
Swab two from bite wound 3.2	15,16	15,17, (18)	(22),24, 25	14,15	28,30, 31.2	11,(12), (13),16	8,11, 12,13	9,(11), 12,13	12,13	XY
Plastic Spoon from Nathaniel Johnson 5.0	16	15,18	22,(24)	14,15	28	12,13	8,(13)	(11),(13)	(11),(12)	XY
Napkin from Nathaniel Johnson 6.0	(17)	(17)	-	(14),(15)	-	-	-	-	(10)	(Y)

() = alleles between 75 and 149 rfu

- = no results

Bold = major contributor



August 11, 2006

Exhibit - N1

Table 2 - Cofiler

~~Sample Name~~	D3S1358	D16S539	TH01	TPOX	CSF1PO	D7S820	Amelogenin
~~1.2~~	15,16	12	7	8	10,11	12,13	X
Misc. body fluids 1.7 F	15,16	12	7	8	10,11	12,(13)	X
Misc. body fluids 1.7 M	16	12,13	6,7, 8	9	10,11	11,12, (13)	XY
Fingernail scrapings 1.8 R	16	12,(13)	(6),7, (8)	8,9	10,(11)	-	XY
Bite mark swabs 1.9	15,16	12	6,7	8,9	10,11	(11)12, 13	X(Y)
Cutting-fitted sheet 2.1 F	16	12,13	6,(7), 8	(8),9	10,11	11,12	XY
Cutting-fitted sheet 2.1 M	16	12,13	6,8	9	10,11	11,12	XY
Cutting-fitted sheet 2.3 F	16	12,13	6,8	8,9	10,11	11,12	XY
Cutting-fitted sheet 2.3 M	16	12,13	6,8	9	10,11	11,12	XY
Cutting-fitted sheet 2.4 F	15,16	12,13	6,7, 8	8,9	10,11	11,12, 13	XY
Cutting-fitted sheet 2.4 M	16	12,13	6,8	9	10,11	11,12	XY
Swab one from bite wound 3.1	14,15, 16	12,13	6,7, 8	8,9, (11)	10,11	11,12, 13	XY
Swab two from bite wound 3.2	15,16	12,13	6,7, 8	8,9	10,11	(11),12, 13	XY
Plastic Spoon from Nathaniel Johnson 5.0	16	(12),(13)	(6),(8)	9	(11)	-	XY
Napkin from Nathaniel Johnson 6.0	(17)	-	-	-	-	-	(X)(Y)

() = alleles between 75 and 149 rfu

- = no results

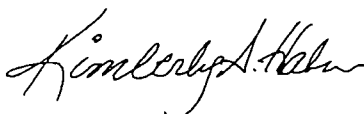
Bold = major contributor



Exhibit - N1

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.

Please submit the suspect's blood standard for comparison purposes.



Kimberly A. Hahn
Forensic Scientist

cc: Beaufort County Solicitor's Office



2 060207357

☐ ORIGINAL REPORT

☒ SUPPLEMENTAL REPORT

☐ ADDITIONAL VICTIMS

☐ ADDITIONAL STOLEN PROPERTY

PAGE 1 of 6 PAGES

☐ MODIFIES ORIGINAL

☐ CASE STATUS CHANGE

☐ ADDITIONAL OFFENDERS

☐ ADDITIONAL RECOVERED PROPERTY

Reference: (A)

BCSO Incident Report #: 20060207359

Incident Type: Armed Robbery/Criminal Sexual Conduct

Incident Location: 94 Cuffy Road St. Helena, SC

Complainant: Baptiste, Tara

Victim: [REDACTED]

Suspect: Unknown

Reporting Officer: CPL. Merrill

Investigating Officer: LCPL. Chapman

Exhibit- O

"Reportable"

Synopsis:

On 02-07-06, the victim reported that an unknown black male came to her house and asked to use the phone. Victim allowed the suspect to enter her home at which point he displayed a firearm and forced the victim into the bedroom where he committed Criminal Sexual Conduct by sexual and digital penetration. The unknown suspect then robbed the victim of approximately \$472.00 in cash and left on a bicycle heading towards Scott Hill Road.

Investigation:

CPL. Runnion and PFC. Capps earlier advised that they had made contact with a Nathaniel Johnson earlier in the week and he had been wearing a similar style jacket that the suspect may have been wearing. SGT. Wilson was able to locate two Nathaniel Johnsons that lived in the area and produced a separate photo lineup for each one of them. This officer responded with the line-ups and upon arrival CPL. Merrill briefed me on the situation. This officer then showed the victim the lineups, but she was unable to identify anyone at that time. This officer then exposed several digital pictures of the victim's bite wound and then collected two cotton swabs of the bite wound for possible DNA evidence. The swabs were then placed on a drying panel and secured in my patrol vehicle. This officer also collected the bedding sheet from the victim's bed for possible DNA evidence.

At that time I conducted a secondary interview during which the victim reaffirmed her story. The victim further advised the suspect did make vaginal penetration with his penis. At that time I advised the victim that she needed to go to the hospital and have a sexual assault kit performed, to which the victim agreed. Prior to leaving, this officer collected voluntary statement from the victim that was written in [REDACTED] as well as a translated version in English.

Object to this statement
Prior bad acts

who said [REDACTED]

Victim
Consent
from ID
photo lineup

LS

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SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S) LCPL. Chapman		DATE 02-27-06		UNIT NUMBER CA188		APPROVING OFFICER Chief Deputy Beaufort County Sheriff's Office		UNIT NUMBER 3-2-6	
FOLLOW-UP INVESTIGATION		OFFICER		YES ☒ NO ☐					

SCANNED 03/07/2006

Exhibit - 0

2 060207359

☐ ORIGINAL REPORT

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☐ ADDITIONAL RECOVERED PROPERTY

PAGE 2 of 6 PAGES.

This officer then escorted the victim to the Emergency Room where a sexual assault kit was performed. After escorting the victim to the hospital, this officer arrived at the LEC and secured the evidence I had collected in my office for safe keeping until they could be turned into BCSO Evidence Division.

On 02-08-06, this officer transferred the digital pictures I had exposed onto a Memorex CD-R and placed it in an evidence bag. The dried Q-tip swabs were individually placed in envelopes, labeled Swab # 1 and # 2. The envelopes were then placed in an evidence bag and all evidence was submitted to BCSO Evidence Division. This officer met with the victim to conducted another interview and she again reaffirmed her story during which she provided another written statement. This officer notes that her sister, [REDACTED], translated the English versions of the victim's statement.

The victim advised that she had the suspect's face in her mind at which time I asked her if she met with a sketch artist, could she help him draw a picture to which she agreed to do. SLED Agent Mike Lynch (forensic sketch artist) was contacted and agreed to assist. This officer and Agent Lynch met with the victim on 02-09-06 and a sketch of the suspect was created. The sketch was then sent to the media outlets via PIO LCPL Szpanka in an attempt to get the communities assistance in the case.

On 02-10-06 this officer submitted a SLED Laboratory Forensic Services Request to the BCSO Evidence Division for all evidence in the case to be examined for DNA. This officer then made contact with the residents on Cuffy Road in an attempt to see anyone had seen or knew the unknown suspect. All efforts met with negative results. This officer then made contact with the victim and again conducted an interview.

Statement of [REDACTED]:

Victim advised that when she opened the door for the suspect she did not see anyone else outside and could not see the workers that eventually helped her. Victim stated that in her attempt to get away, she ran out the back door and behind her brother-in-laws house (92 Cuffy Rd.) and out to the road. Victim advised that she did not look back to see if the suspect had followed her and when she reached the roadway, she saw the two white men approximately 100 to 150 yards past the left side of her house (facing the house). Victim stated she ran to them and asked for help. Victim advised that she did not see the suspect leave her house.

Interview of Merrill
Interview

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Michael M. Halgerson
Chief Deputy Beaufort County Sheriff's Office

SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		ARRESTED UNDER 16 ☐ ARRESTED 16 AND OVER		CLEAR UNDER 16 ☐ CLEAR 16 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S) LCH. Chapman		DATE 02-28-06		UNIT NUMBER C2188		APPROVING OFFICER		DATE	
						FOLLOW-UP INVESTIGATION ☐ YES ☐ NO		OFFICER	

SCANNED 03/07/2006

Exhibit - 0

2 060227359

INQ. ENTG.

☐ ORIGINAL REPORT

☒ SUPPLEMENTAL REPORT

☐ ADDITIONAL VICTIMS

☐ ADDITIONAL STOLEN PROPERTY

PAGE 3 of 6 PAGES.

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☐ ADDITIONAL RECOVERED PROPERTY

Victim stated the suspect remained calm throughout the whole thing and did not seem to be in a panic. Victim advised that he was very well kept in appearance and was very strong. Victim stated he smelled like he had lotion on or had recently taken a shower. Victim advised he had short fingernails, a close haircut and had all of his teeth.

Victim stated that she recalled an incident that happened to several months ago near the Scott Hill park. Victim advised that a black male that looked similar to her attacker approached her while she was with her children. Victim stated that the man started talking to her and bragging how he could take care of her and he had lots of money because he retired early. Victim advised that she told the man to leave her alone and he told her that he knew she had a sister in the Orange Grove Community and she very pretty. Victim stated she did not know if it was the same man, but he did look similar.

Also on 02-10-06, this officer made contact with a clerk at Chaplin's Grocery Store on Storyteller Road and showed her the sketch of the suspect. The clerk advised that it looked like a man named Nate Johnson who lives in the area and he had been in the store about 10 to 15 minutes prior to my arrival. The clerk advised he was wearing a blue jean like outfit and was walking towards his house. LCPL. Williams and myself then checked the area for the suspect, but had negative contact. Later in the evening, this officer received a phone call from a female stating that he picture that was in the paper looked like Nathaniel Johnson Jr. and he gets around the area on a bicycle. The female advised that she had seen him wearing a jacket similar to the one described in the paper on several occasions. The caller advised that Nathaniel goes around to people's houses and looks in there windows and he has attacked women before. The female identified herself as Wendy Daise and to be Nathaniel Johnson's sister (838-5521).

On 02-13-06, this officer attempted to contact Wendy Daise via the phone number she provided, but instead spoke with an Allison Johnson. Allison also identified herself as being Nathaniel's sister. On 02-13-06, the Sheriff's Office received notice that Nathaniel was in the residence of 160B Storyteller Road. SGT. Baird obtained a search warrant for the residence to locate the jacket described by the victim. Nathaniel Johnson Jr. was taken into custody on two unrelated charges and transported to the LEC to be interviewed. SGT. Baird located a black and yellow jacket with a extra large cap in one pocket while executing the search warrant. Also during the execution of the search warrant, BCSO officers located what appeared to be 2 B.B. pistols in the suspect's residence, but they were not seized due to not being on the search warrant.

Why would she be this?

Chief Deputy Beaufort County Sheriff's Office
Michael M. Hoff

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SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECINES COOPERATION.									
REPORTING OFFICER(S) LCPL. Chapman		DATE 02-27-06		UNIT NUMBER C2188		APPROVING OFFICER		DATE	
						FOLLOW-UP INVESTIGATION ☐ YES ☐ NO		OFFICER	

AGENCY I.D.
SC0 070000

SUPPLEMENTARY REPORT

Exhibit - 0

CASE NUMBER

2, 0, 6, 0, 2, 0, 7, 3, 5, 9

NCIC

INQ. ENI

☐ ORIGINAL REPORT

☒ SUPPLEMENTAL REPORT

☐ ADDITIONAL VICTIMS

☐ ADDITIONAL STOLEN PROPERTY

PAGE 4 of 6 PAGES

☐ MODIFIES ORIGINAL

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☐ ADDITIONAL OFFENDERS

☐ ADDITIONAL RECOVERED PROPERTY

Upon arrival at the LEC, Nathaniel Johnson Jr. was read his Miranda Rights and he gave a verbal acknowledgment that he understood his rights. Nathaniel was unable to write his acknowledgement on the Miranda form due to being in handcuffs and SGT. C. Wilson signed the form as a witness. This officer then began the interview. This officer noted that Nathaniel appeared nervous and agitated.

Statement of Nathaniel Johnson Jr:

Johnson stated on 02-07-06 he was at work at Secession Golf from 0900 to 2300. Johnson advised that he caught a ride to and from work, and did not leave while he was there. Johnson stated he was a dishwasher and worked for a man named Mike, but he could not remember his last name. Johnson advised he clocked in and out of work on the computer. Johnson stated he was only on St. Helena when he woke up to go to work and when he came back from work.

Johnson advised that no one else was at home and he lives alone. Johnson stated he gets around the area by walking, but does ride bicycles occasionally. Johnson advised a man named Richard Simmons borrowed a bicycle from him on that Monday and then told him on Wednesday that a man named Bluejay had taken the bicycle. Johnson stated he does not know what Bluejay's real name is, but he hangs around Chaplin's Grocery.

Johnson advised that he had heard about the attack in the area on the news and in the newspaper. Johnson stated he does not go out much and has not seen anyone in the area that looks suspicious. Johnson advised the sketch looks similar to him, but he did not do it. Johnson stated he has never attacked anyone and does not have any enemies.

On 02-14-06 this officer obtained a search warrant from Magistrate Smith in reference to recovering the B.B. gun pistols in the home of Nathaniel Johnson Jr. at 160B Storyteller Road on St. Helena, SC.

On 02-15-06, this officer made contact with Cotrina Ferguson, Nathaniel Johnson's girlfriend, and conducted an interview. Ferguson was read her Miranda Rights and signed a BCSO Miranda Form. Ferguson advised that she has seen Nate off and on for several months. Ferguson stated they she had not been with him for several weeks, but he came and got her on 02-11-06 from her family's house on Possum Hill Road. Ferguson advised she asked him about the picture and article in the paper about a woman getting attacked on the Island, Nate looked at her funny, like he was confused or surprised.

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ADMINISTRATIVE	SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☒ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY									
	REPORTING OFFICER(S) LCPL. Chapman		DATE 02-27-06		UNIT NUMBER CA188		APPROVING OFFICER Chief Deputy Beaufort County Sheriff's C		DATE	
	FOLLOW-UP INVESTIGATION ☐ YES ☐ NO		OFFICER		UNIT NUMBER					

SCANNED 03/07/2006

AGENCY I.D.
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SUPPLEMENTARY REPORT

Exhibit-0

CASE NUMBER

2 060207359

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☒ SUPPLEMENTAL
REPORT

☐ ADDITIONAL
VICTIMS

☐ ADDITIONAL
STOLEN PROPERTY

PAGE 5 of 6 PAGES.

☐ MODIFIES
ORIGINAL

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OFFENDERS

☐ ADDITIONAL
RECOVERED PROPERTY

Ferguson stated Nate has cut her with a knife on her neck and on her back several months ago when they got into an argument. Ferguson also advised that Nate gave her a black eye in another argument about a month ago. Ferguson stated when Nate attacks her, she tries to call the police, but he locks her in the house and keeps her from leaving. Ferguson advised that ~~he has not forced her to have sex with him, but she heard word that he forced a woman named Ruby from "Capers" to have sex with him.~~

The search warrant obtained from Magistrate Smith was executed on 02-15-06 at 1136 with the assistance of SGT. Foskey and LCPL. Williams. Upon entry into the home, a Crossman Airgun's B.B. pistol was located on a ledge that separated the living room from the kitchen. LCPL. Williams then exposed several digital pictures of the item and its location. A second B.B. pistol, a Daisy Proline Model 92 CO2, was located on top of the refrigerator in the kitchen. LCPL. Williams exposed several digital pictures of the item. The B.B. pistol's were then taken as evidence and turned into BCSO Evidence Division upon my return to the LEC. Prior to leaving the scene, a copy of the search warrant was left on the premises on the kitchen table.

On 02-20-06, the search warrant return was filed with Magistrate Smith. This officer spoke with a member of Sprint Corporate Security in reference to obtaining phone records for the victim's telephone. Sprint representatives advised they would need a subpoena with a list of the information requested. On 02-21-06 a subpoena was obtained from the Clerk of Court and faxed to the Subpoena Compliance Department of Sprint. On 02-23-06 this officer received a fax from Sprint Corporate Security stating that the trace of the victim's phone number revealed that no calls were made or received for the time period that was requested.

Case Status:

This case is Active

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SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S) LCPL. Chappin		DATE 02-27-06		UNIT NUMBER C2188		APPROVING OFFICER Chief Deputy Sheriff		DATE	
						FOLLOW-UP INVESTIGATION ☐ YES ☐ NO		OFFICER	

SCANNED 03/07/2006

AGENCY I.D.
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SUPPLEMENTARY REPORT

Exhibit-0

CASE NUMBER

2, 0, 6, 0, 2, 2, 7, 3, 5, 9

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VICTIMS
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OFFENDERS

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STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 6 of 6 PAGES.

Attachments:

Statement from [REDACTED]
Statement from [REDACTED]
Statement from Cotrina Fergusson
Miranda form for Cotrina Fergusson
Miranda form for Nathaniel Johnson Jr.
Evidence submittal form (3)
Copy of Search Warrant (2)
Copy of Sketch Artist rendering of suspect
Copy of Subpoena and fax to Sprint Corporate Security
Copy of Authorization for phone trace to Sprint Corporate Security
Copy of phone trace results from Sprint Corporate Security

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with the Office of Sheriff for Beaufort County

Michael M. Hatfield
Chief Deputy Beaufort County Sheriff

SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S) <i>LCP. Chapman</i>		DATE <i>02-27-06</i>		UNIT NUMBER <i>C2198</i>		APPROVING OFFICER		DATE	
						FOLLOW-UP INVESTIGATION ☐ YES ☐ NO		OFFICER	

SCANNED 03/07/2006

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VICTIMS
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OFFENDERS

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STOLEN PROPERTY
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RECOVERED PROPERTY

PAGE 1 OF 4 PAGES

Reference: (A)

Case Number: 20060207359

Incident Type: Criminal Sexual Conduct / Armed Robbery

Incident Location: 94 Cuffy Road St. Helena, SC

Complainant: Same as Victim

Suspect: unknown

Reporting Officer: CPL. Merrill

Investigating Officer: LCPL. Chapman

Synopsis:

On 02-07-06, the victim reported that an unknown black male came to her house and asked to use the phone. Victim allowed the suspect to enter her home at which point he displayed a firearm and forced the victim into the bedroom where he committed Criminal Sexual Conduct by sexual and digital penetration. The unknown suspect then robbed the victim of approximately \$472.00 in cash and left on a bicycle heading towards Scott Hill Road. As a result of the investigation, it was determine that Nathaniel Johnson Jr. is a person of interest as a possible suspect in this case.

Investigation:

On or about 03-14-06, this officer met with members of the 14th Judicial Circuit Solicitor's Office to discuss the facts regarding this case. This officer was advised that at this point, there was not enough probable cause for a Schmerber hearing to collect DNA from Nathaniel Johnson Jr. On or about 04-07-06 this officer met with Beaufort County Detention Center Director Phillip Foot. This officer advised Foot of the facts of the case and that BCSO needed to obtain a DNA sample from Johnson, but wanted to do it in a fashion as to not violate his legal rights. Foot advised that BCDC officers could either collect his discarded trash or his food tray after he had completed his meal. Foot advised me that he would contact this officer when he was able to accommodate BCSO's request.

On 04-18-06, Director Foot notified this officer that Johnson had been involved in an incident and he had been placed in isolation. Foot and arranged a meeting for 04-21-06 and it was agreed by both parties to view Johnson eat his lunch. After Johnson completed his lunch, the pod officer would collect his food tray and bring it to me (LCPL Chapman) for evidence.

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Michael M. Hodge

SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE - ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE-NOCUSOTDY									
REPORTING OFFICER(S) LCPL. Chapman		DATE 04-21-06		UNIT NUMBER 2188		APPROVING OFFICER <i>[Signature]</i>		DATE 4-21-06	
						FOLLOW-UP INVESTIGATION ☐ YES ☒ NO		UNIT NUMBER 13876	

SCANNED 04/25/2006

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

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Exhibit-P-1

☐ ORIGINAL
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VICTIMS
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OFFENDERS

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STOLEN PROPERTY
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RECOVERED PROPERTY

PAGE 2 OF 4 PAGES

On 04-21-06 this officer met with Lt. Allen of the Beaufort County Detention Center to observe inmate Nathaniel Johnson Jr. eat his lunch from wing control in pod B-3. This officer arrived in wing control at approximately 1138 and I was advised that Johnson was in cell 129. This officer notes that Officer Brown and Lt. Allen were in the control room. This officer, with a pair of binoculars, visually identified Johnson as being in cell 129. This officer notes that I have met Johnson in person and viewed his picture numerous times. I observed Johnson wearing a yellow in color, inmate issue uniform and eating his inmate issued lunch. This officer observed that the meal was served on a plastic tray. At approximately 1140 this officer observed Johnson insert his issued plastic utensil into his mouth in fashion consistent with eating food.

