JESUS IS LORD

And the Lord said unto the servant, "Go out into the Highways and hedges, and compel them to come In, that my house may be filled."
Luke 14:23

Rev. Willie Johnson, #127069 E-A1-7
Kirkland Correctional Institution
4344 Broad River Road
Columbia, S.C. 29210

The Honorable Donald W. Beatty, Chief Justice
Supreme Court of South Carolina
1231 Gervais Street
Columbia, S.C. 29201

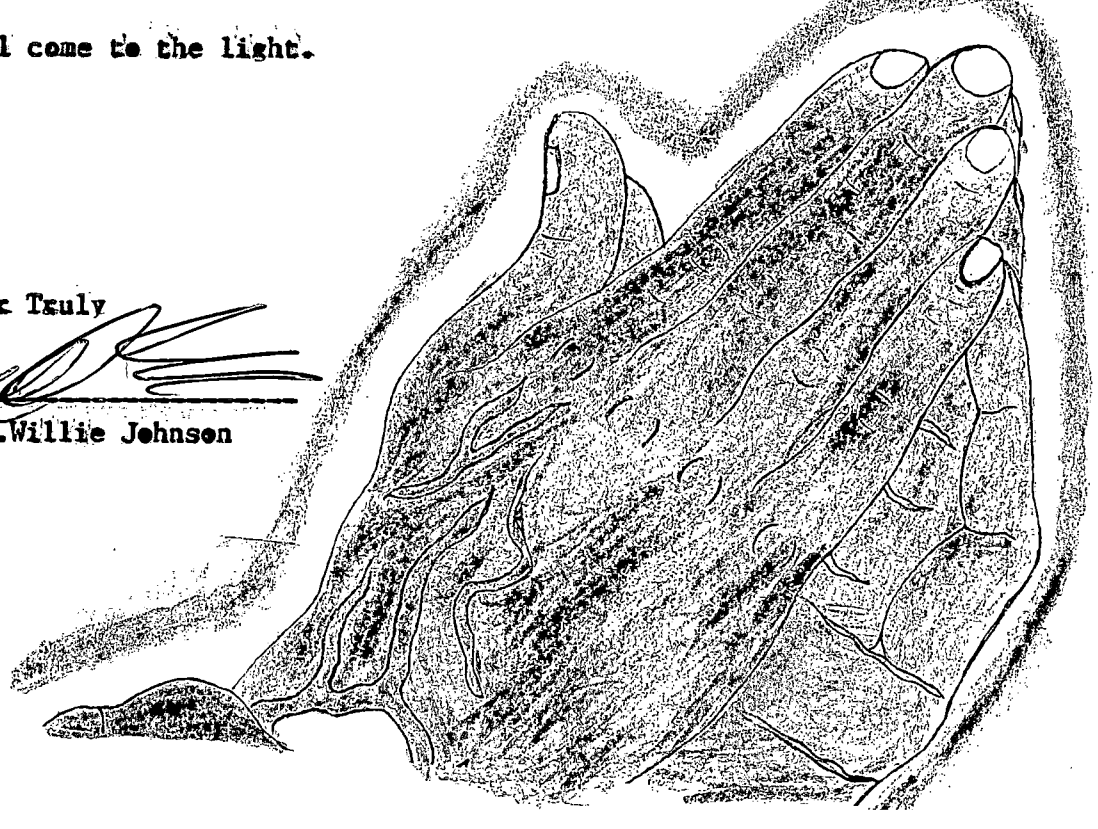
RECEIVED
AUG 17 2018
S.C. SUPREME COURT

RE: Rev. Willie Johnson v. State of South Carolina
Appellate Case No. 2018-000401

Dear Chief Justice Baetty:

Enclosed you will find original Retition for Rehearin to be forward to the Court

Inaddition, someone forged your name on the Court Order that was sent to me.. I compare your siggnature with the one I have. You can send someone to pick it up are you come yourself at Kirkland, God said everything in the dark will come to the light.



Saur Truly

Rev. Willie Johnson

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED
AUG 17 2018
S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS
R.MARKLEY DENNIS, JR., CIRCUIT COURT JUDGE

Appellate Case No. 2018-000401

Rev.Willie Johnson, #127069 ..... Petitioner

v.

