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In The State of South Carolina
In the Court of Appeals

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JAN 11 2014

SC Court of Appeals

Appeal From Horry County
Court of Common Pleas

William H. Seal Jr. Circuit Court Judge

Case no. 2014-C.P. 26-5195

State of South Carolina Jessica Kinard

Damien Johnson

Respondent

Appellant.

Notice of Motion and Motion to Show Cause

For Appeal OF Order.

The petitioner humbly submits the above stated Motion to Show Cause. The basis for the Motion is that the Honorable Judge, has once again ruled in error, contrary to binding precedent. Homogenous to his antecedent execution of dismissal with prejudice of the petitioners PCR. petition. Albeit the petitioner discerned that he was totally deprived of counsel during his direct appeal see *Eritts v Lucey* 105 S.Ct. 830. If this Order were permitted, the courts would be committing a violation of due process, equal protection of the law and denial of access to the court. In consideration to these orders that are antithetical to the precedent case law. The Judges actions project the appearance that he does not wish to permit the appellant access to the court a fundamental right or has bias. Which is predicated by the order of dismissal for such minuscule, insignificant and impertinent reasons. Albeit the appellant is a "prose" litigant and his pleadings are accorded liberal construction and held to a less stringent standard than formal pleadings drafted by an attorney citing *Erickson v Pardus*. 127 S.Ct., *Gordon v Lee* Ke 574 F. 2d 1147.

Furthermore, the petitioner met the time laches issued by the courts and relinquished copies of the Notice of Intent to Appeal to both Courts of record Horry County and SC Court of Appeals well within the established deadlines. As well as corrected all errors discerned by the Court within their temporal proximity. To be noted the petitioner is incarcerated and doesn't have the benefit of controlling when material is mailed or lost. This is the basis of the US. Supreme Court establishing the prison Mail box rule see *Houston v Lack* 108 S.Ct. 2379

Damien Johnson
SUI JURIS

In the State of South Carolina

In the Court of Appeals

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Appeal From Horry County

Court of Common Pleas

William H Seals Jr. Circuit Court Judge

JAN 11 2016

SC Court of Appeals

Case no: 2014-CP-26-5145

State of South Carolina; Jessica Kinard

Respondent

Damien O Johnson

Appellant

Affidavit of Service

I certify that I have served the Notice of Appeal and placed a copy of it in the mail, postage prepaid on January, 2016 to Jessica Kinard P.O. Box 11549 Columbia SC. 29211-1549 Jenny Abbott Kitchings Honorable Clerk of South Carolina Court of Appeals P.O. Box 11629 and Melanie Huggins Ward Honorable Clerk of Horry County P.O. Box 677 Conway SC. and upon receipt could you please forward copies to William H Seals 12th Judicial Circuit 208 West Dozier St Marion SC. 29571. As well as the Motion to Show Cause

Sworn or affirmed to and subscribed before me this

~~20~~ 6th day of JANUARY 20 16

[Signature]

Notary Public

My Commission Expires: Dec 10, 2024

[Signature]
SUI JURIS

Damien O Johnson 305511
Tyger River CI Inst
100-200 Prison Rd Enoree SC.
29355

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Notice of Appeal From Order
The State of South Carolina
In The Court of Appeals

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JAN 11 2016

SC Court of Appeals

Appeal From Horry County
Court of Common Pleas
William H Seals Jr. Circuit Court Judge

Case no.: 2014-CP-26-05195



Notice of Appeal

Damien Johnson appeals the order of the Honorable William H Seals Jr. dated December 23, 2015 which dismissed the petitioners Appeal of his PCR. Appellant recieved written notice of the Order on December 29, 2015

Sworn or affirmed to and subscribed before me this
6th of JANUARY 2016

[Signature]

My Commission Expires: Dec. 10, 2024

Damien Johnson

Damien O Johnson 305511
Tyger River CI 100-200
Prison Rd Enoree SC, 29355

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The South Carolina Court of Appeals

RECEIVED

JAN 11 2016

SC Court of Appeals

Jessica E. Kinard, Respondent,

v.

Damien O. Johnson, Appellant.

Appellate Case No. 2015-002492

The Honorable William H. Seals, Jr.

Horry County

Trial Court Case No. 2014CP2605195

ORDER

Appellant has failed to provide proof of timely service of the notice of appeal on the respondent and has failed to provide a copy of the order being appealed, as required by Rule 203 of the South Carolina Appellate Court Rules, and as requested in the Court's letter of December 18, 2015. Appellant has failed to provide proof of service of the motion to proceed in forma pauperis on the respondent, as requested in the Court's letter of December 18, 2015. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

Damien O'Bryan Johnson, 305511

FILED

December 23, 2015


Damien Johnson 305511
Tyger River Corr. Inst 100-200
Prison Rd Enoree SC. 29355

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JAN 07 2016
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Mailroom

South Carolina Court of Appeals
Honorable Jenny Abbott Kitchings Clerk
Post Office Box 11629
Columbia SC 29211

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SC Court of Appeals