Johnson continued eating his meal and at approximately 1147 he walked to the door of his cell. This officer observed Johnson through his meal tray out of the food slot in the door and it landed on the floor in front of the door. When the tray landed, this officer observed an object land beside the tray on the floor. This officer observed the object to be a plastic food utensil consistent with the one I observed Johnson put in his mouth earlier. I also observed a white in color object land to the left of the cell door (from my vantage point) and it appeared to be a napkin.

At approximately 1145, this officer observed PFC. Christopher Teasdell enter the pod to begin his normal collection of inmate food trays in the pod. At approximately 1149 I observed PFC. Teasdell walk to cell 129 which contained Nathaniel Johnson Jr.. I then observed Teasdell pick up the tray and the utensil was picked up with his left hand. This officer noted that Teasdell was wearing latex or plastic gloves on his hands for sanitary purposes. I then observed Teasdell walk to the pod entrance door and then he came back in view without the tray. This officer observed the plastic utensil still in his left hand. Teasdell then collected the remainder of the trays and maintained visual contact with the plastic utensil that he collected from Johnson. When all the trays were collected, Teasdell proceeded to the pod door and he only had the remaining trays he had collected and the plastic utensil from Johnson in his left hand. As this was happening, this officer observed that the napkin Johnson had discarded was still on the floor in front of his cell door.

At approximately 1152, Teasdell entered wing control and placed the utensil in a paper evidence bag. This officer noted that the utensil was a plastic spoon. This officer then requested that Teasdell retrieve the napkin Johnson had discarded. This officer notes that at approximately 1156 Teasdell picked up the napkin in front of Johnson's cell door. Teasdell then returned to wing control and placed the napkin in a paper evidence bag at approximately 1159. At that time, Teasdell signed the evidence bags over to me. This officer noted that Teasdell mislabeled the evidence bag that contained the napkin as a plastic spoon. This officer corrected the mistake and it is noted on the evidence bag and a BCSO Evidence Submittal form.

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SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER					
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE-NO-CUSOTDY													
REPORTING OFFICER(S)			DATE		UNIT NUMBER		APPROVING OFFICER			DATE		UNIT NUMBER	
LCPL. Chapman			04-21-06		02158								
FOLLOW-UP INVESTIGATION							OFFICER ☐ YES ☐ NO						

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SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

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VICTIMS
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OFFENDERS

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RECOVERED PROPERTY

PAGE 3 OF 4 PAGES

Upon my return to the LEC, the evidence was turned into the BCSO Evidence Division after an Evidence Submittal form was completed. This officer also submitted a SLED Laboratory Forensic Services Request form for the evidence to be compared to other evidence that had already been submitted to SLED on a previous date (ref. SLED Lab Number L06-02390). This officer met with PFC. Teasdell later in the day on 04-21-06 and he provided a written statement of what happened and it is attached to this report.

Case Status: This case is active.

Attachment:

Written statement from PFC. Christopher Teasdell
Evidence Submittal Form

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with the Office of Sheriff for Beaufort County.

Michael M. Hotfield

SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER			
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE-NOCUSOTDY											
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		UNIT NUMBER	
LCPL. Chapman		04-21-06		C2188							
FOLLOW-UP INVESTIGATION						OFFICER ☐ YES ☐ NO					

SCANNED 04/25/2006

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

Exhibit P-2



FACSIMILE

TO: Brian Chatman DATE: 08/15/06
PHONE: 843-470-3469 FAX: 843-470-3187 PAGE 1 OF 7 PAGES

FROM: Fra Jeffcoat PHONE: 803-896-7383 FAX: 803-896-7541

MESSAGE:

Results on SLED LAB: 406-02390

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with the Office of Sheriff for Beaufort County.

Michael M. Hargfield
Chief Deputy Beaufort County Sheriff's Office

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
PO BOX 21398
COLUMBIA, SC 29221-1398
(803) 737-9000

HEADQUARTERS..... (803) 896-7041
FORENSICS LAB..... (803) 896-7351
NARCOTICS..... (803) 896-7192
LOW COUNTRY REGION..... (843) 797-3662
PIEDMONT REGION..... (864) 467-8121
CJICS..... (803) 896-7022
PEE DEE REGION..... (843) 662-5201
MIDLANDS REGION..... (803) 896-7259
REGULATORY..... (803) 896-7037

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SUPPLEMENTAL INCIDENT REPORT
SCANNED

CASE NUMBER

NCIC

20060207359

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VICTIMS
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OFFENDERS

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STOLEN PROPERTY
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RECOVERED PROPERTY

PAGE 1 OF 4 PAGES

Reference: (A)

Exhibit P-2

Case Number: 20060207359

Incident Type: Burglary 1st/Kidnapping/CSC 1st/

Poss. Of a Firearm during the commission of a Violent Crime/Petit Larceny

Incident Location: 94 Cuffy Road St. Helena, SC

Complainant: Baptiste, Tara

Suspect: Johnson, Nathaniel Jr.

Reporting Officer: CPL. Merrill

Investigating Officer: LCPL. Chapman

Synopsis:

On 02-07-06 the victim reported to CPL. Merrill that an unknown black male came to her house and asked to use the phone. Once inside the home, the suspect produced a handgun and forced the victim into her bedroom. The unknown suspect then raped the victim at gunpoint and then stole approximately \$472.00 from the residence. A SLED forensic sketch artist was contacted and a photo of the suspect was produced and distributed to the community at large. BCSO received numerous tips that a man named Nathaniel Johnson Jr. matched the description of the suspect in the police sketch. This officer notes that Johnson does bear a striking resemblance to the sketch of the suspect. Nathaniel Johnson Jr. was arrested on unrelated charges and evidence from the incident was found in Johnson's home. Johnson was questioned about the incident and denied any involvement as well as refused to provide a DNA sample. The evidence that was collected from the incident scene was sent to the State Law Enforcement Division (SLED) for DNA testing and a male profile was developed from the evidence. A spoon and napkin were later collected from Johnson after he ate his meal and it was also sent to SLED for DNA testing.

Investigation:

On 02-13-06, Nathaniel Johnson Jr. was originally interviewed in reference to this case. During the interview, Johnson was asked to provide a voluntary DNA sample and he said he would. At the end of the interview, this officer asked him to provide the sample and he refused saying he wanted his lawyer. The evidence collected at the scene was sent to SLED for testing and on 03-08-06 this officer was notified by SLED Agent Kimberly Hahn that an unknown male profile had been developed from the submitted evidence.

FM

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SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		copy of the original document on file ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☒ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NOCUSTODY									
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER Michael M. [Signature]		DATE 8-22-06	
CPL. Chapman		08-23-06		C2188		OFFICER [Signature]		UNIT NUMBER 5896	
FOLLOW-UP INVESTIGATION				☐ YES ☒ NO					

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

NCIC

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Exhibit P-2

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VICTIMS
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OFFENDERS

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STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 OF 4 PAGES

On 04-21-06, this officer observed Nathaniel Johnson Jr. eat a meal in his cell at the Beaufort County Detention Center and after eating he threw his meal tray into the common area of his pod. PFC. Teasdel (BCDC) then collected Johnson's spoon and napkin, after which he turned them over to me as evidence. Those items were then sent to SLED for DNA testing and on 08-15-06, this officer received a fax from SLED Agent Ira Jeffcoat with the DNA Analysis from the submitted evidence. The report stated (ref. SLED lab # L06-02390) that the DNA profile developed from the spoon was a match to the miscellaneous body fluids (semen) collected in the Sexual Assault kit, fingernail scrapings from the victim's right hand, and swabs from the bite wound on the victim's hand. The report further requests the suspect's blood standard for comparison.

On 08-15-06, this officer met with Magistrate Smith in reference to obtaining warrants for the case. Magistrate Smith was presented with the facts of the case and the following arrest warrants were obtained for Nathaniel Johnson Jr.:

Warrant # J-330911 for Petit Larceny

Warrant # J-330912 for Kidnapping

Warrant # J-330913 for Criminal Sexual Conduct 1st Degree

Warrant # J-330914 for Burglary 1st Degree

Warrant # J-330915 for Possession of a Weapon during the Commission of a Violent Crime

After the warrants were obtained, the suspect was entered into NCIC as a Wanted Person by Dispatcher Jkoffsky and issued NIC # W-830957993 due to him having been released from BCDC on 08-08-06. This officer made contact with Nathaniel Johnson Sr. on 08-15-06 and was advised that he had seen his son on 08-08-06. Johnson Sr. stated his son came to his property and had a vehicle towed out of the yard to an unknown location. Johnson Sr. advised he had not seen his son since then and does not know where he is.

On 08-21-06, Nathaniel Johnson Jr. was located and arrested by SGT. Fanger of BCSO (see supplement for arrest information). This officer met with Johnson at the Beaufort County Detention Center and Johnson was advised of his Miranda Warnings and SGT. Fanger was present as a witness (BCSO Miranda form attached to SGT. Fanger's report). Johnson advised he understood his rights and said he did not wish to speak to BCSO (note: he did not ask for legal council). I then asked Johnson if he would submit a voluntary DNA sample and he advised he would. This officer made arrangements with the Detention Center nurse to draw a vial of lavender topped tube of blood from Johnson, but when I met with him again to escort him to the infirmary, he declined to cooperate stating he wanted his lawyer present. This officer advised Johnson that it was his right to refuse and to have his lawyer to contact me if he wished to cooperate. This officer then attempted to contact the victim via telephone, but was only able to leave a message. This officer then contacted BC Dispatch and had the suspect removed from NCIC.

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		Certified to be a true and correct copy of original document ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER with the Office of Sheriff for Beaufort County	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE-NOCUSTODY							
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER Chief Deputy Beaufort County Sheriff's Office	
LCPL Chapman		08-23-06		C2188		UNIT NUMBER	
FOLLOW-UP INVESTIGATION				OFFICER ☐ YES ☐ NO			

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SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

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VICTIMS
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OFFENDERS

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STOLEN PROPERTY
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RECOVERED PROPERTY

PAGE 3 OF 4 PAGES

On 08-22-06, the victim arrived at the Detention Center for the suspect's bond hearing but then declined to go stating that she was afraid to face her attacker. Also on 08-22-06 this officer submitted all working evidence in this case to BCSO Evidence Division and an evidence submittal form was completed. This officer attempted to contact personnel from Secession Golf course where Johnson advised he was employed and had worked on the night of the incident, but I was only able to leave a message. On 08-23-06, this officer made contact with Melissa Cruz, the Director of Human Resources for Secession Golf Course, and obtained the employment record for Nathaniel Johnson Jr.. Cruz advised that Nathaniel Johnson Jr. was employed with the golf course from March 29, 2005 until April 23, 2005. This officer notes that in the original interview with Johnson, he stated he was working at the golf course when the incident occurred.

Case Status:

This case is Cleared by Arrest over 18

Attachments:

BCSO Evidence Submittal

SLED Laboratory Forensic Services Request form

SLED Forensic Services Report

Employment History Fax from Secession Golf Course

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copy of the original document on file
with the Office of Sheriff for Beaufort County.

SUBJECT IDENTIFIED ☒ YES NO ☐		SUBJECT LOCATED ☒ YES NO ☐		☐ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER						
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE-NOCUSOTDY														
REPORTING OFFICER(S) LCPL. Chapman			DATE 08-23-06		UNIT NUMBER C 2188		APPROVING OFFICER			DATE		UNIT NUMBER		
FOLLOW-UP INVESTIGATION							☐ YES NO ☐			OFFICER				

SCANNED 08/25/2006

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Exhibit - Q

12
JAB
EAB

Case L06-02390 Correspondence

Beaufort County Sheriff's Office Case #20060207359

Date :02/27/2006 Hours: Analyst :Emily B. Reinhart, Lieutenant Type :Phone Log

Received a call today from Officer Brian Chapman RE: status of case. He wants Rape Kit processed ASAP due to upcoming Schmerber hearing. He also said a swab was submitted from area on victim hand where (s) bit her. Notified Lt. Jeffcoat by email of request to rush. Also advised him that bed linens and (v) clothing is here if no DNA is developed from kit. Officer Chapman's phone number is 843-470-3469. EBR 2/27/06

Date :03/08/2006 Hours: Analyst :Kimberly A. Hahn Type :Phone Log

Called and left message for officer Chapman to call me back in reference to this case. KH

Date :03/08/2006 Hours: Analyst :Kimberly A. Hahn Type :Phone Log

Talked to Inv. Chapman. He is going to submit suspect standard, getting ready for a Schmerber hearing to obtain. Wants us to do bed linen and clothing to see if we can get a full profile of suspect. KH

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor



ROBERT M. STEWART
Chief

Exhibit R

LCPL Brian Chapman
Beaufort County Sheriff's Office
PO Box 1758
Beaufort, SC 29901

DNA ANALYSIS
February 14, 2007
SLED LAB: L06-2390
Your Case No: 200602070359
Incident Date: 2/7/2006
[V] [REDACTED]
[S] Nathaniel Johnson, Jr

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

SUPPLEMENTAL REPORT

DNA ANALYSIS

ITEMS ANALYZED:

- 7 Blood standard from Nathaniel Johnson, Jr. (All other items were previously analyzed. Refer to report dated August 11, 2006 signed by Kimberly A. Hahn)

EXAMINATIONS

DNA analysis was performed on the item 7 using Short Tandem Repeat (STR) PCR DNA analysis. The results of the analysis are shown in Table 1.

RESULTS

The DNA profile developed from the semen on items 1.7, 2.1, 2.3, and 2.4 matches the DNA profile of Nathaniel Johnson, Jr. The probability of randomly selecting an unrelated individual having a DNA profile matching these items is approximately 1 in 76 quadrillion.

The partial DNA profile developed from item 5 also matches Nathaniel Johnson, Jr.



The partial DNA profile developed from the male contributor to items 1.8R and 1.9 is consistent with Nathaniel Johnson, Jr.

The DNA profiles developed from items 3.1 and 3.2 are mixtures. [REDACTED] and Nathaniel Johnson, Jr. cannot be excluded as contributors to these mixtures. The probability of randomly selecting an unrelated individual who could have contributed to the mixture from item 3.1 is approximately 1 in 330 thousand.

Table 1 – Profiler Plus

Items	D3S1358	vWA	FGA	D8S1179	D21S11	D18S51	D5818	D13S317	D7S820	Amelogenin
[REDACTED] 1.2	15,16	15,17	24,25	14	30,31.2	11,16	11,12	9,12	12,13	X
Misc. body fluids 1.7 F	15,16	15,17	24,25	14	30,31.2	11,16	11,12	9,12	12,13	X
Misc. body fluids 1.7 M	16	15,18	22,24	14,15	28,(31.2)	12,13	8,(11), 13	(9),11, (12),13	11,12	XY
Fingernail scrapings 1.8 R	(15),16	15,(17), (18)	(22,24)	14,15	28,(30)	(12)	8,(11), (12,13)	(9,11), (12,13)	-	XY
Bite mark swabs 1.9	15,16	15,17	24,25	14,15	(28),30, 31.2	11,(13), 16	(8),11, 12,(13)	9,12 (13)	12,13	XY
Cutting-fitted sheet 2.1 F	16	15,18	22,24	14,15	28	(11),12, 13,(16)	8,(11) 13	11,13	11,12	XY
Cutting-fitted sheet 2.1 M	16	15,18	22,24	14,15	28	12,13	8,13	11,13	11,12	XY
Cutting-fitted sheet 2.3 F	16	15,18	22,24	14,15	28,(30)	(11),12, 13	8,(11), 13	11,13	11,12	XY
Cutting-fitted sheet 2.3 M	16	15,18	22,24	14,15	28	12,13	8,13	11,13	11,12	XY
Cutting-fitted sheet 2.4 F	15,16	15,17, 18	22,24, 25	14,15	28,30, 31.2	11,12, 13,16	8,11, 12,13	9,11, 12,13	11,12, (13)	XY
Cutting-fitted sheet 2.4 M	16	15,18	22,24	14,15	28	12,13	8,13	11,13	11,12	XY
Swab one from bite wound 3.1	15,16	15,17, 18	22,24, 25	14,15	28,30, 31.2	11,(12), 13,16	8,11, 12,13	9,11, 12,13	(11),12, 13	XY
Swab two from bite wound 3.2	15,16	15,17, (18)	(22),24, 25	14,15	28,30, 31.2	11,(12), (13),16	8,11, 12,13	9,(11), 12,13	12,13	XY
Plastic Spoon from Nathaniel Johnson 5.0	16	15,18	22,(24)	14,15	28	12,13	8,(13)	(11),(13)	(11),(12)	XY
Napkin from Nathaniel Johnson 6.0	(17)	(17)	-	(14),(15)	-	-	-	-	(10)	(Y)

() = alleles between 75 and 149 rfu

- = no results

Bold = major contributor



Exhibit -R

Table 2 - Cofiler

Items	D3S1358	D16S539	TH01	TPOX	CSF1PO	D7S820	Amelogenin
[REDACTED] 1.2	15,16	12	7	8	10,11	12,13	X
Misc. body fluids 1.7 F	15,16	12	7	8	10,11	12,(13)	X
Misc. body fluids 1.7 M	16	12,13	6,7, 8	9	10,11	11,12, (13)	XY
Fingernail scrapings 1.8 R	16	12,(13)	(6),7, (8)	8,9	10,(11)	-	XY
Bite mark swabs 1.9	15,16	12	6,7	8,9	10,11	(11)12, 13	X(Y)
Cutting-fitted sheet 2.1 F	16	12,13	6,(7), 8	(8),9	10,11	11,12	XY
Cutting-fitted sheet 2.1 M	16	12,13	6,8	9	10,11	11,12	XY
Cutting-fitted sheet 2.3 F	16	12,13	6,8	8,9	10,11	11,12	XY
Cutting-fitted sheet 2.3 M	16	12,13	6,8	9	10,11	11,12	XY
Cutting-fitted sheet 2.4 F	15,16	12,13	6,7, 8	8,9	10,11	11,12, 13	XY
Cutting-fitted sheet 2.4 M	16	12,13	6,8	9	10,11	11,12	XY
Swab one from bite wound 3.1	14,15, 16	12,13	6,7, 8	8,9, (11)	10,11	11,12, 13	XY
Swab two from bite wound 3.2	15,16	12,13	6,7, 8	8,9	10,11	(11),12, 13	XY
Plastic Spoon from Nathaniel Johnson 5.0	16	(12),(13)	(6),(8)	9	(11)	-	XY
Napkin from Nathaniel Johnson 6.0	(17)	-	-	-	-	-	(X)(Y)

() = alleles between 75 and 149 rfu

- = no results

Bold = major contributor



Exhibit - R

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.

~~REDACTED~~

Robin Taylor

Robin Taylor
Forensic Scientist

cc: Beaufort County Solicitor's Office



Table 1 - Identifier

Items	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	vWA	TPOX	D18S51	D5S818	FGA	Amelogenin
7 Johnson	14,15	28	11,12	10,11	16	6,8	11,13	12,13	19,25	13,2,16	15,18	9	12,13	8,13	22,24	XY

Exhibit - R



Exhibit-S

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) Indictment No. 06-GS-07-1640, 1641,
STATE OF SOUTH CAROLINA) 1642, 1643
V.)
NATHANIEL JOHNSON) NOTICE OF MOTION AND MOTION
DEFENDANT) FOR BLOOD SAMPLES

BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

2006 DEC -7 PM 12:05

TO: THE ABOVE-NAMED DEFENDANT AND HIS ATTORNEY,
JAMES BELL

PLEASE TAKE NOTICE that the undersigned, Gail Lovell, Assistant Solicitor for the Fourteenth Judicial Circuit, will move before the Honorable Carmen Tevis Mullen, for an Order requiring the Defendant to provide nontestimonial identification evidence in the form of blood samples in accordance with the directions given by officer(s) of the Beaufort Sheriffs Department or other law enforcement officer(s), for the purpose of comparing such samples to evidence relating to the above-titled investigation.

Such evidence is being requested pursuant to S.C. Code of Laws Section 17-13-140 (1976), as amended, and Schmerber v. California, 384 U.S. 757, 86 S.Ct. 1826 (1966).