State of South Carolina ..... Respondent

PETITION FOR REHEARING

The Petitioner Rev.Willie Johnson Pro Se, pursuant to Rule 221, SCACR, moves the Court to Reconsider Order its 2nd August, 2018 in support of the Petition, the Petitioner show the following in the Court:

This Court overlooked a material fact in the Record a Statute a decision which is controlling as authority has erroneously construed misapplied a provision of law a controlling authority in the following respect

A. Was the Petitioner's Forteeenth Amendment Rights of the United States Constitution and his Rights of Due Process violated by the Courts for overlooking a material fact that set forth in the Record.

SUPPORTING FACTS AND ARGUMENT:

The Petitioner contends it is well established by the South Carolina Supreme Court set forth In, In Re Smith, 348 S.C.22,559 S.E.2d 584 (2002), Our Supreme

Court held that Public Reprimand was warranted for Judge's failure to personally sign various Court Order. However, just as in In Re Smith Supra a case involving a very smiliar South Carolina unsigned court and documents decided two years before the Petitioner discovered 2004 his commitment ... order was not signed by the trial judge and Petitioner filed his petition within one year after the date of actual discovery of the facts. Here, the on page 9-10 in Final Order of Dismissal the Lower Court misconstrued the Supreme Court Ruling in In Re Smith Supra to be inapplicale. In this case, the Supreme Court of Supreme Court Ruling is binging authority that a judge personally sign various [Court Order] issued in his name. (Quoting Lower Court, the Supreme Court of South Carolina reprimanded a magistrate judge for knowingly allowing his office personal to sign orders in his name.) As [Quoting Supreme Court of South Carolina Ruling that Public Reprimand was warranted for Judge's failure to personally sign various Court Order issued in his name. Here, Lower Court committed [Constructive fraud[upon the Court. As a result, this Court overlooked Lower Court Judicial Misconduct.

The Petitioner avers in Bean v. State, 388 S.C. 272, 695 S.E.2d 858 (201) the Court found (holding a oral pronouncement is modifiably by the judge and the sentence is only final once singed by the judges and entered by the clerk.) Thus, Supreme Court of South Carolina precedent cases law has farmly established that a Court Order must be signed, before it come to be final. See also, Bowman v. Richland Men' Hosp, 385 S.E. 88, 91 515 S.E.2d 259,260 (1999), Specificallit, such prouncement is not a final Ruling on the merits nor is it binding on the Petitioner until it has been reduce to writing, signed by the judge and delivered for recordation. On the facts of this case, the case present an important issue and was decided by the Court below in a manner arguably at odds with prior decision of Supreme Court of South Carolina.

The fact pertaining to this issue is taken sub-justice from the official record. It is perspicuous that on March 8,2018, the Court given the Petitioner permision to have Petition for Writ of Certiorari and Appendix to be consider for a Explanation. Thus, the Petitioner argues that the Lower Court mention in their [Order] that [Appeal] would consider as a [Explanation], the Lower Court deision was [IT IS THEREFORE ORDERED that for the reasons set forth herein-

the Application for post-conviction relief is hereby denied and dismissed with prejudice.] Therefore, this Court modified the Lower Court, to Rule 243 (c), SCACR. Section (c) is inapplicable to this case. Here, the Court did not address Petition for Writ Certiorari within their (Order) dated August 2,2018. But to reiterate a critical point, the Petitioner send the Chief Justice, back of the letter dated March 8,2018, to substantiate that the Court given permission go forth as a [Explanation]. In this case, the Court overlooked the material fact in the Petitioner Petition for Writ of Certiorari and Appendix. Obviously, the letter that Petitioner sent to Chief Justice was intercept to prevent his office from receiving this letter.

This legal frameform and foundation being firmly in place, The Court is compelled to look at the facts in regard to this case sub-justice because the law arises from facts (Ex Facto Oritur Jus). The Lower Court alleges on page 9 that the trial judge handwritten signature appears in the indictment and verdict form. Here, the Supreme Court of South Carolina hild in State v. Gentry, 363 S.C. 93, 610 S.E.2d 404 (2005), the indictment is a "notice document" but being being a "notice document" is only one of the many purposes and functions it was created for the [Honorable Judge Pleconies proceeding in question belong and enact it's Subject Matter Judiciary powers placing these powers in operation is an indictment. Futher, thelegislature or Supreme Court of South Carolina has not made provisions in Statutory or cas law given the Courts authorization to utilze a indictment as Court Order. Further, Lower Court should counduct a Hearing to see whether the signature on face of the indictment was the trial trial. Once again, this Court overlooked these material fact in this case. As set forth, the Court is arbitrary and capriciora; cause unreasonable harm and hardship; and in violation of the Forteenth Amendment.