Said Motion is based upon the following:

1. That there is an ongoing investigation in a case wherein there is probable cause to believe that the above-named Defendant committed the crime of Criminal Sexual Conduct.
2. On February 7, 2006, Beaufort Sheriffs deputy responded to 94 Ccuffy Road, St. Helena, Beaufort county for report of a rape, burglary, kidnapping and possession of weapon during commission of a violent crime.
3. The victim was taken to the Hospital where a rape kit was completed. The kit was sent to SLED for DNA profiling.
4. That semen was recovered in a rape kit taken from the victim, that the State Law Enforcement Division has developed a DNA profile from the semen, of an unknown male. (see report dated March 8, 2006 from Agent Kimberly Hahn)
5. The victim and SLED produced a sketch of the assailant which was posted in the media along with a description of the jacket he was wearing.

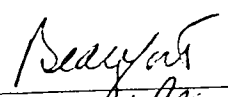
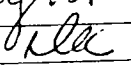
Certified - A True Copy


Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

Exhibit-S

6. Several calls were made to the police reporting that the defendant resembled the sketch and wore a similar jacket. A search warrant was issued for recovery this jacket and he was served with unrelated outstanding warrants.
7. While in the detention center, utensils that the defendant discarded were retrieved and sent to SLED for DNA comparison to the unknown male profile.
8. SLED reported that the DNA recovered from the saliva on the utensils of the defendant was consistent with the unknown male contributors to that provided to SLED for comparison. (see report dated August 11, 2006 from SLED Agent Ira Jeffcoat).
9. That the DNA profile is consistent with the DNA profile developed from Nathaniel Johnson, Date of Birth July 26, 1966, and that in order to develop admissible evidence regarding the DNA profile, blood standard from the Defendant must be submitted to SLED.
10. That the taking of this identification evidence from the Defendant will reveal evidence material to his guilt or innocence;
11. That the methods used for obtaining, testing and storing this evidence are medically safe, reliable, and effective;
12. That based upon the serious nature of the crime, the importance of this forensic evidence to the investigation, and the unavailability of any less intrusive means of obtaining this identification evidence from the Defendant, the character of the requested search is appropriate; and
13. That the above action would not violate his rights against self-incrimination as provided by the United States Constitution and is not inconsistent with the South Carolina Constitution.
14. That Investigator Brian Chapman of the Beaufort Sheriffs Department will provide sworn testimony that there is probable cause to issue an order compelling the Defendant to provide blood samples.


Gail Lovell
ASSISTANT SOLICITOR


Beaufort, South Carolina
Dated:  7, 2006

Certified - A True Copy


Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

Exhibit-T

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	Indictment No. 06-GS-07-1640, 1641,
COUNTY OF BEAUFORT	)	1642, 1643
	)	
STATE OF SOUTH CAROLINA	)	
	)	
V.	)	
	)	
NATHANIEL JOHNSON	)	
	)	
<u>DEFENDANT</u>	)	

2007 JAN 10 AM 11:58
 BEAUFORT COUNTY
 CLERK OF COURT
 BEAUFORT, S.C.

ORDER FOR
BLOOD SAMPLE

Pursuant to Motion of the State, I find as follows:

1. That there is an ongoing investigation in a case wherein the State has shown by sworn testimony in open court that there is probable cause to believe that the above-named Defendant committed the crime of Criminal Sexual Conduct.
2. That semen was recovered in a rape kit taken from the victim, that the State Law Enforcement Division has developed a DNA profile from the semen, that the DNA profile matches the DNA profile developed from Nathaniel Johnson, Date of birth, July 26, 1966, and that in order to develop admissible evidence regarding the DNA profile, a blood standard from the Defendant must be submitted to SLED.
3. That certain items of evidence have been acquired by law enforcement officers during the course of their investigation and that samples from the Defendant are needed to compare with this evidence;
4. That the State has shown by the sworn testimony of Investigator Brian Chapman of the Beaufort County Sheriffs Department that the taking of certain identification evidence from the Defendant will reveal evidence material to his guilt or innocence;
5. That the methods used for obtaining, testing and storing this evidence are medically safe, reliable, and effective;
6. That after balancing the Fourth Amendment right of the Defendant to be free from bodily intrusion against the serious nature of the crime, the importance of this forensic evidence to the investigation, and the unavailability of any less intrusive means of obtaining this identification evidence from the Defendant, this Court concludes that the character of the requested search is appropriate;
7. That the above action would not violate the Defendant's rights against self-incrimination as provided by the United States Constitution and is not inconsistent with the South Carolina Constitution.

Certified - A True Copy


 Elizabeth M. Smith - Clerk of Court
 Beaufort County, SC

cert #1 of 2

Exhibit-T

Therefore, it is ORDERED that within ten (10) days of this Order, the above-named Defendant must submit to the taking of blood samples by medically qualified personnel, in a medical environment, and in a medically acceptable manner.

IT IS FURTHER ORDERED that if the Defendant fails to comply with the State and/or law enforcement and/or medical personnel in providing the above-mentioned samples, this Court retains jurisdiction to ensure the Defendant's compliance with this Order.

AND IT IS SO ORDERED.



Hon. Judge Carmen T. Muller
Fourteenth Judicial Circuit

CURTIS L. COLTRANE

Beaufort, South Carolina

December 10, 2006

January 7

Certified - A True Copy



Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

CR # 282

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

V.

NOTICE OF MOTION AND MOTION TO
AMEND ORDER FOR BLOOD SAMPLE

NATHANIEL JOHNSON,

Indictment No. 06-GS-07-1640, 1641, 1642, 1643.

Defendant.

TO: THE ABOVE-NAMED DEFENDANT AND HIS ATTORNEY, STEPHANIE SMART

PLEASE TAKE NOTICE that the undersigned, Melissa M. Millican, Assistant Solicitor for the Fourteenth Judicial Circuit, will move before a Circuit Court Judge during the January 16, 2007 term of General Sessions, for an Amendment to the Court's Order compelling above-named Defendant to submit to the taking of a blood sample by reasonable means, including by force, if necessary, in accordance with the Court Order as granted under S.C. Code of Laws §17-13-140 (1976), as amended, and Schmerber v. California, 384 U.S. 757, 86 S.Ct. 1826 (1966).

Said Motion is based upon the following:

1. That on January 10, 2007, the State moved before the Honorable Special Judge Curtis L. Coltraine for an Order for Blood Samples to be taken from above-named Defendant pursuant to S.C. Code of Laws §17-13-140 (1976), as amended, and Schmerber v. California, 384 U.S. 757, 86 S.Ct. 1826 (1966).
2. That the State's Motion for Blood Samples was argued by the undersigned Assistant Solicitor and Defendant's attorney Stephanie Smart on the record, in the presence of the Defendant, and upon a formal and complete hearing of the evidence and the law, the State's Motion for Blood Samples was GRANTED.
3. That the Court's Order requires Defendant to submit to the taking of blood samples by medically qualified personnel in a medical environment and in a medically accepted manner. The Court Ordered specifications have been met by the State.
4. Defendant has failed to comply with the Court's Order and adamantly REFUSES to submit to the taking of his blood.
5. Subsequently, Judge Coltraine ordered the Defense attorney to advise Defendant to comply with the Court's Order and to submit to the taking of his blood sample.
6. After deliberating with his attorney, Defendant still refuses to comply with the Court's Order and adamantly REFUSES to submit to the taking of his blood by any means.
7. Further, that the Court's Order states that this Court maintains jurisdiction to ensure the Defendant's compliance with the Order if Defendant fails to comply with the State and/or law enforcement and/or medical personnel in providing the requisite blood samples.

Certified - A True Copy

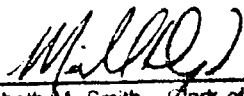
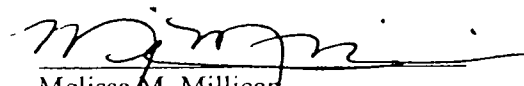

Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

Exhibit-U

The State HEREBY MOVES TO AMEND the Court's Order to allow the State to obtain Defendant's Court Ordered blood samples within ten (10) days of the Amended Order, by medically qualified personnel, in a medical environment and in a medically acceptable manner, with the reasonable use of force if Defendant refuses to submit to the taking of his blood.


Melissa M. Millican
Assistant Solicitor

Beaufort, South Carolina

Date: January 16, 2007

Certified - A True Copy


Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

Exhibit - V

J350-112

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

V.

NATHANIEL JOHNSON,

Defendant.

AMENDED ORDER
FOR BLOOD SAMPLE

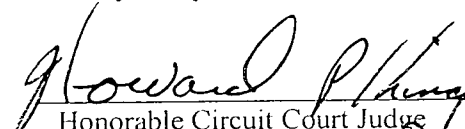
Indictment No. 06-GS-07-1640, 1641, 1642, 1643.

2007 JAN 18 PM 2:51
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

Pursuant to the State's Motion to Amend Order for Blood Sample, I find as follows:

1. That on January 10, 2007, the Honorable Special Circuit Court Judge Curtis L. Coltraine GRANTED State's Motion for Blood Samples pursuant to S.C. Code of Laws §17-13-140 (1976), as amended, and Schmerber v. California, 384 U.S. 757, 86 S.Ct. 1826 (1966) and upon a full and formal hearing of the evidence and argument of law by Assistant Solicitor Melissa M. Millican and Defendant's Attorney, Stephanie Smart, in the presence of the Defendant.
2. That on January 10, 2007, this Court ORDERED the Defendant to submit to the taking of blood samples within ten (10) days of the Order by medically qualified personnel, in a medical environment, and in a medically acceptable manner.
3. That the State has provided safe, reliable and effective methods for obtaining Defendant's blood sample in a medical environment by medically qualified personnel and in a medically acceptable manner.
4. That the Defendant has repeatedly refused to comply with and is in violation of this Court's Order for Blood Samples.
5. That due to the Defendant's refusal to submit to a blood sample, the State must restrain Defendant with necessary reasonable force for the purpose of taking a blood sample in compliance with the Court Order for Blood Samples.
6. That reasonably forced compliance with the Court Order does not violate the Defendant's Fourth Amendment right to be free from bodily intrusion, the Defendant's Fifth Amendment right against self-incrimination or the Defendant's Eighth Amendment right against cruel and unusual punishment.

The Court Order for Blood Samples is **HEREBY AMENDED** to provide that if Defendant refuses to submit to a blood sample, the State and/or law enforcement and/or medical personnel may restrain Defendant using necessary reasonable force to obtain a blood sample by medically qualified personnel, in a medical environment, and in a medically acceptable manner that is safe, reliable and effective.


Honorable Circuit Court Judge

Beaufort, South Carolina

Date: Jan 18, 2007

in high-profile cases

St. Helena man arrested for February assault

By LORI YOUNT

The Beaufort Gazette

A police sketch and more than six months of investigation led to Monday's arrest of a 40-year-old St. Helena Island man who police said broke into a woman's St. Helena home and sexually assaulted and robbed her at gunpoint.

Police arrested Nathaniel Johnson Jr., 40, storyteller, Road at about 3 a.m. Monday outside Piggy Wiggly on Boundary Street and charged him with first-degree sexual

conduct, first-degree burglary, kidnapping, petit larceny and possession of a weapon during the commission of a violent crime, Beaufort County Sheriff's Office spokeswoman Debbie Szpanka said in a release.

According to arrest warrants, which were signed Aug. 15 by a Beaufort County magistrate, Johnson entered the St. Helena Island home of a 33-year-old woman the afternoon of Feb. 7 by asking to use the phone.

Once inside, he pulled out a

gun, forced the woman into the bedroom, demanded she take her clothes off and sexually assaulted her, the warrants state.

He took about \$472 from the victim before he left, according to warrants, and police said at the time that the suspect left the home on a bicycle.



JOHNSON

➤ ASSAULT, 7A

Assault

Continued from 1A

A sketch based on the victim's description drawn by a State Law Enforcement Division artist and evidence from the crime scene led police to Johnson as the suspect, Szpanka said.

Johnson remained in the Beaufort County Detention Center as of Monday afternoon. Contact Lori Yount at 986-5531 or lyount@beaufortgazette.com. To comment: beaufortgazette.com.

Suspect relents, gives blood

A man suspected of sexual assaulting a St. Helena Island woman gave up a sample of his blood without incident Friday after refusing a court order to do so.

Nathaniel Johnson Jr., 40, who is in the Beaufort County Detention Center on criminal sexual conduct charges, refused to give a blood sample as ordered by a judge Jan. 10, causing a judge to order Thursday that Johnson's blood could be taken by "reasonable force," according to Beaufort County court records.

Prosecutors stated in court documents they needed a blood sample from Johnson to see if it matched a DNA sample from the assault victim. Even after the Jan. 10 court order and consulting with his public defender, Johnson refused to have blood drawn, something Deputy Solicitor Angela McCall-Tanner said she hasn't seen in her almost nine years prosecuting criminal cases.

After Thursday's order, though, Johnson allowed his blood to be taken without being restrained when jail officials took him to Beaufort Memorial Hospital, detention center Director Phil Foot said.

Exhibit - W 1

Exhibit - W-2

STATE OF SOUTH CAROLINA
COUNTY OF Beaufort

STATE OF SOUTH CAROLINA

VS.

Nathaniel Johnson
Defendant

IN RE:

24/7 BAIL BONDING CO.
Surety

) IN THE COURT OF GENERAL SESSIONS

J330566, J330572

) WARRANT#: J330576, 70, 49, 48, J330567

) AMOUNT OF BOND: \$ 15,000.00

) SSN: [REDACTED]

) DATE OF BIRTH: 7/26/66

) DATE OF BOND: 8/8/06

) **MOTION TO BE RELIEVED ON BOND**

TO: _____

PLEASE TAKE NOTICE THAT **24/7 BAIL BONDING COMPANY**, Surety, will move before the General Sessions Court, on such date and time as the Court may provide, for an Order to be Relieved on the Bond of the above named Defendant.

In making such motion, the following information is provided to the Court:

- ☒ 1. Defendant failed to follow the terms of his/her contract with said bonding company. The Defendant has been returned to jail or notified of intent.
- ☒ 2. Defendant has been arrested on other charges
- ☐ 3. Other: (specify) _____

[Signature]
Surety

SWORN TO AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____ 200 _____

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 3-14-2015

I have received custody of the above named defendant and the defendant will remain in Custody until such time that a hearing may be held to determine the status of the bond.

OFFICER: Sgt. [Signature] 5378
County Detention Center

DATE: 3 NOV 06

ORDER

The above named motion is hereby **GRANTED**/
DENIED. The bond shall be set at _____
or remain as is.

Dated at [Signature], South Carolina, 11/8/06

Presiding Judge, Circuit Court

NOTICE OF HEARING

Please take notice that a hearing on the motion herein is scheduled at the Court of General Sessions on the _____ floor at _____ o'clock on _____. If you do not appear, the hearing will be held in your absence.

Certified - A True Copy

[Signature]
Elizabeth M. Smith, Clerk of Court
Beaufort County, SC

Exhibit - X

Inmate: #19149
Mr. Nathaniel Johnson

Date: August 23rd, 2006

Attn: Ms. Elizabeth Smith

I am writing to inform the courts of my rights to preliminary hearing. Please respond back US Postal with copies of preliminary hearing forms date received and notarized true bill ASAP.

Please be advised that I am also requesting an bond set by an circuit court judge for the charges of Burglary First (J330914)

Thank You,
Nathaniel Johnson Jr.

05 AUG 25 PM 3:27
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

Certified - A True Copy


Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

State OF SOUTH CAROLINA
COUNTY / CITY BEAUFORT

STATE OF SOUTH CAROLINA

VS

Nathaniel Johnson Jr
Defendant

Exhibit K
Ticket/Warrant's #

J330911
J330912
J330913
J330914
J330915



DISMISSAL

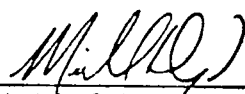
Now comes the defendant Nathaniel Johnson Jr, ON his own behalf. In pursuant of South Carolina Criminal Laws of Rules and Procedures. Rule #2 Preliminary Hearings (A) Notice of Right, (B) Time for Hearing, and (C) Probable Cause (A) In all cases, the request for a preliminary hearing shall be made within ten days after notice. (B) If the defendant requests a preliminary hearing, the hearing shall be held within ten days following the request. (C) If there be a lack of probable Cause, the defendant shall be discharged; but his discharge shall not prevent the State from instituting another prosecution for the same offense.

19 September 2006



My Commission Expires
02 September 2013

Certified - A True Copy


Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

Nathaniel Johnson Jr
Nathaniel Johnson Jr.
Defendant

Exhibit-X

We ask for motion of dismissal of these charges due to lack of probable cause. These allegations are also link to pending charges. We file this motion on the grounds of discrimination, heresies, and prejudice.

On the grounds spoken we demand a dismissal for all allegations. Petit Larceny section 16-13-030(A), Kidnapping section 16-03-0410, CSC 1st section 16-03-1652, Burglary 1st section 16-11-0311, and Pos of WPN section 16-23-0490

There was a court hearing scheduled on 09/05/06 at 10:00am in magistrate court for Petit Larceny and the sheriff asked for a countenance. Approximately, 2:00pm on 09/05/06 an bond hearing was scheduled for the burglary 1st with the Honorable Judge Miller. Bond was placed along with other allegations with \$200,000.00. Two hundred thousand dollar bond, CSC 1st, Kidnapping and Pos of Weapon. We requested an preliminary hearing and did not receive. The law states that a person is innocent until proven guilty. We feel that there were violations of my civil rights and therefore, the state's prosecution is liable by the South Carolina Criminal Law Rules and Procedures.

19 September 2006

Certified - True Copy

My Commission Expires 02 September 2013

Elizabeth M. Smith Clerk of Court

Beaufort County SC

William J. Gidman Jr.

Exhibit-X

Grounds for Dismissal

- (1) Here are copies of my preliminary hearing forms dated and notarized August 23rd, 2006. Sent to Magistrate Court. No record of date received in the box for court use only.
- (2) I received information back from the magistrate court on a request for status made on the 15th of Sept 2006. The response was false information receive on Sept 19th, 2006 from Preliminary hearing Clerk Marta Cherena.
- (3) I wrote back to the magistrate court on a request for copies of preliminary hearing forms sent in and would like information for court use only, on date received. I received information and copies of preliminary hearing forms back in response, from the courts with no prove of date or record received and correspondent letter for request for preliminary hearing by Mr Gene Hood. Dated Sept 11th, 2006, stamped by the magistrate court on Sept 13th, 2006 at 2:15pm.

Leonard E Barnes 903

Nathan Johnson
Nathan E Johnson

Certified - A True Copy

Elizabeth M. Smith
Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

Exhibit-Y

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) INDICTMENT NO. 2006GS0701640, 1641, 1642, 164.

STATE OF SOUTH CAROLINA)

vs. Nathaniel Johnson Jr.)

Warrant #'s

J330912

J330913

J330914

J330915

The Defendant filed a motion to dismiss the pending charges because (s)he did not receive a requested preliminary hearing under S.C. Rule of Criminal Procedure 2. However, it appears to this court that the Defendant has subsequently been indicted by the Beaufort County Grand Jury.

Every criminal defendant is entitled to notice of his right to a preliminary hearing "to determine whether sufficient evidence exists to warrant [his] detention and trial." Rule 2(a), SCRCrimP. If a defendant makes a timely request for a hearing, one should be held within ten days. Rule 2(a)-(b), SCRCrimP. However, the hearing "shall not be held ... if the defendant is indicted by a grand jury ... before the preliminary hearing is held." Rule 2(b), SCRCrimP; see also State v. Hawkins, 310 S.C. 50, 54-55, 425 S.E.2d 50, 53 (Ct.App.1992) (holding trial court did not err in refusing to quash defendant's indictments because he did not receive a requested preliminary hearing because he was indicted before a preliminary hearing was held). Furthermore, a defendant has no constitutional right to a preliminary hearing. State v. Keenan, 278 S.C. 361, 365, 296 S.E.2d 676, 678 (1982). Therefore, although the Defendant may have timely requested a preliminary hearing, his/her right to have the hearing ended with the grand jury's indictment.

False
Info

Furthermore, a circuit court judge can not restore the right to a preliminary hearing by ordering a post-indictment preliminary hearing. The circuit court obtained jurisdiction over the Defendant by way of the grand jury's indictment. See S.C. Const. art. I, § 11 ("No person may be held to answer for any crime the jurisdiction over which is not within the magistrate's court, unless on a presentment or indictment of a grand jury...."). State v. Ballington, 346 S.C. 262, 551 S.E.2d 280 (Ct. App. 2001).

Therefore, the Defendant's motion to dismiss is denied.

Roger M. Young, Sr.
Circuit Court Judge

Beaufort, SC

6/16/06

Certified - A True Copy

Elizabeth M. Smith, Clerk of Court
Beaufort County, SC

Article I & II

DIRECT EXAMINATION BY MR. WOGAN - STEPHANIE SMART-GITTINGS 32

1 did it -- did the analysis or did the cuttings.

2 Q ~~Can you point to anything in the record to show that~~
3 ~~you did anything to try to figure that out?~~

4 A I did not.

5 (Mr. Wogan hands a document to the witness.)

6 Q I just handed you the -- the document. Have you ever
7 seen a document like this before?

8 A I have. This is my handwriting to the right.

9 Q Okay. And what is this document?

10 A It's a serology analysis.

11 Q And the date on it over on the top right-hand side?
12 Right under DNA analysis.

13 A (As read) "August 11, 2006."

14 (Mr. Wogan hands a document to the witness.)

15 Q Does this look like a similar document?

16 A This is.

17 Q Okay. And what is the date of this document?

18 A (As read) "February 14, 2007."

19 Q So tell me what your recollection is of -- we spoke
20 about the sheet and the cuttings. Tell me what your
21 recollection is regarding -- let me see -- the August 11,
22 2006 SLED DNA analysis that I gave you. Tell me what your
23 recollection is why we have two DNA analysis.

24 A I honestly can't recall. Let me look at this and see.

25 (The witness reviews the document.)

DIRECT EXAMINATION BY MR. WOGAN - STEPHANIE SMART-GITTINGS 33

1 A One is a serology, and one is a DNA. So the August
2 11, 2006 is serology, and the February 14, 2007 was a DNA
3 supplemental. And it looks like --

4 Q Might -- if -- I might be able to help. If you'll
5 look at the Sheriff's Department evidence slip for the
6 criminal sexual conduct kit, and the August 11, 2006 SLED
7 DNA report. Would it be -- would it be -- would it be your
8 recollection that the Sheriff's Department had this rape
9 kit, the CSC kit, and sent it up to SLED for testing, but
10 at that point did not have any sample or standard from Mr.
11 Johnson? Does that refresh your memory at all?

12 A I wasn't involved with the -- the *Schmerber* motion, if
13 there was one.

14 Q And -- and all -- I'm not talking about Mr. Johnson's
15 blood yet. That would be the February 2007.

16 A Okay.

17 Q Okay. I'm talking about the criminal sexual conduct
18 kit. Did you review that SLED DNA analysis for the rape
19 kit?

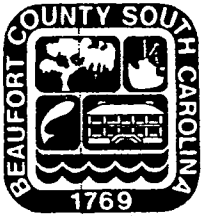
20 A I did -- I -- the August 11th I reviewed it, because
21 this is hand -- my handwriting all over this document.

22 Q Okay.

23 A And notes that I made.

24 Q Do you remember reviewing the February 14, 2007 SLED
25 DNA report?

Exhibit - 1



COUNTY COUNCIL OF BEAUFORT COUNTY

OFFICE OF THE PUBLIC DEFENDER

Human Services Building • 1905 Duke Street (Room 210) • P.O. Box 525

Beaufort, South Carolina 29901-0525

Phone: (843) 470-4525 Fax: (843) 470-4533

September 11, 2006

Dear Judge McDomick/Judge Dudley:

Re: NATHANIEL JOHNSON

Kidnapping/Kidnapping

H330912

Sex/Criminal sexual conduct - First degree

J330913

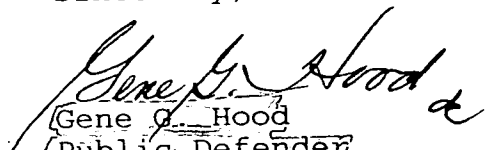
Burglary/Burglary (After June 10, 1985) - First DeJ330914

Weapons/Poss weapon during violent crime, if not aJ330915

I was appointed to represent NATHANIEL JOHNSON on the above charge(s).

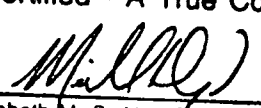
Pursuant to Rule 9, South Carolina Rules of Criminal Practice, I request a preliminary hearing on these charges. Please contact me as to when a hearing in this matter may be held.

Sincerely,


Gene G. Hood
Public Defender

2006 SEP 13 PM 12:15

Certified - A True Copy


Elizabeth M. Smith - Clerk of Court
Beaufort County, SC



BEAUFORT MAGISTRATE

Magovernment Center, Arthur Horne Building
104 Ribaut Rd., P.O. Box 2207
Beaufort, South Carolina 29901-2207
Phone: (843) 470-5202/5204 • Fax (843) 470-5206



Exhibit - 2

False Information

September 19, 2006

Nathaniel Johnson, Jr #19149
BC Detention Center

RE: J330912 – Kidnapping
J330913 – CSC 1st degree
J330914 – Burglary
J330915 – Poss. weapon during violent crime

Dear Mr. Johnson:

Please be advised that I am in receipt of your letter dated September 15, 2006 addressed to the clerk of Court regarding your Preliminary Request on the above captioned matter. Note that the Preliminary Hearing was held on September 15, 2006 *FRI.* and the Public Defender's Office was in court to represent you.

Your attorney is Thomas James Bell. If you have any questions or concerns, please direct them to Attorney Bell at the Public Defender's Office. With kind regards, I am

Very truly yours,

Marta Cherena
Jury Trial/Preliminary Hearing Clerk

lmc

Certified - A True Copy

Elizabeth M. Smith - Clerk of Court
Beaufort Court

Professionally we serve; Personally we care!



BEAUFORT MAGISTRATE
Municipal Government Center, Arthur Horne Building
104 Ribaut Rd., P.O. Box 2207
Beaufort, South Carolina 29901-2207
Phone: (843) 470-5202/5204 • Fax (843) 470-5206



Exhibit-3

September 21, 2006

Beaufort County Detention Ctr
Nathaniel Johnson Jr
19149 A-1 Rm 124

RE: J330911-915

Dear Mr. Johnson:

Please note that I am in receipt of your letter dated September 19, 2006. Per your request, attach please find copies of your request for a Preliminary Hearing and that of your attorney.

Sincerely

Marta Cherena
Jury Trial/Preliminary Hearing Clerk

Enclosure

/mc

Certified - A True Copy

Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

Professionally we serve; Personally we care!

Exhibit #4

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY

COURT OF GENERAL SESSIONS

HOWARD P KING, CIRCUIT COURT JUDGE

INDICTMENT NOS. 2006GS07-1640, 1641

STATE OF SOUTH CAROLINA

versus

NATHANIEL JOHNSON

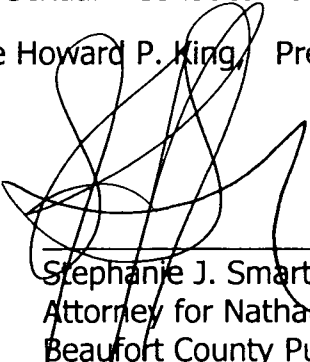
RESPONDENT

APPELLANT.

BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

2007 MAR 21 PM 12:24

NATHANIEL JOHNSON appeals from his trial and conviction on the charges of Kidnapping and Criminal Sexual Conduct 1st Degree on March 12-14, 2007 before the Honorable Howard P. King, Presiding Judge, Fourteenth Judicial Circuit.


Stephanie J. Smart
Attorney for Nathaniel Johnson
Beaufort County Public Defender
P O Box 525
Beaufort, SC 29901-0525
(843) 470-4525

Other counsel of record:
Melissa Millican
Assistant Solicitor
P O Box 2226
Beaufort, SC 29901-2226
(843) 470-3727

Certified - A True Copy


Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Exhibit-4

STATE OF SOUTH CAROLINA

Respondent

versus

NATHANIEL JOHNSON

Appellate

AFFIDAVIT OF SERVICE BY MAIL

PERSONALLY appeared before me, Stephanie J. Smart, being who being duly sworn, states:

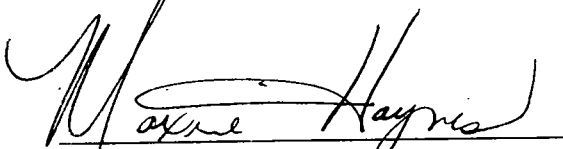
1. That regular communication exists throughout the State of South Carolina, and this is the proper circumstances for hand delivered mail.

2. That on March 21, 2007 an Original Notice of Intent to Appeal in the above captioned case was filed with the Beaufort County Clerk of Court.

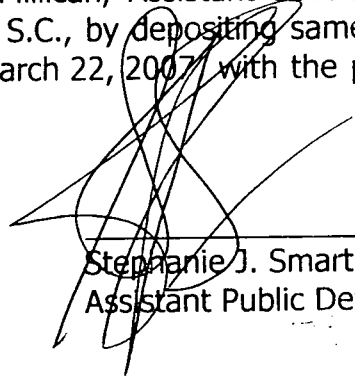
3. That an original Notice of Intent to Appeal in the above captioned case was served on Kenneth A. Richstad, Clerk, South Carolina Court of Appeals, P.O. Box 11629, Columbia, S.C., by depositing same in the United States Post Office at Beaufort, S.C. on March 22, 2007, with the proper address and postage prepaid thereon.

4. That a true copy of the Notice of Intent to Appeal in the above captioned case was served on Melissa Millican, Assistant Solicitor, Fourteenth Judicial Circuit, P.O. Box 2226, Beaufort, S.C., by depositing same in the United States Post Office at Beaufort, S.C. on March 22, 2007 with the proper postage paid thereon.

SWORN to and subscribed before me
21st day of March 2007



Notary Public for South Carolina
My Commission Expires: 1/24/2015



Stephanie J. Smart
Assistant Public Defender

Certified - A True Co



Elizabeth M. Smith - Clerk of Co
Beaufort County, SC



SLED LABORATORY FORENSIC SERVICES REQUEST

SLED LAB No. L06-02390Submission: 2 4/27/2006 9:56:29AMName of Investigating officer: Brian ChapmanAgency: Beaufort County Sheriff's Office Phone No: 843-525-7256

Fax No: _____ Email: _____

Mailing Address: PO Box 1758City / State / Zip: Beaufort, SC 29901

CC: _____

ORI No: SC0070000Agency Case No: 20060207359Offense: SEXUAL ASSAULTCounty: BeaufortOffense Date: 02/07/2006Officer Involved Shooting ☐ YesRush: ☒ Yes

Is this evidence related to another lab number?

☐ Yes ☒ No

If yes, Lab Number: _____

SLED ITEM No LAB ONLY	Agency Item No.	Description of Evidence	Analysis Requested
5	9	Miscellaneous - Plastic spoon from Nathaniel Johnso	EVIDENCE PROCESSING
6	10	Miscellaneous - Napkin from Nathaniel Johnson, Jr	EVIDENCE PROCESSING

Subject(s)	Sex	Race	DOB	SSN
Nathaniel Johnson, Jr	M	B	07/26/1966	

Victim(s)	Sex	Race	DOB	SSN
[REDACTED]	F	W	10/28/1970	
[REDACTED]	F	W	10/28/1970	

Comments

Possible suspect Nathaniel Johnson, Jr is currently incarcerated at the Beaufort County Detention Center. Request rush to establish probable cause to keep him confined if his profile is developed on evidence related to this case.

Certified to be a true and correct
copy of the original document on file
with the Office of Sheriff for Beaufort County.

Michael M. Hatfield
Chief Deputy Beaufort County Sheriff's Office

4/21/06 J.Riv

[illegible]

R.K. Cooper
Print Name of Delivering Officer


Signature of Delivering Officer

Analysis Requested

7

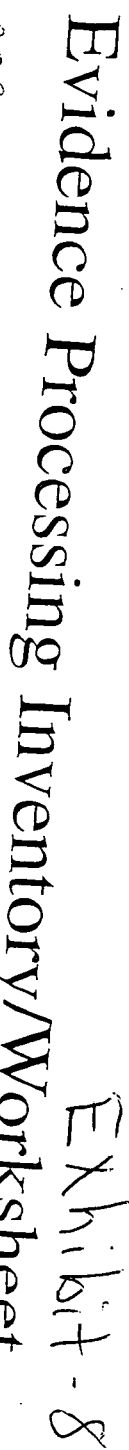
Request DNA profile be developed and compare to previously submitted evidence related to this case.

Comments

Nathaniel Johnson Jr. who is currently incarcerated at the Beaufort County Detention Center requested a speedy trial. We request that a rush be placed on this evidence due to the fact that Johnson requested a speedy trial. Circuit Court Judge Howard King ordered this case be tried within 120 days or the defendant will be released from Beaufort County Detention Center.

Print Name of Delivering Officer

Signature of Delivering Officer



Date 5-2-06

Examiner Δ/3

Victim

Suspect

Processing Room II

Copy to: DNA

Trace

Other

[illegible]

Exhibit - 8

06/13/06

SLED Forensic Services

receive.exe

11:27:47

Analyst notes for case L06-02390 Report 2

Page: 1

Lab Case Number.....: L06-02390 Report 2
Assigned to.....: EVIDENCE PROCESSING / Janice S. Bryson
Department Name.....: Beaufort County Sheriff's Office
Department Case.....: 20060207359

Statistics

Comments

2.0 Fitted sheet - tan, grey and white, "Westpoint Stevens".
Appears to be full size. Positive ALS. Trace evidence
collected (possible hair).

2.1 Cutting - (+) APS

2.2 Cutting - (+) APS

2.3 Cutting - (+) APS

2.4 Cutting - (+) APS

2.5 Cutting - (+) Phenol

2.6 Hair collected from fitted sheet

4.0 Clothing from [REDACTED]:

4.0.1 Pants - black in color with elastic waistband. "Tomorrow's
Mother". No hair found.

4.1 Cutting - weak (+) APS - See Diagram

Initialed both items.

Quality Control Test Performed: Phenol and APS 05/02/06 & 05/03/06



Evidence Processing Department

Page #

14

Victim/Suspect:

Exhibit-8

Lab #: L06-2390

Item #: 4.1

Examiner: JAB

Date: 5-3-06



Notes:

Black pants

SEXUAL ASSAULT EXAMINATION PROTOCOL SOUTH CAROLINA LAW ENFORCEMENT DIVISION

Exhibit-9

-Page 1-

INFORMATION AND EXAMINATION FORM

NAME OF HOSPITAL: Broufret Memorial DATE: 02/07/06 TIME ADMITTED: 1915NAME OF VICTIM: 09/10/72 SEX: F RACE: [REDACTED]DATE OF BIRTH: 09/10/72 MARITAL STATUS: Married

PARENT/GUARDIAN: (if applicable): _____

LAW ENFORCEMENT OFFICER: CPL Merrill Brian Chapman BADGE NO: Unit # A 33LAW ENFORCEMENT AGENCY: Broufret County Sheriff's Office

BRIEF SUMMARY OF ASSAULT (Brief account of assault. If possible, include descriptions of incident location)

It states light-skinned Black man asked to use her phone. Man in question asked for pen/paper at that time pulled gun on vict. in and forced her to the bedroom where he pushed her on bed and forced her to remove pants. Man in question then forcibly placed penis inside her vagina. Victim of assault fought.

SINCE ALLEGED ASSAULT, HAS VICTIM:

☐ Douched ☐ Defecated ☐ Urinated ☐ Bathed/Showered ☐ Vomited

☐ Eaten ☐ Brushed Teeth ☒ Changed Clothes ☐ Used Mouthwash ☐ Drank

DURING ALLEGED ASSAULT:

Did penis penetrate? ☐ Attempted ☒ Vagina ☐ Anus ☐ Mouth ☐ No ☐ Not knownDid foreign object penetrate? ☐ Yes ☐ No ☒ Not knownDid assailant experience ejaculation? ☐ Yes ☐ No ☒ Not knownDid assailant use a condom? ☐ Yes ☒ No ☐ Not knownWas there hand/digital penetration? ☒ Yes ☐ No ☐ Not knownWas there oral copulation? Of victim by assailant ☐ Yes ☒ No Of assailant by victim ☐ Yes ☒ NoWas there masturbation? Of victim ☐ Yes ☒ No Of assailant ☐ Yes ☒ NoDid assailant bite, lick, or kiss the victim? ☒ Yes ☐ No ☐ Not knownIf yes, specify (i.e. breast, genitals, anus): Bite to middle finger Right handDid assailant fondle? ☐ Breasts ☐ Genitals ☐ Anus ☒ NoWas lubricant used? ☐ Yes ☒ No If yes, identify: _____Did assailant state: You have to do what I say or I will kill youHe had any sexually transmitted diseases? ☐ Yes ☒ No If yes, identify: _____Had a vasectomy? ☐ Yes ☒ No Was sterile, or couldn't have children? ☐ Yes ☒ NoDid anyone besides assailant see the assault? ☐ Yes ☒ No If yes, identify: _____

HOSPITAL-(White Copy)

SLED-(Yellow Copy)

LAW ENFORCEMENT-(Pink Copy)

SOVA/VICTIM COMP-(Green Copy)

Exhibit - 9

- Page 2

WERE ANY MEDICATIONS, SOCIAL DRUGS, OR ALCOHOL TAKEN BEFORE OR AFTER THE ASSAULT?By victim: ☐ Yes ☒ No ☐ Not KnownBy assailant: ☐ Yes ☐ No ☒ Not Known

Type: _____ Amount: _____

Type: _____ Amount: _____

Date: _____ Time: _____

Date: _____ Time: _____

WAS ANY COERCION USED?

Gun

☐ Knife☐ Choke☐ Fist☐ Verbal Threat☐ Binding☐ Bribe☐ Drugs/Alcohol☐ Parental/Adult Authority☐ Other: _____**ASSAILANT(S):** Number: 1 Age(s) Approx 30's Race: BlackBrief description or identifying characteristics: Approx 6'ft Stocky build**ASSAILANT(S) RELATIONSHIP TO VICTIM:** Short finger nails☒ Stranger ☐ Acquaintance ☐ Friend ☐ Relative (Specify): _____

Address of assailant, if known: _____

If assailant is a Relative, does he/she live with victim? ☐ Yes ☐ No**MEDICAL HISTORY:**Date of last menses: 01-27-06 Normal ☒ Yes ☐ NoVictim known to be pregnant? ☐ Yes ☒ No Duration of pregnancy: _____Gravida: 3 Parity: 3Has victim had any past pelvic surgical procedures? ☐ Yes ☒ No If so, when? _____**Reason:** _____Has victim had sexual intercourse within the last seven days? ☒ Yes ☐ NoIf so, when? 02-05-06 Was a condom used? YesOther type of contraception used? ☐ Yes ☐ No If yes, describe: _____**PHYSICAL EXAM:**Emotional Assessment (check if applicable): ☐ Quiet ☒ Nervous ☐ Hostile ☐ Crying ☐ Upset☒ Cooperative ☐ Uncooperative ☐ Other: _____

If victim is a child, were there any unusual responses for his/her age? (i.e. openly accepts genital exam, or exhibits extreme fearfulness): _____

Skin Examination to look for semen (with Wood's light):

☒ Positive (show location on anatomical drawings on page 4)☐ Negative**PELVIC EXAMINATION:**Vulva: No obvious trauma per MD**PERFORMED BY HOSPITAL:**Introitus: No obvious trauma per MD

Wet Mount for Spermatozoa: _____ Motile

Hymen: No obvious trauma per MD

_____ Non-motile

Vagina: No obvious trauma per MD

_____ None seen

Anus: No obvious trauma per MDDid the hospital perform: ☒ Pregnancy Test ☒ HIV ☐ Pap Smear ☒ GC Cultures☒ Urinalysis ☐ Other: _____

HOSPITAL (White Copy)

SLED (Yellow Copy)

LAW ENFORCEMENT (Pink Copy)

SOVA/VICTIM COMP (Green Copy)

Exhibit - 9

- Page 3

TREATMENT RECORD:General or pelvic surgical procedures required? ☐ Yes ☒ No If yes, describe in detail: _____Tetanus toxoid administered? ☒ Yes ☐ NoProphylactic antibiotic administered? ☒ Yes ☐ NoIf yes, specify drug and dosage: 1gm Zithromax PO 250mg Rocephin IMPregnancy prevention drug administered? ☒ Yes ☐ NoIf yes, specify drug and dosage: 4 Lo/Ovral NOW + 4 Lo/Ovral to take in AMAny other medications? ☒ Yes ☐ NoIf yes, explain why and specify drug and dosage: Augmentin 875mg B... Mouth BID
V's 1 week for Bite to RT Middle finger**DISPOSITION AND FOLLOW-UP:**

The victim was referred to:

Physician: Chelsea Clinic or Return to ERDate: 2-8-06

Time: _____ am pm

Counselor: Jonell Allen (Hope Cottage)Date: 2/7/06Time: 2000 am pm**EVIDENCE CHECKLIST AND DISPOSITION**

Please check off all items collected:

A	Unknown Samples	Collected	Not Collected
1.	Outer Clothing	_____	<u>X</u>
2.	Underwear	_____	<u>X</u>
3.	Miscellaneous Materials	_____	<u>X</u>
4.	Bite Mark Swabs	<u>X</u>	_____
5.	Oral Swabs and Smear	<u>X</u>	_____
6.	Fingernail Scrapings	<u>X</u>	_____
7.	Pubic Hair Combing	<u>X</u>	_____
8.	Vaginal Swabs and Smear	<u>X</u>	_____
9.	Rectal Swabs and Smear	_____	<u>X</u>
10.	Miscellaneous Body Fluid	<u>X</u>	_____
B	Known Samples (Collect in every case)	Collected	
1.	Known Pubic Hairs	<u>X</u>	
2.	Known Head Hairs	<u>X</u>	
3.	Known Blood Sample	<u>X</u>	

Photographs taken? ☒ Yes ☐ No If so, by whom? _____Photos given to: Done @ Scene by Det. Chapman

HOSPITAL (White Copy)

SLED (Yellow Copy)

LAW ENFORCEMENT (Pink Copy)

SOVA/VICTIM COMP (Green Copy)

Exhibit 13

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

NATHANIEL JOHNSON,)

Plaintiff,)

v.)