With respect, Lower Court and others Courts is not a Judicial System, it's circus. These courts, flatly refuse refuse to obey the law. All South Carolina Court Order should be declared void as long as Lower Court refuse to obey their own rules. A litigant has a right, under the 14th Amendment to a Court Order, and shouldn't have to guess as to whether or not it's properly signed." Further, our President claim he is above the law, that is for from the truth. As a result, The Government is a government of laws, not of men. No one is above the law. No officer of the Government can use authority unless the Constitution or the law permits. How long the highest courts in the State going to allow this [Circus] to operate in our Judicial System in South Carolina? It is time to take politice out of .....

Judicial System and place the Justice back into our Judicial System.

In the case of Elkins Et Al. v. United States, 364 U.S. 206, 80 S.Ct. 1437, 4.L. Ed 2d 1669 the United States Supreme Court, speaking about the imperrative of judical integrity stated:

> • "in a gerernment of law", said Mr.Justice Brandeis, "existence of the government will be imperiled if it fails to observe the law scruplously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarcghy."

B. Did the South Carolina Supreme Court abuse their discretionary power and in such, overlooked the controlling authority that is binding precedent by United states Supreme Court?

The Petitioner humbly quotes that which is stated in the United States Supreme Court it is well established in Life & Fire Ins.Co. of New York v. Wilson's Herrs, 33 U.S. 291 8 Pet 291 1834 WL 3789; Thompson v. Tolmie, 27 U.S. 157 2 Pet 157 1829 WL 3177 7 L.Ed. 351, 'by a positive law of State of Louisiana, all judgments rendered, if not set aside for legal case within a given numver days must be signed by the judge before them; in other words, the judgments are not complete, or rather are no judgment at all, this State expressly requires the signature of the judge, before the judgment can be carried into effect; for there may arise ... sufficient reasons between the rendition of a judgment pro form, and the time allowed for signing it, to induce the judge to withhold his signature, that such reasons did for it is a legal presumption that public functionaries perform there duty when required; and although it is not expected that the judge's signature to a order being, by our law, an essential part of it, inassuch as it is a dead letter without it, without the signature of the judge, cannot be enforced.

"Teaching of the case is that the Statute (commonly called the practice act, which by the act of Congress of 20th May 1824, adopting the practice of the States Court's regulates the practice of the United States Courts in Louisiana, cantains the provision requires judgments to be signed, is of the 10th April 1805 (5 Martin's Digest 104,; and is not to be found in Morcau's Digest. The Code of practice has changed the course of proceeding in the State Courts; signing virtually authories-

an execution was wanted, inadvertunty emitted as it was, still the application for this formal act to be done, would seem to be in full time, when execution was necessary, and the Petitioner has become entitled to it.

Both due process and common sense dictate that State of Louisianan is South Carolina (sister) State, and their laws are applicable in this State. As set forth, this Court bound by United States Supreme Court precedent. Here, the South Carolina Supreme Court, like any other State or Federal Court is bound by the U.S. Supreme Court's interpretation of Federal law.

Void judgments void forever. The passing of time does not covert a void judgment into a valid judgment. In Rufus Rhine V.M.E. Montgomery, Magistrate Judge of Scott County, Missouri, 422 S.W.2d 601, it was decided that any kind of proceeding to cacel a void judgement is proper.

C. Did the South Carolina Supreme Court and Lower Court misconstrued the applicable law of the Constitution and was sustained by Statute?