STATE OF SOUTH CAROLINA,)

Defendant.)

IN THE COURT OF COMMONS PLEAS

FOURTEENTH JUDICIAL CIRCUIT

Case No. 2009-CP-07-1050

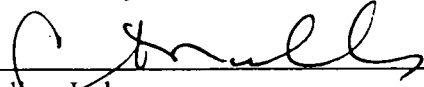
CONSENT ORDER TO BE RELIEVED

2010 APR 22 AM 9:16
JERRI ANN ROSENTHAL
BEAUFORT COUNTY, S.C.
CLERK OF COURT

Upon Motion of Counsel of Record, Brian R. Murphy, Esquire, Attorney for Plaintiff, Nathaniel Johnson and for good cause shown, it is hereby Ordered, Adjudged and Decreed that the Law Firm of Mikell, Weidner, Wegmann & Harper, L.L.C. and more particularly, Brian R. Murphy, Esquire, is relieved from any further representation of the Plaintiff in the above referenced matter as of the date of this Order.

Plaintiff shall have thirty days from the date of this order to notify the Court if they have retained new counsel or if they are proceeding pro se and shall provide names and addresses for correct contact information. Failure to notify the Court will result in Plaintiff's case being dismissed.

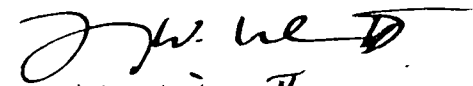
IT IS HEREBY ORDERED.


Presiding Judge
Fourteenth Judicial Circuit

Beaufort, South Carolina

4/19, 2009 2010

I SO MOVE AND CONSENT:


Brian R. Murphy, Esquire
Mikell, Weidner, Wegmann & Harper, LLC
Attorney for Plaintiff

I CONSENT:

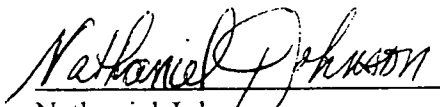
 03/30/10
Nathaniel Johnson
Plaintiff

Exhibit 14

May 12th 2010

2010 MAY 17 PM 4:04

DEPT. OF CORRECTIONS
CLERK OF COURT
Dear Clerk of Court,

I'm writing because I have an order from the Honorable Presiding Judge Carmen Teris Mullen of the Fourteenth Judicial Circuit informing me that I have 30 days to notify the Courts on whether to either withdraw or proceed in this matter of pending Post Conviction claim.

I Nathaniel Johnson, willfully, intelligently, and knowledgeably wishes to Proceed Pro-se, in this matter of Johnson V State Case No 2009-CP-07-1050 this 12th day of May 2010. Please respond ASAP.

Thank you,
Mr. Nathaniel Johnson #211574

Exhibit 5

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT

CASE NO: 2009-CP-07-01050

Nathaniel Johnson

APPLICANT

ORDER APPOINTING ATTORNEY

VS

STATE OF SOUTH CAROLINA

RESPONDENT

It appearing that the above captioned applicant has filed an Application for Post Conviction Relief and that, due to the allegations raised therein, a hearing on the merits will be needed to resolve the allegations raised, and it further appearing that the applicant contends that he is indigent and in need of the services of an attorney as contemplated by law, by order of the **Honorable Carmen T. Mullen**, Chief Judge for administrative purposes of the 14th Judicial Circuit.

It is ordered that **Sara Ann Hutton** is appointed as Counsel of record for the Applicant.

AND IT IS SO ORDERED, this 25th day of March 2009.



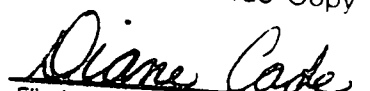
Elizabeth M. Smith
Clerk of Court for Beaufort County

By David Shea
Deputy Clerk of Court

ATTORNEY

Sara Ann Hutton
P.O. Box 7906
Hilton Head, SC 29938

Certified - A True Copy



Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

Exhibit 6



Law Offices of
Catherine West Olivetti, LLC
17 Executive Park Road, Suite 4
P.O. Box 7906 • Hilton Head Island, South Carolina 29938
843-341-9260 tel • 843-341-9261 fax
www.cwolawfirm.com

Catherine West Olivetti
Sara Hutton

May 21, 2009

VIA US MAIL

Mr. Nathaniel Johnson #211574
990 Wisacky HWY, LCI Dar #2124T
Bishopville, SC 29010

RE: 2009-CP-07-01050

Dear Mr. Johnson:

I am contacting you to inform you that I have been relieved of counsel in your case. You should be receiving notice shortly of the newly appointed counsel. Because I will not be serving you I have enclosed the letters you sent to my attention on April 13, 2009 and May 4, 2009 for you reference. Good luck with your endeavors.

With best regards, I am,

Sincerely,


Sara Hutton

Enclos.

Exhibit - 15

PRELIMINARY EXAMINATION RECORD

06 SEP 18 PM 12:06
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

Defendant: Nathaniel Jr. Johnson
Officer/Complainant: B Chapman
Beaufort County Sheriff

Charge(s):

1. J330912 ✓	Kidnapping / Kidnapping
2. J330913 ✓	Sex/ Criminal sexual conduct - first degree
3. J330914 -	Burglary/ Burglary (after June 20, 1985) - 1st degree
4. J330915 ✓	Weapons/ Poss weapon during violent crime, if not also sente

	Bound Over to General Sessions	Dismissed No Probable Cause	Dismissed by Complainant	Waived
1.	☒	☐	☐	☐
2.	☒	☐	☐	☐
3.	☒	☐	☐	☐
4.	☒	☐	☐	☐

THE ABOVE CAME TO BE HEARD FOR PRELIMINARY EXAMINATION
(REMARKS) _____

C. L. Smith
Examining Magistrate

September 15, 2006

Certified - A True Copy

M. J. Smith
Elizabeth M. Smith
Beaufort County Clerk of Court

CERTIFICATE OF TRANSMITTAL

** Rule 3 of the South Carolina Rules of Criminal Procedure requires the transmittal of a warrant to the clerk within fifteen (15) days of defendant's arrest.
The following papers pertaining to criminal proceedings were transmitted to the Clerk of Court on this date.

To Court / County: Beaufort County General Sessions / Beaufort
 ** Date Transmitted: 08/22/2006

From Court: 07102 - Beaufort County Bond Court

By: 5 8 1 2 Smith, Darlene
 Judge Code (Name and title of transmitting official)

Defendant (Last Name, First M.)	Date Of Arrest	Warrant/Ticket Number (One Per Line)	Dismissed at Prelim.		Warrant or Ticket	Papers Being Transmitted on This Date (check only which apply)		
			Yes	No		Checklist	Bond	Other (describe)*
1 Johnson, Nathaniel Jr.	08/22/2006	J330912		X	W	X	X	
2 Johnson, Nathaniel Jr.	08/22/2006	J330913		X	W	X	X	
3 Johnson, Nathaniel Jr.	08/22/2006	J330915		X	W	X	X	

* If abbreviations used, explain.

For use by Solicitors only

OPTIONAL:

Date Received by Solicitor _____

Received by _____ (Initials) _____ (Date)

Certified - A True Copy
 Elizabeth M. Smith, Clerk of Court
 Beaufort County, SC

White Original - Clerk of Court

Pink Copy - Solicitor (Optional)

Canary Copy - Transmitting Official

SCCA / 215 90)

SOUTH CAROLINA COURT ADMINISTRATION

CERTIFICATE OF TRANSMITTAL

** Rule 3 of the South Carolina Rules of Criminal Procedure requires the transmittal of a warrant to the clerk within fifteen (15) days of defendant's arrest.

The following papers pertaining to criminal proceedings were transmitted to the Clerk of Court on this date.

To Court / County: Beaufort County General Sessions / Beaufort

** Date Transmitted: 08/22/2006

From Court: 07102 - Beaufort County Bond Court

By : 5 8 1 2 Smith, Darlene

Judge Code (Name and title of transmitting official)

Defendant (Last Name, First M.)	Date Of Arrest	Warrant/Ticket Number (One Per Line)	Dismissed at Prelim.		Warrant or Ticket	Papers Being Transmitted on This Date (check only which apply)		
			Yes	No		Checklist	Bond	Other (describe)*
1 Johnson, Nathaniel Jr.	08/22/2006	J330914		X	W	X		arraignment only

* If abbreviations used, explain.

For use by Clerks only

Above listed documents were received on: _____ (Date)
 Transmitted to the Solicitor on: _____ (Date)
 Clerk of Court _____

For use by Solicitors only

OPTIONAL:

Date Received by Solicitor _____

Received by _____ (Initials) _____ (Date)

Original Clerk of Court

Pink Copy - Solicitor (Optional)

Canary Copy - Transmitting Official

STATE OF SOUTH CAROLINA

IN THE SUMMARY COURT

COUNTY/CITY BEAUFORT

Ticket/Warrant Number
J330914

State of South Carolina

Order

vs

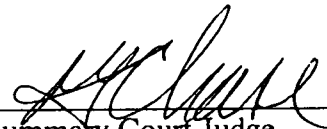
For Conditions of Bond

Nathaniel Jr. Johnson

Defendant

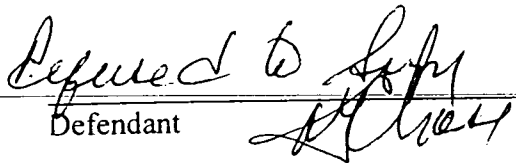
TO THE ABOVE NAMED DEFENDANT:

You are hereby ordered to appear at a roster meeting at BEAUFORT COUNTY GENERAL SESSIONS, 100 RIBAUT ROAD, BEAUFORT, SC 29902 on SEPTEMBER 22, 2006 at 8:45 AM to answer truthfully any questions asked by the presiding judge.


Summary Court Judge

ACKNOWLEDGEMENT BY THE DEFENDANT

I acknowledge and understand that I am to appear at and attend the above scheduled roster meeting. I also understand that it is my responsibility and condition of my bond that I hire an attorney or apply for a public defender within 15 days of this order. Should I fail to appear for roll call, a bench warrant will be issued for my arrest. If I fail to get an attorney within the 15 days, my bond may be revoked. I understand that there is a fee to pay at the Clerk of Court's office for my public defender application and that it is my responsibility to pay the fee within the 15 days of the date of this notice. I understand that should I fail to meet any of the conditions of my bond, the court will issue a bench warrant for my arrest and has the authority to revoke my bond.


Defendant

8-22-06
Date

Certified - A True Copy


Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

Exhibit- 17

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

IN THE CIRCUIT COURT
FOURTEENTH JUDICIAL CIRCUIT

J330915 J330914
J330912
J330911

STATE OF SOUTH CAROLINA,)

versus)

Nathaniel Johnson, Jr.)
Defendant.)

WARRANT NO(s).

setting and consolidating
ORDER REDUCING BOND

UPON MOTION of the Public Defender, bond on the above captioned individual on the above charge(s) currently pending against him is hereby set at \$ 200,000 Surety reduced to \$ 200,000 Surety. Upon posting bond in the said amount with the Clerk of Court,

IT IS SO ORDERED that the Defendant be released from the custody of the Beaufort County Detention Center. The Defendant must report for General Sessions Roll Call on Nov. 29th, 2006 at 8:45 a.m.

IT IS SO ORDERED.

Beaufort, South Carolina

20.11.11.00
Presiding Judge
14th Judicial Circuit

9/6, 2006

BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

2006 SEP -6 PM 12:02

* No victim contact.

Certified - A True Copy

Elizabeth M. Smith
Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

State of South Carolina
County of Beaufort

Exhibit - 18

Warrant/Ticket # J330912

vs

Nathaniel Jr. Johnson

Charges: Kidnapping / Kidnapping

Defendant's Full Name/aka

Defendant's SS# [REDACTED] DOB 7/26/1966 Race/Sex M / B

Defendant's Address 160 Storyteller Rd.
ST. HELENA, SC 29920-0000

ADDITIONAL CONDITIONS OF BOND AND NO TRESPASS NOTICE

This matter is before me at the request of the State, to add special conditions to the Defendant's bond, due to the nature of the charge(s) against the Defendant, the Court hereby orders the following special condition(s) in addition to those noted on his/her initial bond order. In addition this order is intended to meet the Federal guidelines referenced in 18 USC922 (g).

- ☐ 1. The Defendant is to participate in and successfully complete a counseling Program, designed for persons who batter or abuse loved ones or household members.
- ☐ 2. The Defendant cannot have in his possession, any weapon(s); and is ordered to turn over to law enforcement personnel, any and all guns, and/or weapons within the Defendant's possession or control. The defendant further is ordered and acknowledges that he/she can not purchase or attempt to purchase any weapon/firearm while this order is in place. Any attempt to purchase/possess a weapon/firearm during the term of this order will be in violation of Federal laws (referenced in 17USC 922(g)).
- ☒ 3. The defendant is not to go within 1000 feet of the Victim's residence or work place; and is not to have or attempt to have any contact with the Victim either directly or indirectly (through the mail, by telephone, through the delivery of any messages(s) or item, e-mail or other means, or any other forms of harassment or stalking of Victim in any manner.

I so move:

Nathaniel Johnson

State/Officer

I acknowledge these additional conditions of bond and understand that if I am found in violation of any condition that I will be subject to immediate arrest, and or additional criminal charges, and will be brought before this Court for a bond evocation or contempt hearing. I understand any possession or attempt to possess a weapon during the term of this order will be in violation of Federal Law referenced in 18 USC 922(g). I also understand, that if I violate the no trespass notice I will be subject to immediate arrest for trespass after notice.

Date Issued

AUG 22, 2006

Nathaniel Johnson
Defendant

Victims Name

[Signature]
Judge

Expiration date if applicable: UNTIL DISPOSITION OF CASE

This case will be tried in Municipal Court/General Sessions

A copy of this order was forwarded to the BCSO DISPATCH ON 8-22- 20 06

Certified - A True Copy

[Signature]
Elizabeth A. Smith - Clerk of Court
Beaufort County, SC

State vs Johnson, Nathaniel Jr.
Name of Defendant

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE
(Bail Proceeding Form 2)

Exhibit - 19

Offense Charged:

Kidnapping / Kidnapping-[J330912]; Sex / Criminal sexual conduct - First degree-[J330913]; Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death-[J330915]

ORIGINAL

At a bail proceeding conducted by undersigned Judge, for the defendant named above, it was determined by the court:

- ☐ The release of the defendant on recognizance will not reasonably assure his appearance as required.
- ☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.
- ☐ This determination was based upon the following findings of facts:

Nature of Circumstances of Offense: Must Notify Court Immediately of Change of Address

[Considerations: Nature and Circumstances of the offense charged, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his records of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

- That the above named defendant be released from custody on the condition that he will personally appear before the designated court
1. at the place, date, and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
 2. That the above named defendant be released from custody provided as follows (check one):

CASH IN LIEU OF BOND

- ☐ The defendant, acknowledging himself to be indebted to the State of South Carolina, deposits \$_____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

- ☐ The defendant, acknowledges himself to be indebted to the State of South Carolina, in the sum of \$_____ his release to be obtained by payment to the court of _____ (%) of this bond in cash, this amount being \$_____. The defendant will be obligated to the State in the full amount of \$_____, such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this Order.

APPEARANCE RECOGNIZANCE WITH SURETY

- ☐ The defendant will provide good and sufficient surety approved by the court, in the form set forth on the reverse side, acknowledging an indebtedness to the State in the amount of \$_____.

3. The defendant shall appear at:
the term of the court of general sessions beginning on [Date:] 9/22/06 at [Time:] 8:45 am, at [Place:] Beaufort County General Sessions - PO Box 1128/102 Ribaut Road, Rm. 208/Beaufort, SC 299011128 and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

Bond Amount(s): \$200,000.00 (CS) or \$200,000.00 (SB)

Initials of Defendant

AD

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described on the reverse side, which are marked.

August 22, 2006

Date

Signature of Judge

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, including any conditions included on the reverse side of this Order, a warrant for my arrest will be issued. I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence. I acknowledge the receipt of a copy of this Order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of this Order or fail to appear as required.

BCDC #19149 P.O. Drawer 1228
Address

Beaufort, SC 29901-1228
City/State/Zip

Signature of Defendant

Date

Certified - A True Copy

Attorney Representing Accused (if known)

Social Security Number/Telephone No.

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED.

Original copy for the Trial Court - Copy for the Defendant

SCCA511 (3/90)

FORM CONTINUES ON BACK

Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of:

Name of person or organization

Address

City

State Zip

Phone

Who agrees (1) to supervise the defendant in accordance with conditions set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

Signature of Custodian (If Appointed)

Date

b. ☐ Restrictions on Travel, Association, or Residence. The defendant will comply with each of the following conditions:

c. ☐ Part-time release. The defendant will be released from custody from _____ to _____ on _____
on condition that he return to the custody of _____ at _____
as designated.

d. ☐ Other conditions. The defendant will comply with the following other conditions of release:

APPEARANCE RECOGNIZANCE WITH SURETY

On the _____ day of _____, 20_____, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$_____, such sum to be levied on his real and personal property for the use of the State, if the within named defendant shall fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Name of Surety (Printed or Typed)

Signature of Surety

Address of Surety

Signature of Judge

City/State/Zip

Date

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Nathaniel Johnson
Plaintiff,

-vs-

State of South Carolina

☒ Defendant ☐ Juvenile.

THE COURT OF COMMON PLEAS
14th JUDICIAL CIRCUIT

CASE NO.: 2009CP0701050
APPOINTMENT OF COUNSEL
POST-CONVICTION RELIEF

(Select one.)

☒ ORDER
☐ AMENDED ORDER

It appears that the above named person is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- ☐ the public defender now represents another person involved herein and that a conflict would arise if that office represents the above-named individual.
- ☐ the public defender has indicated a possible conflict of interest or other good cause warranting the appointment of counsel based on:
- ☐ the public defender or court-appointed counsel has indicated that the named individual has now retained private counsel and is no longer entitled to appointed counsel.
- ☐ court-appointed counsel has claimed an exemption or has demonstrated good cause pursuant to Rule 608 warranting the appointment of new counsel based on:
- ☐ court-appointed counsel has obtained substitute counsel named below pursuant to Rule 608(h)(2); only the member who originally received the appointment and who sought substitute counsel shall receive credit for the appointment.

Retained attorney No longer practicing in Beaufort County, Order of Dismissal issued.

Therefore, it is ordered that Timothy M. Wogan, Esquire hereby is appointed as (Select only one.)

☒ counsel ☐ lead counsel (if capital PCR case)
for the above-named person. Counsel previously appointed is/are hereby relieved as counsel.

☐ (If Death Penalty PCR Case) It is further ordered that . Esquire, is hereby appointed as second counsel in this capital case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

Beaufort SC
IT IS SO ORDERED
August 30, 2010


The Honorable Perry M. Buckner
☒ Circuit Judge ☐ Clerk of Court

10th Nov.
3:30 PM

Plaintiff Attorney:

Timothy M. Wogan, Esquire
PO Box 22124
Hilton Head Island, SC 29925
(843) 815-6921

Attorney is present, confer at 2:15 PM Courtroom 2nd

Defendant Attorney:

Matthew Friedman

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCC

GS16 (08/08)

SCCA/268 (03/07)

**LAW OFFICE OF
TIMOTHY M. WOGAN**
ATTORNEY AND COUNSELOR AT LAW
P.O. BOX 22124
HILTON HEAD, SOUTH CAROLINA 29925
TELEPHONE (843) 815-6921
FAX (843) 815-6931

TIMOTHY M. WOGAN, MHA

VIA U.S. MAIL

October 20, 2010

Nathaniel Johnson
#211574 CA #28
P.O. Box 205
Ridgeville, South Carolina 29472

RE: Nathaniel Johnson v. State of South Carolina
09-CP-07-1050

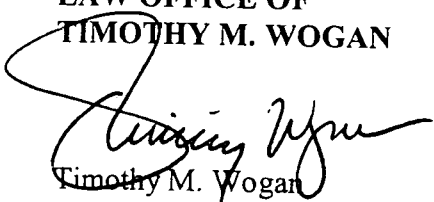
Dear Mr. Johnson:

I have been appointed by the Beaufort County Clerk of Court to represent you in the above referenced post-conviction relief (PCR) action. To date, I have received only the Order of Appointment and have not yet received any additional documentation relating to your PCR application. I should be receiving that information within the next month. This letter is just to inform you that I have been appointed to represent you. I will be back in touch with you after I have reviewed the initial information received from the South Carolina Attorney General's office.

With kind regards, I am,

Sincerely yours,

**LAW OFFICE OF
TIMOTHY M. WOGAN**


Timothy M. Wogan

LAW OFFICE OF

TIMOTHY M. WOGAN, LLC

Sender: Timothy M Wogan
Email: tim.wogan@woganlaw.com
Direct Dial: (843) 757-3677

PO Box 22124, Hilton Head, South Carolina 29925
Telephone: (843) 815-6921
Facsimile: (843) 815-6931

VIA US MAIL

April 12, 2011

Nathaniel Johnson #211574
Lieber C.I. AA#32
P.O. Box 205
Ridgeville, South Carolina 29472

Sue. Aug. 30th 2011 *PCR*
Evidentiary Hearing

Dear Nathaniel:

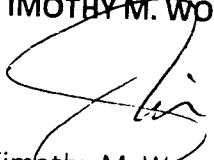
I just received your correspondence of April 6, 2011. It is my understanding that a hearing has been tentatively scheduled take place in August, 2011. I will be getting more information and will share it with you as soon as I receive it.

I will be scheduling a visit in the next few weeks to discuss with you what to expect at the hearing.

With kind regards, I am,

Sincerely yours,

**LAW OFFICE OF
TIMOTHY M. WOGAN**


Timothy M. Wogan

LAW OFFICE OF
TIMOTHY M. WOGAN, LLC

PO Box 22124, Hilton Head, South Carolina 29925
Telephone: (843) 815-6921
Facsimile: (843) 815-6931

Sender: Timothy M. Wogan
Email: tim.wogan@woganlaw.com
Direct Dial: (843) 757-3677

VIA U.S. MAIL – ATTORNEY CLIENT COMMUNICATION

January 3, 2012

Inmate Nathaniel Johnson
SCDC# 211574
LCI Room #35
Post Office Box 205
Ridgeville, South Carolina 29472

In re: 2006 Detainer

Dear Mr. Johnson:

In response to your inquiry as to the Beaufort County detainer filed under warrant number J220914, please be advised that there is no statute of limitation on a detainer in South Carolina; there was a detainer for burglary issued by Beaufort County on August 21, 2006; and Beaufort County General Session's on-line records regarding that the charge for Burglary under warrant J330914 was disposed of by virtual of being found not guilty at trial. I am enclosing a copy of the same for your review and records.

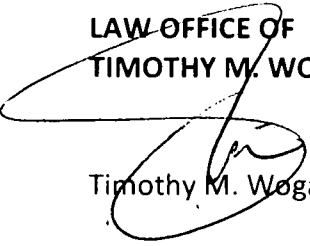
My office made several inquiries as to this matter with the Beaufort County Solicitor's Office; the Clerk of Court's Office; and the Beaufort County Sheriff's Office. It appears that the Warrant Number J220914 is not a valid warrant number and may have been inadvertently inputted into the system under this number instead of J330914. In any event, I have requested that the Beaufort County Sheriff's Office investigate this matter and provide us in writing their findings, and how they are going to resolve this issue. I will provide you with this information once it is received.

Should you have any other questions or concerns please do not hesitate to give me a call.

With kind regards, I am,

Sincerely yours,

LAW OFFICE OF
TIMOTHY M. WOGAN, L.L.C.


Timothy M. Wogan

TMW:ltb
Encs.

Exhibit # ~~22~~
22

LAW OFFICE OF
TIMOTHY M. WOGAN, LLC

PO Box 22124, Hilton Head, South Carolina 29925
Telephone: (843) 815-6921
Facsimile: (843) 815-6931

Sender: Timothy M. Wogan
Email: tim.wogan@woganlaw.com

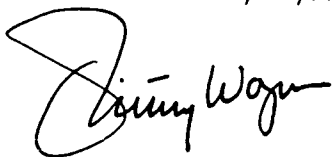
May 27, 2015

Mr. Nathaniel Johnson
#00211574
LCI STONO-B#50
PO Box 205
Ridgeville, South Carolina 29472

Nathaniel,

I am writing you to inform you that I will be refunding the \$700.00 you paid to me in September 2011. I am refunding this money to you because you are unhappy with the assistance I provided. I am not refunding it to you in return for a release or in return for anything else; nor am I refunding it to you because I believe that I did anything wrong. I have always tried to help all my clients to the best of my ability and I am sorry that you were unhappy with the assistance I provided. I never knew that you were unhappy with my services until I received your complaint in April 2015.

If you would like me to transfer the money into your *SCDOC Cooper Trust Fund Account* please sign and date below and send this correspondence back to my office within 45 days. Once I receive your signature back I will transfer the money to your account through Jpay.



Timothy Wogan

Nathaniel Johnson

Date

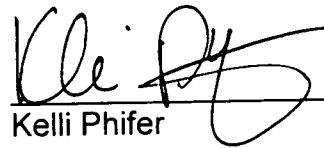
Exhibit # ~~22~~
22

CERTIFICATE OF SERVICE

The undersigned, Kelli Phifer, hereby avers that on the 27th day of May, 2015, she served a copy of the foregoing *Letter from Timothy M. Wogan to Nathaniel Johnson (LCI #00211574)* upon the person named below at the address listed below. Such service was via U.S. Mail with sufficient postage attached:

Mr. Nathaniel Johnson
#00211574
LCI STONO-B#50
PO Box 205
Ridgeville, South Carolina 29472

BY:


Kelli Phifer

Law Office of
Timothy M. Wogan
PO Box 22124
Hilton Head, South Carolina 29925

CHARLESTON SC 29
28 MAY 2015 PM 2

061 SC001415383
\$0.90
US POSTAGE
FIRST CLASS
FROM 29910
MAY 27 2015
stamps.com



Mr Nathaniel Johnson
#00211574
LCI STONO-B50
PO Box 205
Ridgeville SC 29472-0205

RECEIVED

JUN 01 2015

WARDEN'S OFFICE
LIEBER C.I.

29472-0205

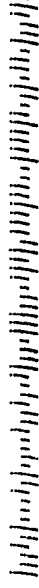


Exhibit # ~~22~~
22

Mon. March 9th 2015

2015 MAR 11 PM 3:24
CLERK OF COURT
JEROME COUNTY, IDAHO

Dear Jerri Ann Roseneau,

RE: Nathaniel Johnson Jr v State of South Carolina
Civil Action No. 2013 - CP-07-01650

This pending case is before the
Chief Administrative Judge Carmen T.
Mullen.

The Appellant, Nathaniel Johnson Jr #211574
comes now to make an "request for
Admissions". Appellant submitted an
DNA Testing Application in pursuant
to Chapter 27 title 17, to the Clerk
of Court sometime ago. Appellant request
admissions of that DNA Testing Application
and also may asked that an copy of that
DNA Testing application be sent back to me
for my records please. Appellant respectfully
asked that the Court attach along with
the "Motion for Evidentiary Hearing - In Response
to Proposed Conditional Order of Dismissal
filed on January 14th 2015.

2.

This request for admissions is a subject matter in this pending action in pursuant to Rule #26(b). Request is also in pursuant to Rule #37(a) 4 Award of Expenses of an DNA Expert and the DNA Testing fees. A copy of the same has been served on the Attorney General's Office

In Kind Regards,
Nathanie Johnson Jr. #211574

Mr. Nathanie Johnson Jr. #211574
L.C.I. Stone - B#50
P.O. Box 205
Ridgeville, SC. 29472

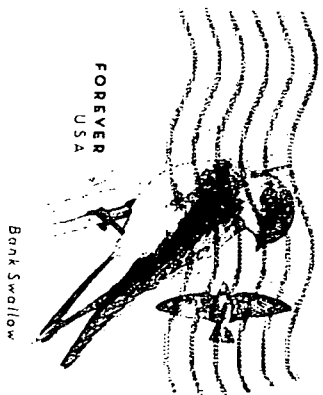
P.S. Mr. William H Campbell at the Office of Disciplinary Counsel has been informed, and is aware of the necessary steps that the Appellant is taking to secure his constitutional rights.

Mr. Nathaniel Johnson Jr. # 211574
261. Stone- LB #50
P.O. Box 205
Kidderville, SC. 29472

RECEIVED

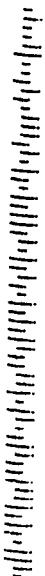
MAR 09 2015

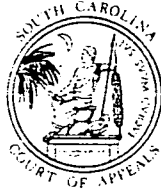
MAIL ROOM
LIEBER C.I.



Mr. Gene Ann Roseman
Clark G. Court
P.O. Boxes 1128
Beaufort, SC. 29901

25501+1128





The South Carolina Court of Appeals

KENNETH A. RICHSTAD
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1590
FAX (803) 734-1839
WWW.SCCOURTS.ORG

December 30, 2008

REMITTITUR

The Honorable Elizabeth M. Smith
102 Ribaut Road Rm 208
PO Box 1128
Beaufort, SC 29901-1128

Re: The State v. Johnson, Nathaniel Jr.
2006-GS-07-01640
2006-GS-07-01641

Dear Mrs. Smith:

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

Sincerely,

A handwritten signature in cursive script that reads "V. Claire Allen".

V. Claire Allen
Deputy Clerk of Court

VCA/lf

cc: Appellate Defender Lanelle C. Durant
Attorney General Henry Dargan McMaster
Chief Deputy Attorney General John W. McIntosh
Assistant Deputy Attorney General Salley W. Elliott
Assistant Attorney General Julie M. Thames
I. McDuffie Stone, III, Esquire

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 239(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,
v.
Nathaniel Johnson, Jr., Appellant.

Appeal From Beaufort County
Howard P. King, Circuit Court Judge

Unpublished Opinion No. 2008-UP- 690
Submitted December 1, 2008 – Filed December 11, 2008

AFFIRMED

Appellate Defender Lanelle C. Durant, of Columbia,
for Appellant.

Attorney General Henry Dargan McMaster, Chief
Deputy Attorney General John W. McIntosh,
Assistant Deputy Attorney General Salley W. Elliott,
Assistant Attorney General Julie M. Thames, all of
Columbia; and I. McDuffie Stone III, of Beaufort, for
Respondent.

PER CURIAM: Nathaniel Johnson, Jr. appeals his convictions for kidnapping and first-degree criminal sexual conduct, alleging the trial court erred in denying his motion for a mistrial. We affirm pursuant to Rule 220(b)(1), SCACR, and the following authority: State v. Walker, 366 S.C. 643, 658-59, 623 S.E.2d 122, 130 (Ct. App. 2005) (stating a trial court's instruction to disregard incompetent evidence or improper testimony is deemed to have cured any alleged error; therefore, to preserve the issue for review, a party must contemporaneously object to the curative instruction as insufficient or move for a mistrial).

AFFIRMED.¹

WILLIAMS, PIEPER, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



AW
14

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

www.sccourts.org

June 21, 2013

The Honorable Jerri Ann Roseneau
PO Box 1128
Beaufort SC 29901-1128

REMITTITUR

Re: Nathaniel Johnson v. The State
Lower Court Case No. 2009CP0701050
Appellate Case No. 2011-202807

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc: Robert M. Pachak, Esquire
Ashleigh Rayanna Wilson, Esquire

Aw
14

The Supreme Court of South Carolina

Nathaniel Johnson, Petitioner,

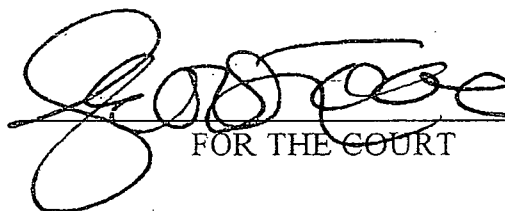
v.

State of South Carolina, Respondent.

Appellate Case No. 2011-202807

ORDER

This matter is before the Court on a petition for a writ of certiorari. The petition is denied.

 C.J.
FOR THE COURT

Columbia, South Carolina

June 5, 2013

cc:

Robert M. Pachak, Esquire

Ashleigh Rayanna Wilson, Esquire

CLOSED,SVH-Inmate

**U.S. District Court
District of South Carolina (Aiken)
CIVIL DOCKET FOR CASE #: 1:13-cv-01794-RMG**

Johnson v. McFadden
Assigned to: Honorable Richard M Gergel
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 07/09/2013
Date Terminated: 05/12/2014
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Nathaniel Johnson
also known as
Nathaniel Johnson, Jr

represented by **Nathaniel Johnson**
211574
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472
PRO SE

V.

Respondent

Warden Joseph McFadden

represented by **James Anthony Mabry**
SC Attorney General's Office
PO Box 11549
Columbia, SC 29211
803-734-3665
Email: amabry@ag.state.sc.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Donald John Zelenka
SC Attorney General's Office
PO Box 11549
Columbia, SC 29211
803-734-6305
Fax: 803-734-4035
Email: dzelenka@scag.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
------------	---	-------------

07/09/2013	 <u>1</u>	PETITION for Writ of Habeas Corpus, filed by Nathaniel Johnson. (Attachments: # <u>1</u> Envelope)(abuc) (Entered: 07/09/2013)
07/09/2013	 <u>3</u>	AMENDED PETITION for Writ of Habeas Corpus, filed by Nathaniel Johnson. (Attachments: # <u>1</u> Original Petition, # <u>2</u> Supporting Documents, # <u>3</u> Envelope)(abuc) Additional attachments added as separate entry <u>19</u> on 9/16/2013 (abuc). Modified to edit text on 9/17/2013 (abuc). (Entered: 07/10/2013)
07/24/2013	 <u>6</u>	PROPER FORM ORDER Case to be brought into proper form by 8/19/2013. Signed by Magistrate Judge Shiva V Hodges on 7/24/2013. (abuc) (Entered: 07/24/2013)
07/24/2013	 <u>7</u>	***DOCUMENT MAILED <u>6</u> Proper Form Order and 1 AO 240 form placed in U.S. Mail to Nathaniel Johnson. (abuc) (Entered: 07/24/2013)
07/29/2013	 <u>8</u>	Letter re filing fee from Nathaniel Johnson. (Attachments: # <u>1</u> Envelope) (abuc) (Entered: 07/29/2013)
08/02/2013	 <u>9</u>	Letter re case status from Nathaniel Johnson. (Attachments: # <u>1</u> Envelope) (abuc) (Entered: 08/02/2013)
08/15/2013	 <u>12</u>	PROPER FORM ORDER Case to be brought into proper form by 9/9/2013. Signed by Magistrate Judge Shiva V Hodges on 8/15/2013. (abuc) (Entered: 08/15/2013)
08/15/2013	 <u>13</u>	***DOCUMENT MAILED <u>12</u> Proper Form Order and AO 240 form placed in U.S. Mail to Nathaniel Johnson. (abuc) (Entered: 08/15/2013)
08/22/2013	 <u>14</u>	Filing fee: \$ 5, receipt number SCX200010657 (jpet,) (Entered: 08/22/2013)
08/29/2013	 <u>16</u>	ORDER authorizing service of process and directing petitioner to notify the clerk in writing of any change of address. Return and Memorandum due by 10/21/2013. Signed by Magistrate Judge Shiva V Hodges on 8/29/2013. (Attachments: # <u>1</u> 2254 Petition)(abuc) (Entered: 08/29/2013)
08/29/2013	 <u>17</u>	ACKNOWLEDGMENT OF SERVICE Executed as to <u>16</u> Order 2254, Acknowledgment filed by Joseph McFadden. (Attachments: # <u>1</u> Certificate of Service)(Zelenka, Donald) (Entered: 08/29/2013)
09/03/2013	 <u>18</u>	***DOCUMENT MAILED <u>16</u> Order 2254, placed in U.S. Mail to Nathaniel Johnson. (abuc) (Entered: 09/03/2013)
09/16/2013	 <u>19</u>	Additional Attachments to Main Document <u>3</u> Petition for Writ of Habeas Corpus. First attachment description: Memorandum in Support. (Attachments: # <u>1</u> Supporting Documents, # <u>2</u> Envelope)(abuc) (Entered: 09/16/2013)
10/08/2013	 <u>20</u>	Case Reassigned to Judge Honorable Richard M Gergel. Judge Honorable Cameron McGowan Currie no longer assigned to the case. (suro,) (Entered: 10/08/2013)

10/08/2013	 <u>21</u>	***DOCUMENT MAILED 20 Case Reassigned placed in U.S. Mail to Nathaniel Johnson (suro,) (Entered: 10/08/2013)
10/21/2013	 <u>22</u>	First MOTION for Extension of Time to File Answer re <u>16</u> Order 2254, by Joseph McFadden. Response to Motion due by 11/7/2013. (Attachments: # <u>1</u> Certificate of Service)No proposed order.Motions referred to Shiva V Hodges. (Mabry, James) (Entered: 10/21/2013)
10/21/2013	 <u>23</u>	TEXT ORDER granting <u>22</u> First MOTION for Extension of Time. Return and Memorandum due by 11/20/2013. Signed by Magistrate Judge Shiva V Hodges on 10/21/2013. (abuc) (Entered: 10/21/2013)
10/21/2013	 <u>24</u>	***DOCUMENT MAILED 23 Order, placed in U.S. Mail to Nathaniel Johnson. (abuc) (Entered: 10/21/2013)
11/20/2013	 <u>25</u>	MOTION for Summary Judgment by Joseph McFadden. Response to Motion due by 12/9/2013. (Attachments: # <u>1</u> Certificate of Service)No proposed order.Motions referred to Shiva V Hodges.(Mabry, James) (Entered: 11/20/2013)
11/20/2013	 <u>26</u>	RETURN and MEMORANDUM to Petition for Writ of Habeas Corpus <u>3</u> Petition for Writ of Habeas Corpus, by Joseph McFadden. (Attachments: # <u>1</u> State Court Documents Appendix - pp 1-164, # <u>2</u> State Court Documents Appendix - pp 165-329, # <u>3</u> State Court Documents Appendix - pp 330-493, # <u>4</u> State Court Documents Final Brief of Appellant, # <u>5</u> State Court Documents Final Brief of Respondent, # <u>6</u> State Court Documents Opinion - Direct Appeal, # <u>7</u> State Court Documents Remittitur - Direct Appeal, # <u>8</u> State Court Documents Petition for Certiorari - PCR Appeal, # <u>9</u> State Court Documents Return to Certiorari, # <u>10</u> State Court Documents Order denying Petition for Cert, # <u>11</u> State Court Documents Remittitur - PCR Appeal, # <u>12</u> Certificate of Service)(Mabry, James) (Entered: 11/20/2013)
11/20/2013	 <u>27</u>	Letter from Nathaniel Johnson, Jr. (Attachments: # <u>1</u> Envelope)(abuc) (Entered: 11/20/2013)
11/21/2013	 <u>28</u>	ROSEBORO ORDER directing clerk to forward summary judgment explanation to the opposing party and directing that party to respond in 34 days. Response due to <u>25</u> MOTION for Summary Judgment Response to Motion due by 12/27/2013. Signed by Magistrate Judge Shiva V Hodges on 11/21/2013. (jpet,) (Entered: 11/21/2013)
11/21/2013	 <u>29</u>	***DOCUMENT MAILED <u>28</u> Roseboro Order, placed in U.S. Mail to Nathaniel Johnson (jpet,) (Entered: 11/21/2013)
12/02/2013	 <u>30</u>	RESPONSE in Opposition to <u>25</u> MOTION for Summary Judgment and MOTION for Hearing by Nathaniel Johnson. Response to Motion due by 12/19/2013. (Attachments: # <u>1</u> Envelope)Motions referred to Shiva V Hodges. (abuc) (Entered: 12/03/2013)