SUPPORTING AND FACTS AND ARGUMENT

Rev.Willie asserts the matter are constitutional issues of statewide importance by State and Federal Statute because unless the South Carolina Supreme Court meets all of his demands set forth in statute below [Rev.Johnson] will be denied his [Due Process] and this will cast doubt upon the fairness and integrity of the criminal justice system and [Controlling Authority] set forth in the Statute. There is to suggest that this Court will continuse to denied Rev.Johnson of his [Due Process] because of shaded dealing going on in this case, due to political pressure to derailed the justice in [Rev.Johnson] case. Here, this case is similar, to Pilate. While Pilate was hesitating as to what he should do, a messenger pressed through the crowd, and handed him the letter from his wife which read: "Have thou nothing to do with that just man, for I have suffered many things this day in a dream because of him." Pilate did not want to deliver Jesus. But he saw that he could not do this and yet retain his own position and jonor. Rather than loose. his worldly power, he chose to sacrifice an innocent life. How many, to escape lose or suffering, in like manner sacrifice principle. Conscience and duty point one way, and self-interest points another. The current sets strongly in the wrong direction, and he who compromises with evil is swept away into the thick darkness of guilt. Pilate yielded to the demands of the mob rather than risk losing his-

position. He delivered Jesus up to be crucified. But in spite of his procuration, the very thing he dreaded afterward cam upon him, his honor were stripped from him. He was cast down from his high office, and stung by remorse, and wounded pride. So all who comprise with injustice will gain.... sorrow and ruin. As a result, this Court rather yielded to the demands of the [Lower Court] and [Politican] than risk losing their position. It is time to snatch the blindfold off injustice in the State of South Carolina.

Additionally, there is an argument to be made that the Statute is.... controllinf [Authority]. Here, this Court has a duty to apply State Law, and accordingly has no discrition to ignore the jurisdictioned dictates of the door closing Statute. The highlighted language appears in Rule (d), SCRCP:

- Sec. (d) The judgment must be signed by the judge and sent to clerk of court for filing.

Moreover, the language of Rule 77 (d), SCRCP, clearly an applicable Rule that set forth a trial judge must signed the Court Order. This Court failed to comply with this Rule that was set forth by legislature.

In the case at bar, the Federal Statute corroborate with Rule 77 (d),SCRCP. Pursuant to 18 U.S.C.A. Rule 32 (1)(b), which provide:

- The judgment must be signed by the judge and sent to Clerk of Court.

Specifically, the Rule and Statute create a [Binding Authority] upon this Court.

The legislature has made a provision in the [Uniform Comercial] Code the standard for documents and Court Order to be signed. Pursuant to S.C.Code Ann. § 38-4-401. Sec. (1) Signature.

- Sec. (1) **No person is liable on an instrument unless his signature appears thereon.**

In fact, when the Courts type or write out a proposed judgment or order that is exactly what it is until it is signed: **PROPOSED.** A judgment or order does not take on any Official meaning to someone with the proper authority put their-

"JOHN HANCOCK" on it. These facts are controlling authority.

The requirement for Official signature are nore regid. 80 C.J.S Signature § 9.

Specifically, 18 C.S.C.A. § 505. Seals of Court: Signature of judge or Court Officier.

This principle was reilerate again in 18 U.S.C.A. § 3621:

> • Sec. (c) Delivery of order commitment. When a prisoner, pursuant to a Court Order, is place in the custody of a person in charge of a penal or correctional facility a copy of the Order shall be delivered to such person as evidence of this authority to hold the prisoner, and the original Order, with the return enorsed thereon, shall ba returned to Court that issue it.

Quite plainly, therefore, this Statute are standard procedure for a individual enter into a Correctional Facility.

Analysis of this case shows that the Courts overlooked the material fact and Statute within this case.

In the instant case, this Court mistrued the applicable law of the Constitution and was sustained in doing so, it deprived the Petitioner of his Due Process. Further, neglecting to have adequate factual bais for signed paper constitutes violation of Rule 11, see also Walker v. Walker, 554 F.Supp. 1443.Thus, a typewritten name on a Court Order is not a "signature" under Rule 11, SCRCP.