12/03/2013	 <u>31</u>	Letter from Nathaniel Johnson, Jr. (Attachments: # <u>1</u> Envelope)(abuc) (Entered: 12/03/2013)
12/20/2013	 <u>34</u>	Amended MOTION for Summary Judgment by Joseph McFadden. Response to Motion due by 1/6/2014. (Attachments: # <u>1</u> Certificate of Service)No proposed order.Motions referred to Shiva V Hodges.(Mabry, James) (Entered: 12/20/2013)
12/20/2013	 <u>33</u>	AMENDED RETURN and MEMORANDUM to Petition for Writ of Habeas Corpus <u>3</u> Petition for Writ of Habeas Corpus, by Joseph McFadden. (Attachments: # <u>1</u> State Court Documents 2d PCR Application (2013-CP-07-1650), # <u>2</u> Certificate of Service) Refiled to correct event type.(abuc) (Entered: 12/23/2013)
12/23/2013	 <u>38</u>	DELETION OF DOCKET ENTRY NUMBER 32 Reason: Duplicate Filing. Corrected Filing Document Number <u>34</u> Modified filing date to that of original filing: 12/20/2013 Response due date modified to that of original filing: 1/6/2013 (abuc) (Entered: 01/07/2014)
12/31/2013	 <u>35</u>	ROSEBORO ORDER directing clerk to forward summary judgment explanation to the opposing party and directing that party to respond in 34 days. Response due to <u>34</u> Amended MOTION for Summary Judgment Response to Motion due by 2/3/2014. Signed by Magistrate Judge Shiva V Hodges on 12/31/2013. (jpet,) (Entered: 12/31/2013)
12/31/2013	 <u>36</u>	***DOCUMENT MAILED <u>35</u> Roseboro Order, placed in U.S. Mail to Nathaniel Johnson (jpet,) (Entered: 12/31/2013)
01/02/2014	 <u>37</u>	RESPONSE in Opposition re <u>25</u> MOTION for Summary Judgment Response filed by Nathaniel Johnson. Reply to Response to Motion due by 1/13/2014. (Attachments: # <u>1</u> Envelope)(abuc) (Entered: 01/02/2014)
04/22/2014	 <u>40</u>	REPORT AND RECOMMENDATION re <u>25</u> MOTION for Summary Judgment filed by Joseph McFadden, <u>34</u> Amended MOTION for Summary Judgment filed by Joseph McFadden, <u>30</u> MOTION for Hearing filed by Nathaniel Johnson. It is recommended that Respondent's motions for summary judgment [Entry #25, #34] be granted. Further, it is recommended that Petitioner's motion for an evidentiary hearing [Entry #30] be denied.Objections to R&R due by 5/12/2014. Signed by Magistrate Judge Shiva V Hodges on 4/22/2014. (abuc) (Entered: 04/22/2014)
04/22/2014	 <u>41</u>	***DOCUMENT MAILED <u>40</u> REPORT AND RECOMMENDATION re <u>25</u> MOTION for Summary Judgment filed by Joseph McFadden, <u>34</u> Amended MOTION for Summary Judgment filed by Joseph McFadden, <u>30</u> MOTION for Hearing filed by Nathaniel Johnson placed in U.S. Mail to Nathaniel Johnson (abuc) (Entered: 04/22/2014)
05/07/2014	 <u>43</u>	OBJECTION to <u>40</u> Report and Recommendation by Nathaniel Johnson. Reply to Objections due by 5/27/2014 (Attachments: # <u>1</u> Envelope)(abuc) (Entered: 05/07/2014)

		05/07/2014)
05/12/2014	 <u>44</u>	ORDER ADOPTING <u>40</u> REPORT AND RECOMMENDATION re <u>25</u> Motion for Summary Judgment filed by Joseph McFadden, <u>34</u> Motion for Summary Judgment filed by Joseph McFadden, <u>30</u> Motion for Hearing filed by Nathaniel Johnson. The Court grants Respondent's motions for summary judgment, (Dkt. Nos. 25, 34), and denies Petitioner's motion for an evidentiary hearing, (Dkt. No. 30). A certificate of appealability is denied. Signed by Honorable Richard M Gergel on 5/12/2014. (abuc) (Entered: 05/12/2014)
05/12/2014	 <u>45</u>	SUMMARY JUDGMENT in favor of Warden Joseph McFadden against Nathaniel Johnson. This case is dismissed with prejudice. (abuc) (Entered: 05/12/2014)
05/12/2014	 <u>46</u>	***DOCUMENT MAILED <u>45</u> Summary Judgment, <u>44</u> Order Ruling on Report and Recommendation, placed in U.S. Mail to Nathaniel Johnson (abuc) (Entered: 05/12/2014)

Exhibit 21



Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 27, 2012

Mr. Nathaniel Johnson, #211574
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Re: Your case

Dear Mr. Johnson:

I am the lawyer who will be handling your case in the Supreme Court. I will be reviewing the record of the proceedings at the PCR court to see what legal errors to present to the Supreme Court on your behalf. I will submit these in the form of a petition for writ of certiorari.

When I file the petition, I will send you a copy of all relevant hearing transcripts and material in the form of an appendix. Only information that was in front of the PCR judge can be included in the appendix.

You must be patient while the court considers your case. The process is very slow, but there is nothing I can do to speed up the process. It may be a few months before I submit a petition to the Supreme Court and at least a year after that before the Court decides your case. **Some cases take even longer.** You will be notified when the Court makes a decision and letters asking the status of your case do not speed up the process.

Please keep these points in mind. The Supreme Court can only consider the information that was before the PCR court. Any new information cannot be brought to their attention at this point. In addition, the issue must have been addressed in the PCR court's order of dismissal before it can be raised to the Supreme Court.

The court decides the case based on the written material submitted by the attorney general's office and me. It very rarely sets oral arguments, which are an opportunity for me to focus its attention on the information in the petition. If you are in prison, you cannot attend.

Mr. Nathaniel Johnson, #211574
Page 2
February 27, 2012

In addition, we are not able to visit our clients personally but feel free to call collect.

Be assured that I will try my best to find reversible error. I will submit the best petition I possibly can to the Supreme Court.

I receive a tremendous amount of mail and I may not be able to respond to all letters. However, you are free to telephone me collect. An SCDC Telephone Privilege Request has already been submitted for the following number: (803) 734-1330. This is the preferred method of us communicating. Regardless, rest assured if you write me a letter about your case, I will read it and carefully consider it as I decide which issue or issues to submit to the appellate court. Please note that the decision about which issues to submit is mine. Only if I submit a "no merits" or Johnson petition, stating that I could not find any good issues, will the court let you submit your own legal arguments.

Finally, if you are transferred to another facility or released, you must write and let me know where you are. The Department of Corrections will not notify us of your new address.

I hope this letter answers some of the questions you may have at this time. Again, please do not hesitate to contact me by letter if you have any questions or I may be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert M. Pachak". The signature is stylized with a large, sweeping "R" and a long, horizontal stroke extending to the right.

Robert M. Pachak
Appellate Defender

RMP/fkb

Enclosure

Exhibit 22



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 13, 2012

Mr. Nathaniel Johnson, #211574
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Re: Your case

Dear Mr. Johnson:

In response to your letter dated March 2, 2012, I do not see where your PCR attorney filed a Rule 59(e) motion. I have never seen anyone win a PCR case based on a Rule 59(e) motion.

Sincerely,

Robert M. Pachak
Appellate Defender

RMP/fkb

Exhibit 23



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

September 17, 2012

Mr. Nathaniel Johnson, #211574
Lee Correctional Institution
Post Office Box 205
Ridgeville, SC 29472

Re: Your case

Dear Mr. Johnson:

I have noted your change of address. Your case is still pending in the appellate court. When I hear something, I will let you know in writing.

Sincerely,

A handwritten signature in cursive script, appearing to read "RMP".

Robert M. Pachak
Appellate Defender

RMP/pcm

Exhibit 24



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 1, 2013

Mr. Nathaniel Johnson, #211574
Lee Correctional Institution
Post Office Box 205
Ridgeville, SC 29472

Re: Your case

Dear Mr. Johnson:

A motion to reconsider your sentence can not be made after an appeal has been filed.

Sincerely,

Robert M. Pachak
Appellate Defender

RMP/pcm

Exhibit 25



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 20, 2013

Mr. Nathaniel Johnson, #211574
Lieber Correctional Institution/Stone B #50
Post Office Box 205
Ridgeville, SC 29472

Re: Your case

Dear Mr. Johnson:

Your case is still pending. It is taking the appellate court around two years to decide a case once we have submitted a petition for writ of certiorari.

Sincerely,

A handwritten signature in dark ink, appearing to read "RMP".

Robert M. Pachak
Appellate Defender

RMP/pcm



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

June 6, 2013

Nathaniel Johnson, #211574
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Re: Your case

Dear Mr. Johnson:

Enclosed is a copy of the Order of the Supreme Court denying our Petition for Writ of Certiorari, and granting the petition to be relieved. This means that you have now exhausted your state court remedies.

There is now a **one-year statute of limitations for filing an application for a writ of habeas corpus in federal court**. However, please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. This statute of limitations is strictly enforced. I have enclosed a copy of the pertinent section of that statute for you to review. I am closing your file with this letter. Please understand that it is **your obligation alone** to ensure that a federal habeas application is timely filed if you want to continue challenging your conviction. Feel free to contact me if you have any questions, but writing to me **does not stay** the applicability of the statute of limitations. I do wish you the best in the future.

Sincerely,

Robert M. Pachak
Appellate Defender

RMP/pcm

Enclosure: Habeas Corpus Application



Beaufort County Fourteenth Judicial Circuit Public Index



[Beaufort County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

The State of South Carolina Vs Nathaniel Jr. Johnson

Case Number: J330911	Court Agency: Beaufort Magistrate	Filed Date: 08/28/2006
Case Type: Criminal	Case Sub Type:	
Status: Disposed	Assigned Judge: Smith, Darlene Rogers	Disposition Judge: Smith, Darlene Rogers
Disposition: Nolle Prosequi		
Disposition Date: 04/10/2007	Date Received:	Arrest Date: 08/22/2006
Law Enf. Case: 20060207359	True Bill Date:	No Bill Date:
Prosecutor Case:	Indictment Number:	Waiver Date:
Probation Case:		

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Johnson, Nathaniel Jr.	0480-Larceny / Petit or Simple Larceny	0480-Larceny / Petit or Simple Larceny	04/10/2007



Beaufort County Fourteenth Judicial Circuit Public Index



[Beaufort County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

The State of South Carolina VS Nathaniel Jr. Johnson

Case Number: J330912	Court Agency: Beaufort County General Sessions	Filed Date: 08/22/2006
Case Type: Criminal-Clerk	Case Sub Type:	
Status: Disposed	Assigned Judge: Clerk Of Court C P, G S, And Family Court	Disposition Judge: King, Howard P.
Disposition: Trial Guilty		
Disposition Date: 03/14/2007	Date Received: 08/22/2006	Arrest Date: 08/22/2006
Law Enf. Case: 20060207359	True Bill Date: 09/21/2006	No Bill Date:
Prosecutor Case:	Indictment Number: 2006GS0701640	Waiver Date:
Probation Case:		

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Address	Race Sex	Date Of Birth	Party Type	Party Status	Last Updated
Chapman, B	2001 Duke Street Beaufort SC 29902			Officer		12/27/2006
Johnson, Nathaniel Jr.	160 Storyteller Rd. ST. HELENA SC 29920-0000	Black M	07/26/1966	Defendant		05/07/2008
Smart, Stephanie	Beaufort Cnty. Public Defender P.O. Box 525 Beaufort SC 29901			Defendant Attorney		03/15/2007
Lovell, Gail	14th Circuit Solicitor's Office P.O. Box 2226 Beaufort SC 29901			Solicitor		03/15/2007
Rutledge, Dianne A.	Post Office Box 155 Cassatt SC 290320155			Court Reporter		03/15/2007
Smart, Stephanie	Beaufort Cnty. Public Defender P.O. Box 525 Beaufort SC 29901			Defendant Attorney		03/15/2007
Johnson, Nathaniel Jr.	160 Storyteller Rd. ST. HELENA SC 29920-0000	Black M	07/26/1966	Defendant		05/07/2008

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Beaufort County Fourteenth Judicial Circuit Public Index



[Beaufort County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

The State of South Carolina VS Nathaniel Jr. Johnson

Case Number: J330913	Court Agency: Beaufort County General Sessions	Filed Date: 08/22/2006
Case Type: Criminal-Clerk	Case Sub Type:	
Status: Disposed	Assigned Judge: Clerk Of Court C P, G S, And Family Court	Disposition Judge: King, Howard P.
Disposition: Trial Guilty		
Disposition Date: 03/14/2007	Date Received: 08/22/2006	Arrest Date: 08/22/2006
Law Enf. Case: 20060207359	True Bill Date: 09/21/2006	No Bill Date:
Prosecutor Case:	Indictment Number: 2006GS0701641	Waiver Date:
Probation Case:		

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Johnson, Nathaniel Jr.	0160-Sex / Criminal sexual conduct - First degree	0160-Sex / Criminal sexual conduct - First degree	03/14/2007

CMSWeb 6.1

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Beaufort County Fourteenth Judicial Circuit Public Index



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Switch View

The State of South Carolina VS Nathaniel Jr. Johnson

Case Number: J330914 Case Type: Criminal-Clerk Status: Disposed Disposition: Trial Not Guilty Disposition Date: 03/14/2007 Law Enf. Case: 20060207359 Prosecutor Case: Probation Case:	Court Agency: Beaufort County General Sessions Case Sub Type: Assigned Judge: Clerk Of Court C P, G S, And Family Court Date Received: 08/22/2006 True Bill Date: 09/21/2006 Indictment Number: 2006GS0701642	Filed Date: 08/22/2006 Disposition Judge: King, Howard P. Arrest Date: 08/22/2006 No Bill Date: Waiver Date:
---	--	---

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Johnson, Nathaniel Jr.	0079-Burglary / Burglary (After June 20, 1985) - First degree	0079-Burglary / Burglary (After June 20, 1985) - First degree	03/14/2007



Beaufort County Fourteenth Judicial Circuit Public Index



[Beaufort County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

The State of South Carolina VS Nathaniel Jr. Johnson

Case Number: J330915	Court Agency: Beaufort County General Sessions	Filed Date: 08/22/2006
Case Type: Criminal-Clerk	Case Sub Type:	
Status: Disposed	Assigned Judge: Clerk Of Court C P, G S, And Family Court	Disposition Judge: King, Howard P.
Disposition: Trial Not Guilty	Date Received: 08/22/2006	Arrest Date: 08/22/2006
Disposition Date: 03/14/2007	True Bill Date: 09/21/2006	No Bill Date:
Law Enf. Case: 20060207359	Indictment Number: 2006GS0701643	Waiver Date:
Prosecutor Case:		
Probation Case:		

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Johnson, Nathaniel Jr.	0549-Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death	0549-Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death	03/14/2007

J-330912

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

THE STATE

20060207359

against

Nathaniel Jr. Johnson

Address: 160 Storyteller Rd.

ST. HELENA, SC 29920

Phone: Sex: M Race: B Height: 5 10 Weight: 225DL State: 7/26/1966 DL #: SC0070000Agency ORI #: SC0070000Prosecuting Agency: Beaufort County SheriffProsecuting Officer: B Chapman - 2188Offense: Kidnapping / KidnappingOffense Code: 0095Code/Ordinance Sec: 16-03-0910This warrant is CERTIFIED FOR SERVICE in the☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions

PO Box 1128

102 Ribaut Road, Rm. 208

Beaufort, SC 299011128

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Personally appeared before me the affiant B Chapmanbeing duly sworn deposes and says that defendant Nathaniel Jr. Johnsondid within this county and state on or about 02/07/2006State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Beaufort)

in the following particulars:

DESCRIPTION OF OFFENSE Kidnapping / Kidnapping

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that the defendant, Nathaniel Johnson Jr., did violate the laws of the State of South Carolina in that he did enter the home of the victim, through deception by asking to use her telephone and with the intent to commit a crime therein. The defendant did then display what appeared to be a firearm to the victim and forcibly confined the victim in her bedroom. The defendant did then force the victim to take her clothes off at which point he did forcibly insert his penis and his fingers into the victim's vagina. The defendant did then take approximately \$472.00 from a notebook belonging to the victim. This did occur at 94 Cuffy Road on St. Helena, Beaufort County, South Carolina on 02-07-2006 near the approximate hour of 1400. The affiant has witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Affiant's Address 2001 Duke StreetBeaufort, SC 29902-Affiant's Telephone (843)470-3469

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/7/2006defendant Nathaniel Jr. Johnson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Beaufort) as set forth below:DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 08/15/2006Signature of Issuing Judge (L.S.)

Darlene Smith

Judge Code: 5812Judge's Address Post Office Box 2207Beaufort, SC 29903-4865Judge's Telephone (843)470-3402Issuing Court: ☒ Judge☐ Municipal☐ Circuit☐ Circuit

ORIGINAL

AFFIDAVIT

Form App
S.C. Attor
April 21, 200
SCCA 518

Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County, South Carolina.

Michael W. Hootch
Chief Deputy Beaufort County Sheriff

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

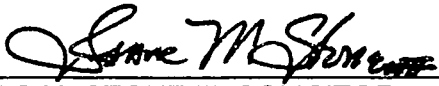
INDICTMENT 2006-GS-07-01640

At a Court of General Sessions, convened on September 21, 2006, the Grand Jurors of Beaufort County present upon their oath:

KIDNAPPING

That Nathaniel Johnson, Jr. did in Beaufort County on or about February 7, 2006, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, [REDACTED] by any means whatsoever without authority of law. All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ISAAC M. STONE III, SOLICITOR

ARREST WARRANT

J-330913

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

THE STATE

20060207359

against

Nathaniel Jr. Johnson

Address: 160 Storyteller Rd.

ST. HELENA, SC 29920

Phone: _____ SSN: _____

Sex: M Race: B Height: 5 10 Weight: 225

DL State: _____ DL #: _____

DOB: 7/26/1966 Agency ORI #: SC0070000Prosecuting Agency: Beaufort County SheriffProsecuting Officer: B Chapman - 2188Offense: Sex / Criminal sexual conduct - First degreeOffense Code: 0160Code/Ordinance Sec: 16-03-0652This warrant is CERTIFIED FOR SERVICE in the☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant NATHANIEL JOHNSONon 08/21/06

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions

PO Box 1128

102 Ribaut Road, Rm. 208

Beaufort, SC 299011128

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Personally appeared before me the affiant B Chapman whobeing duly sworn deposes and says that defendant Nathaniel Jr. Johnsondid within this county and state on or about 02/07/2006State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Beaufort)

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that the defendant, Nathaniel Johnson Jr., did violate the laws of the State of South Carolina in that he did enter the home of the victim, [REDACTED] through deception by asking to use her telephone and with the intent to commit a crime therein. The defendant did then display what appeared to be a firearm to the victim and forcibly confined the victim in her bedroom. The defendant did then force the victim to take her clothes off at which point he did forcibly insert his penis and his fingers into the victim's vagina. The defendant did then take approximately \$472.00 from a notebook belonging to the victim. This did occur at 94 Cuffy Road on St. Helena, Beaufort County, South Carolina on 02-07-2006 near the approximate hour of 1410. The affiant has witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Affiant's Address 2001 Duke StreetBeaufort, SC 29902-Affiant's Telephone (843)470-3469

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/7/2006 defendant Nathaniel Jr. Johnson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Beaufort as set forth below:DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 08/15/2006

Signature of Issuing Judge

Darlene Smith

Judge Code: 5812Judge's Address Post Office Box 2207Beaufort, SC 29903-4865Judge's Telephone (843)470-5202Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT 2006-GS-07-01641

At a Court of General Sessions, convened on September 21, 2006, the Grand Jurors of Beaufort County present upon their oath:

CRIMINAL SEXUAL CONDUCT 1ST DEGREE

That Nathaniel Johnson, Jr. did in Beaufort County on or about February 7, 2006, engage in sexual battery, to wit: vaginal intercourse and/or digital penetration upon and with the body of [REDACTED] without her consent. Such sexual battery was accomplished by the use of force. All in violation of SC Code of Laws § 16-3-652.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ISAAC M. STONE III, SOLICITOR

ARREST WARRANT

J-330913

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

THE STATE

20060207359

against

Nathaniel Jr. Johnson

Address: 160 Storyteller Rd.