D. The South Carolina Supreme Court overlooked SCDC Policies which is binding authority.

SUPPORTING FACTS AND ARGUMENT

The Petitioner contends it is well established by SCDC Policies. Here, Director promulgated in his Policy and Procedures on enters SCDC, pursuant to OP-21.04. Inmate Classification Plan, which provide:

- **Sec. 4.2 Each inmate's commitment papers will be reviewed by the receiving person and delivered to the appropriated R & E records person for processing. The R & E Record Staff will review the commitment papers to ensure that inmate has a valid South Carolina sentence. Inmates who do not have valid commitment paper or a valid South Carolina sentence will not be accepted by the SCDC.**

Moreover, **SCDC Policy** is Binding authority. Here, SCDC Official failed to abide by their own Policy-Procedures. Pursuant to **S.C.Code Ann.§ 24-1-90 Director autherized to make rule and regulations.**

- **The director shall have autthority to make and promulgate rules and regulations necessary for the proper performance of the department's functions.**

This is a case where the Director, Lower Court and this Court "personally had a job to do, and they did not do it," and their failure to do their job was" so **likely to result in the violation of [Rev.Johnson]' constitutional rights as to establish a clear due process vviolation.**

In this case, there can be no doubt, that this Court overlooked the mandatory language in **SCDC Policies.** In this context, "shall" is mandatory. See Robinson v. Shell Oil Company, 117 S.Ct. 843,846 (1997, **IN SCDC Policies utilizes the words, "Shall" & "Will", which is mandatory.**

The facts clearly demonstrate that agency must received a signed commitment order before agency would accept an individual into SCDC. Thus, SCDC Official was well aware of the Petitioner unsigned Court Order. As set forth, the Petitioner falely imprisonment on unsigned Court Order.

In fact, SCDC Director promulgated another Policy set forth **OP-12.09, "Inmate Record Plan":**

- **Sec. 6.3.1 Review each commitment oreder for offense dates, sentences, signatures, indictment and warrant number by the Court. In addition, a ckeck for a previous SCDC number(s, will be complete. If a previous SCDC number(s, is identified, the old and new inmate records will be combined.**

Nevertheless, no procedural principle is more familiar to the Court than that a constitutional right is overlooked in criminal cases as well as civi cases by failure to make timely assertion of the right befoe a tribunal having jurisdiction to hear ir and determine it. Nonetheless, the Court's ability and authority to correct forfeited errors are guaranteed by Federal Rules of Criminal Procedures,

Rule 52 (b). Applicale also in this Petition. Thus, to not bring into account and correct the errors outline in this case would be a deep dark stain on the fabric of judicial fairness and integrity and injustice that has been play out before this Court. See United States v. Cedelle, 89 F.3d 181 (4th Cir 1996).

E. The Court is proceeding under mistake of law

SUPPORTING FACTS AND ARGUMENT

The Petitioner contends that upon examination of the record that he was brought under wrong PCR Statute. As set forth, the Petitioner filed his PCR ... Application under umbrella of S.C.Code Ann.§ 17-27-20 (a)(5), which provides for a post-conviction relief action to be brought by one claiming that "..... he is otherwise unlawfully held in custody or other restraint."

The South Carolina Supreme Court should determine whether a petition for post-conviction relief is timely. the Court should look to the statute in effect at the time of charge or conviction. Here, there is no Probative facts that South Carolina Legislaure considered whether the Uniform Post-Conviction Procedure Act. S.C.Code Ann.§ 17-27-10 to § 17-27-100 to be considered retrospectively. the ... language make clear that "ACT" only applied prospectively, and not retroactively. "[T]he first rule of construction is that legislation must be considered as ... addressed to the future not the past. .... [A] restrospective operation rights will not be given to a statute which interfers with antecedent rights ... unless such be 'the unequivocal and infexible terms, and the manifest intention of the legislation'" Uion Pacific R. Co.. v. Larimie Stock Yard Co., 231 U.S. 190,199 34 S.Ct. 101. and stated: "notwithstanding the provisions of this section 17-27-10 § 17-27-100 applies retroactively and prospecvively: And, is being unalwfully applied. Here, this Statute did not exist when Petitioner was sentenced. As set forth, the onle Statute was in exist of law 17-27-20 and Legislaure has not repeal this Statute. See Al-Shabaaa v. State, 527 S.E.2d 742 (S.C.2000).

In fact, Lower Court deliverately made a mistake of law in this case. Here, the Lower Court alleges in the Court Order on page 6 [The South Carolina Supreme Court has held that the Statute of limitation shall apply to all application filed after July 1,1995.] Thus, is a clear mistake of law. This Court overlooked these material fact in the record.