ST. HELENA, SC 29920

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 10 Weight: 225

DL State: _____ DL #: _____

DOB: 7/26/1966 Agency ORI #: SC0070000

Prosecuting Agency: Beaufort County Sheriff

Prosecuting Officer: B Chapman - 2188

Offense: Sex / Criminal sexual conduct - First degree

Offense Code: 0160

Code/Ordinance Sec: 16-03-0652

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant NATHANIEL JOHNSONon 08/15/2006

Beaufort County Sheriff's Office

Beaufort County Sheriff's Office

Signature of Constable/Law Enforcement Officer

Beaufort County Sheriff's Office

RETURN WARRANT TO:

Beaufort County General Sessions

PO Box 228

02 Ribault Road, Rm. 208

Beaufort, SC 299011128

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Personally appeared before me the affiant B Chapman

being duly sworn deposes and says that defendant Nathaniel Jr. Johnson

did within this county and state on or about 02/07/2006

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Beaufort

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that the defendant, Nathaniel Johnson Jr., did violate the laws of the State of South Carolina in that he did enter the home of the victim, [REDACTED], through deception by asking to use her telephone and with the intent to commit a crime therein. The defendant did then display what appeared to be a firearm to the victim and forcibly confined the victim in her bedroom. The defendant did then force the victim to take her clothes off at which point he did forcibly insert his penis and his fingers into the victim's vagina. The defendant did then take approximately \$472.00 from a notebook belonging to the victim. This did occur at 94 Cuffy Road on St. Helena, Beaufort County, South Carolina on 02-07-2006 near the approximate hour of 1410. The affiant has witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Affiant's Address 2001 Duke Street

Beaufort, SC 29902-

Affiant's Telephone (843)470-3469

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/7/2006 defendant Nathaniel Jr. Johnson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Beaufort

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 08/15/2006

(L.S.)

Signature of Issuing Judge

Darlene Smith

Judge Code: 5812

Judge's Address Post Office Box 2207

Beaufort, SC 29903-4865

Judge's Telephone (843)470-5202

Issuing Court: ☒ Magistrate ☐ Municipal☐ Circuit

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Form Approver
S.C. Attorney
April 21, 2002
SCCA 518

AFFIDAVIT

Exhibit-21

who

violate the criminal laws of the

RECEIVED
Beaufort County Sheriff's Office
AUG 15 2006

BAIL set by

Judge W. H. Hall
on 8-22-06
Type and Amount: 75.00
Name of Surety: Cash

PRELIMINARY HEARING held by

Judge W. H. Hall
on 8-22-06

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

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Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

2006 AUG 22 AM 11:32

CODEFENDANTS

ARREST WARRANT

J-330914

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

THE STATE

20060207359

against

Nathaniel Jr. Johnson

Address: 160 Storyteller Rd.

ST. HELENA, SC 29920

Phone: SSN: [REDACTED]

Sex: M Race: B Height: 5 10 Weight: 225

DL State: DL #:

DOB: 7/26/1966 Agency ORI #: SC0070000

Prosecuting Agency: Beaufort County Sheriff

Prosecuting Officer: B Chapman - 2188

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant NATHANIEL JOHNSON

on 8-2-06

Beaufort M. Smith

Beaufort County

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions

PO Box 128

102 Ribaut Road, Rm. 208

Beaufort, SC 299011128

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ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Personally appeared before me the affiant B Chapman

being duly sworn deposes and says that defendant Nathaniel Jr. Johnson

did within this county and state on or about 02/07/2006

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Beaufort

in the following particulars:

DESCRIPTION OF OFFENSE Burglary / Burglary (After June 20, 1985) - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that the defendant, Nathaniel Johnson Jr., did violate the laws of the State of South Carolina in that he did enter the home of the victim, [REDACTED] through deception by asking to use her telephone and with the intent to commit a crime therein. The defendant did then display what appeared to be a firearm to the victim and forcibly confined the victim in her bedroom. The defendant did then force the victim to take her clothes off at which point he did forcibly insert his penis and his fingers into the victim's vagina. The defendant did then take approximately \$472.00 from a notebook belonging to the victim. This did occur at 94 Cuffy Road on St. Helena, Beaufort County, South Carolina on 02-07-2006 near the approximate hour of 1410. The affiant has witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Affiant's Address 2001 Duke Street

Beaufort, SC 29902-

Affiant's Telephone (843)470-3469

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe at

on or about 2/7/2006 defendant Nathaniel Jr. Johnson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Beaufort

as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 08/15/2006 (L.S.)

Signature of Issuing Judge

Darlene Smith

Judge Code: 5812

Judge's Address Post Office Box 2207

Beaufort, SC 29903-4865

Judge's Telephone (843)469-5202

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Exhibit #22

violate the criminal laws of the

BAIL set by

WITNESSES

Judge _____
on _____
Type and Amount _____
Name of Surety _____
Judge _____
on _____

PRELIMINARY HEARING held by

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

2006 AUG 22 AM 11:33

CODEFENDANTS

BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

WITNESSES

Chapman / BCSO

ARREST WARRANT NUMBER

J330914

ACTION OF GRAND JURY

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2006-GS-07-01642

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2006

THE STATE
vs.

Nathaniel Johnson, Jr.

Indictment for
BURGLARY/(AFTER 6/20/85)
1ST DEGREE

SC Code: 16-11-311
CDR Code: 079
Class FEL-EXM(V)

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2006-GS-07-01642

At a Court of General Sessions, convened on September 21, 2006, the Grand Jurors of Beaufort County present upon their oath:

BURGLARY/(AFTER 6/20/85) - 1ST DEG

That Nathaniel Johnson, Jr. did in Beaufort County on or about February 7, 2006, willfully and unlawfully enter the dwelling of **[REDACTED]** without consent and with the intent to commit a crime therein and the defendant was armed with a deadly weapon, all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ISAAC M. STONE, III, SOLICITOR
Certified A True Copy

Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

) STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2006-GS-07-01642

At a Court of General Sessions, convened on September 21, 2006, the Grand Jurors of Beaufort County present upon their oath:

BURGLARY/(AFTER 6/20/85) - 1ST DEG

That Nathaniel Johnson, Jr. did in Beaufort County on or about February 7, 2006, willfully and unlawfully enter the dwelling of [REDACTED], without consent and with the intent to commit a crime therein and the defendant was armed with a deadly weapon, all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ISAAC M. STONE, III, SOLICITOR

WITNESSES

Chapman / BCSO

ARREST WARRANT NUMBER

J330914

ACTION OF GRAND JURY

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2006-GS-07-01642

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2006

THE STATE

vs.

Nathaniel Johnson, Jr.

Indictment for

BURGLARY/(AFTER 6/20/85)
1ST DEGREE

SC Code: 16-11-311
CDR Code: 079
Class FEL-EXM(V)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

V
STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT
C/A NO.: 2006-GS-07-01642

STATE OF SOUTH CAROLINA,)
Plaintiff,)
v.)
NATHANIEL JOHNSON, JR.,)
Defendant.)

VERDICT

We the Jury, by unanimous consent, on the charge of Burglary in the 1st Degree, find the Defendant, Nathaniel Johnson, Jr.:

_____ Guilty;

OR

 X Not Guilty.


FOR PERSON

Dated this 14th day of March, 2007,
at Beaufort, South Carolina.

When you have reached a unanimous verdict in the case, please knock on the door of your jury room and a bailiff will assist you.

Certified - A True Copy


Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

ARREST WARRANT

J-330915

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

THE STATE 20060207359
against

Nathaniel Jr. Johnson

Address: 160 Storyteller Rd.

ST. HELENA, SC 29920

Phone: SSN: [REDACTED]
Sex: M Race: B Height: 5 10 Weight: 225

DL State: DL #: [REDACTED]

DOB: 7/26/1966 Agency ORI #: SC0070000

Prosecuting Agency: Beaufort County Sheriff

Prosecuting Officer: B Chapman - 2188

Offense: Weapons / Poss. weapon during violent crime, if
not also sentenced to life without parole or death

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on 08/15/2006
Beaufort County
Beaufort County General Sessions
PO Box 2128
102 Ribaut Road, Rm. 208
Beaufort, SC 299011128

WARRANT TO:

Beaufort County General Sessions

PO Box 2128

102 Ribaut Road, Rm. 208

Beaufort, SC 299011128

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ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Personally appeared before me the affiant B Chapman

being duly sworn deposes and says that defendant Nathaniel Jr. Johnson

did within this county and state on or about 02/07/2006

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Beaufort

in the following particulars:

DESCRIPTION OF OFFENSE

Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:In that the defendant, Nathaniel Johnson Jr., did violate the laws of the State of South Carolina in that he did enter the home of the
victim, [REDACTED] through deception by asking to use her telephone and with the intent to commit a crime therein. The
defendant did then display what appeared to be a firearm to the victim and forcibly confined the victim in her bedroom. The
defendant did then force the victim to take her clothes off at which point he did forcibly insert his penis and his fingers into the
victim's vagina. The defendant did then take approximately \$472.00 from a notebook belonging to the victim. This did occur at 94
Cuffy Road on St. Helena, Beaufort County, South Carolina on 02-07-2006 near the approximate hour of 1410. The affiant has
witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Affiant's Address 2001 Duke Street

Beaufort, SC 29902-

Affiant's Telephone (843)470-3469

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe it

on or about 2/7/2006

defendant Nathaniel Jr. Johnson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Beaufort

) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 08/15/2006

Signature of Issuing Judge

Darlene Smith

Judge Code: 5812

Judge's Address

Post Office Box 2207

Beaufort, SC 29903-4865

Judge's Telephone

(843)470-5202

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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ORIGINAL

AFFIDAVIT

Exhibit #23

Approved by
Notary General
8/22/2006

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

2006 AUG 22 AM 11:32

CODEFENDANTS

BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.



JURORS

BAIL set by

Judge W. H. Smith
on 8-22-06
Type and Amount: \$21.00
Name of Surety: Chub

Judge _____
on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

DOCKET NO. 2006-GS-07-01643

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2006

THE STATE
vs.

Nathaniel Johnson, Jr.

Indictment for
USE OF A FIREARM DURING
COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-0490

CDR Code: 0549

Class FEL/F

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

WITNESSES

Chapman / BCSO

ARREST WARRANT NUMBER

J330915

ACTION OF GRAND JURY

Three Bill

VERDICT

For person of Grand Jury

Date: SEP 7 2006

For person of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2006-GS-07-01643

At a Court of General Sessions, convened on September 21, 2006, the Grand Jurors of Beaufort County present upon their oath:

USE OF A FIREARM DURING COMMISSION OF A VIOLENT CRIME

That Nathaniel Johnson, Jr. did in Beaufort County on or about February 7, 2006, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Burglary 1st degree and/or Criminal Sexual Conduct 1st degree, in violation of Code Section 16-23-490, *Code of Laws of South Carolina*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ISAAC M. STONE, III, SOLICITOR

Certified - A True Copy



Elizabeth M. Smith - Clerk of Court
Beaufort County, SC

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

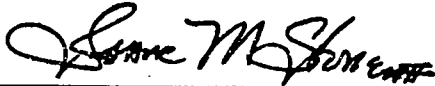
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Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ISAAC M. STONE, III, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Howard P. King, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NATHANIEL JOHNSON,

APPELLANT

FINAL BRIEF OF APPELLANT

LANELLE C. DURANT
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1343

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the trial court err in failing to grant the mistrial motion when the evidence of a prior bad act was not admissible?

STATEMENT

Petitioner was convicted of kidnapping and criminal sexual conduct in the first degree after a jury trial held before the Honorable Howard P. King on March 12-14, 2007, in Beaufort County. A sentence of thirty (30) years was imposed on each charge. Stephanie Smart, Esquire was trial counsel.

Petitioner appealed his convictions and they were affirmed by the Court of Appeals on December 11, 2008. State v. Johnson, Op. No. 2008-UP-690.

Petitioner filed an application for post-conviction relief on March 9, 2009. An evidentiary hearing was held on August 30, 2011, before the Honorable D. Craig Brown. Petitioner was present and was represented by Timothy M. Wogan, Esquire. Respondent was represented by Matthew J. Friedman, Assistant Attorney General. Both petitioner and trial counsel testified at the hearing.

On October 6, 2011, Judge Brown issued an order denying and dismissing the application for post-conviction relief.

This petition follows.

ARGUMENT

Trial counsel was ineffective in failing to object to the trial court's curative instruction after petitioner's character was twice put into issue because the instruction was not sufficient to cure the errors.

Petitioner was tried for criminal sexual conduct in the first degree in that he engaged in a sexual battery with force on the victim on or about February 7, 2006. He was also tried for kidnapping the same victim.

In the early afternoon, the victim was home with her three children. A man that she later identified as petitioner knocked on her door. She allowed him to enter to use the telephone. Petitioner used the phone and then pulled a gun on the victim and forced her into the bedroom where he raped her. The victim ran from the house and found some nearby workers to help her. (App. p. 47, line 16 – p. 52, line 23; app. p. 56, line 8 – p. 60, line 14; app. p. 63, line 9 – p. 64, line 9).

Trial counsel in closing argument maintained that petitioner and the victim were having an affair. The victim had stated that her husband would kill them if he found them together. There were workmen in the area and she never yelled for help. She also could not identify petitioner in two photo lineups and there appeared to be no signs of struggle in the house. (App. p. 295, line 4 – p. 308, line 17).

With credibility being an issue, the State through Investigator Chapman with the Beaufort County Sheriff's Department twice placed petitioner's character into issue with prior bad acts. First, Chapman said appellant had been arrested on unrelated charges. Trial counsel objected. There was a side bar and a bench conference was held off the record. The trial court told the court reporter to

make a note at that point on her tape so the court could review the matter later. (App. p. 170, line 18 – p. 171, line 3). Later, Chapman said he was able to obtain a DNA sample from petitioner because he was in the Beaufort County Detention Center. Trial counsel again objected and the trial court told the jury to disregard where petitioner was. Trial counsel again argued that prior bad acts were not admissible. (App. p. 177, line 12 – p. 180, line 8). She said she wanted to renew her motion for the record but then said she did not think she made her motion. (App. p. 182, lines 14-15). The trial court put on the record that during the side bar concerning the unrelated charges, trial counsel did object and she had a motion in connection with that. The court said that it told her he would mark it as a motion timely made and asked to hear from her in that regard. Trial counsel again argued that these were instances of prior bad acts. (App. p. 183, lines 2-22). Ultimately, the trial court denied trial counsel's motion and gave the jury a curative instruction. (App. p. 188, line 15 – p. 191, line 21).

The mistrial motion was argued on direct appeal. The Court of Appeals affirmed petitioner's convictions. State v. Johnson, Op. No. 2008-UP-690.

Petitioner alleged in his application for post-conviction relief that trial counsel failed to object in a timely manner at trial. (App. p. 384). At the evidentiary hearing, trial counsel testified that the Court of Appeals ruled that the direct appeal issue had not been preserved because she did not make a contemporaneous objection to the curative instruction. (App. p. 442, lines 11-12). Trial counsel admitted she did not timely object and that she thought that the testimony about the unrelated charges was objectional testimony. (App. p. 441, lines 8-14). She stated no strategic basis for failing to object.

In Martinez v. State, 304 S.C. 39, 403 S.E.2d 113 (1991) the Court wrote:

To establish a claim of ineffective assistance of counsel, the defendant must show that (1) counsel's representation fell below an objective standard of reasonableness, and (2) that, but for counsel's errors, there is a reasonable probability the result would have been different. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." Strickland v. Washington, 466 U.S. 668, 694, 104 S. Ct. 2052, 2068, 80 L.Ed.2d 674, 698 (1984); Mitchell v. State, 298 S.C. 186, 189, 379 S.E.2d 123, 125 (1989).

In Mitchell v. State cited above the Court wrote:

In a criminal case, the State cannot attack the character of the defendant unless the defendant herself first places her character in issue. State v. McElveen, 280 S.C. 325, 313 S.E. 2d 298 (1984). State v. Swords, 279 S.C. 554, 309 S.E.2d 750 (1983); State v. Gamble, 247 S.C. 214, 146 S.E. 2d 709 (1966). Further, evidence of prior bad acts is inadmissible to show criminal propensity or to demonstrate that the accused is a bad person. State v. Johnson, 293 S.C. 321, 360 S.E. 2d 317 (1987). Counsel's failure to object to the introduction of this character evidence constituted ineffectiveness.

* The Court has ruled before that "character evidence is so highly prejudicial that it is usually excluded under the fast rules." State v. Ross, 272 S.C.56,249 S.E.2d 159 (1978), citing State v. Britt, 235 S.C. 395, 111 S.E. 2d 669 (1959) overruled on other grounds by State v. Torrence, 305 S.C. 45, 406 S.E. 2d 315 (1991).

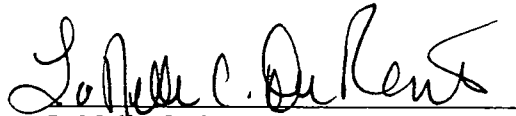
Petitioner in this case had not taken the stand and he did not place his character in issue. Under Rule 608, SCRE, petitioner's character could only be questioned on cross-examination on specific acts that show untruthfulness. Officer Chapman's blurting out that petitioner was arrested on unrelated charges and that he was in the Beaufort County Detention Center was nothing more than character assassination. It was irrelevant and immaterial to the charges for which he was on trial.

Counsel failed to properly preserve this issue for appellate review because she failed to object to the sufficiency of the curative charge or move for a mistrial. State v. George, 323 S.C. 496, 476 S.E. 2d 903 (1996); State v. Harry, 321 S.C. 273, 468 S.E. 2d 76 (Ct. App. 1996); State v. Moyd, 321 S.C. 256, 468 S.E. 2d 7 (Ct. App. 1996). This is one of those instances where a curative instruction could not fix the two character issues. State v. Kennedy, 272 S.C. 231, 250 S.E. 2d 338 (1978); State v. Robinson. The curative instruction could not unring the bell of petitioner's character being put into issue. The PCR judge failed to address trial counsel's failure to object to the curative charge to preserve that issue for appeal.

CONCLUSION

Based on the foregoing reasons, the conviction should be vacated.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "LaNelle C. DuRant", written over a horizontal line.

LaNelle C. DuRant
Appellate Defender

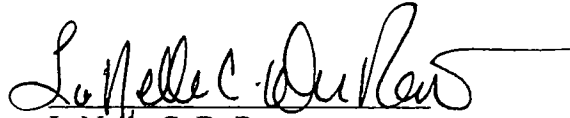
ATTORNEY FOR APPELLANT

This 7th day of April, 2008.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief complies with Rule 211(b), SCACR.

April 7, 2008

A handwritten signature in black ink, appearing to read "LaNelle C. DuRant", with a long horizontal flourish extending to the right.

LaNelle C. DuRant
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, SC 29211-1589
803) 734-1343
Attorney for Appellant

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Howard P. King, Circuit Court Judge

THE STATE,

RESPONDENT,

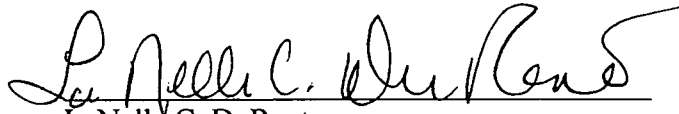
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NATHANIEL JOHNSON,

APPELLANT

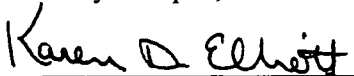
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon Julie M. Thames, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 7th day of April, 2008.


LaNelle C. DuRant
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 7th day of April, 2008.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: March 19, 2017.

Mr. Nathaniel Johnson #211574
LCI. Stone-B'50
P.O. Box 205
Ridgeville, SC 29472

RECEIVED
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MAIL ROOM
LIEBER CL

Daniel E. Shearouse
Clerk of Supreme Court
P.O. Box 11330
Columbia, SC 29211



FIRST CLASS

Nathaniel Johnson Jr. #211574
Stone-B #50
Box 205
ville, S.C. 29472

The Honorable Daniel E. Shearouse
Clerk of Supreme Court of S.C.

P.O. Box 11330
Columbia, S.C. 29211