With this legal framework in place the Petitioner further contends, this Court made a Ruling in Peloquin v. State Supra, [The South Carolina Supreme Court has held that the Statute of limitation shall apply to all application filed after July 1, 1996.] Here, Lower Court misapplied a provision of law and controlling authority. In this instant case, this Court only applied their Ruling prospectively, and not retroactively.

But to reiterate a critical point, the Lower Court applied this Court Rulung to stipulate retroactively. Specifically, on page 6, [Applicant was therefore required to file this application on or before July 1,1996]. Here, Lower Court misapplied a provision of law. Therefore, material facts in the record was not adjudicated on the merits. See United States v. Irwin, 127 U.S. 125, 8 S.Ct. 1033, 32 L.Ed. 99. Thus, that is exactly what this Court have done, allow Lower Court to "Doctered" up PCR Application; to saisfy teh hosilities of a few Politician to be [Political Pressure to satify the [Political Machine in South Carolina tnterest to derailed the justice in Rev.Johnsen case. In other words, at all cost, and this Court should not promote it.

F. Obstruction of Justice and Denial of Procedural Due Process by failure of Lower Court Judges to Recuse themself.

SUPPORTING FACTS AND ARGUMENT

The facts pertaining to this issue is taken sub-justice from the official record. The Lower Court was very aware it was a conflict of interest for Judge Jefferson and Judge Dennis to presided at Petitioner's ever his current PCR Application. Here, both Judges was familar with the issue at hand, and was very bias in their decision that was hand down. As set ... forth, just cause exists for disqualification due to a conflict of interest because both Judges was familar set forth in the PCR Application. As a.... result, the Petitioner was not given prior [Judicial Notice] of the [Order of Recusal" by the Clerk of Court.

Mereover, the original blank proposed order was modify by the Court without given the Petitioner a Judicial Notice. As such, Rev.Johnsen was denied his due process without a [Due Notice]. Here, the Court the one that filed "Motion for Recusal", the Petitioner was not aware of this "Motion"-

Here, the Court should have conducted a [Hearing] on the [Motion].

Further, Judge Jefferson, appointed Judge Dennis to excute the Final Order for Dismissal. As set forth, the original Judge had directed counsel for the State ro draft proposed. See Christy v.Christy, 347 S.C. 503, 55o S.E.2d 701, the Findind and Conclusions in proposed order were neither signed nor filed before original removing from the case. Here, Judge Jefferson already signed Conditional Order of Dismissal she was admitted to the case.

Finally, the Petitioner did not consent to allow successor Judge to make finding of fact and conclusions of law based on no trial transcript. As a result, absent consent of the Petitioner, a successor Judge cannot manke credibility. Thus, this is clear violation of Rule o3, SCRC.

2. The Material fact, Statute and decision overlooked requestes a different decision overlooked requires a different decision from that rendered by the Lower Court or Supreme Court.

G. Was the Petitioner's Fifth, Sixth and Fourteenth Amendment Rights of the United States Constitution and his Rights of Due Preces violated by the trial judge failed to signed the Court Order?

SUPPORTING FACTS AND ARGUMENT

This legal framework and foundation being firmly in place, the Court is compelled to look at the facts in regard to this case sub-justice because the law arises from facts [Ex Facto Oritur Jus.] In State v. Adams, 227 S.C. 115, 283 S.E. 2d 582 (1981, Our Supreme Court emaciate the "Practical Eye Test". It is perspicuous that with the Lower Court has place a whole lot a bumps in the road to derailed the justice in this case. As such, when this Court look at material fact presented above with "Practial Eye" this Court will redered a different decision. Due to unsigned Court the Petitioner's Fifth, Sixth and Fourteenth Amendment Rights of the United States Constitution and his Right of Due Process were violated and such also aids to deprive the Petitioner of Equal Protection of the Laws against unjust prosecution

Specifically, greater aspect of evil related to such action by the unsigned Court Order, far and extremely outweigh the great aspect of good that it seught to establish related thereto. The great aspect of... good that fall by the way side by injustice.

As a primary, Davis v. Sanders, 40 S.C. 507, 19 S.E. 138 (1894, that controls this case. Davis was decided over one hundred years ago, very similar this case. The Davis requirement that a warrant must be signed by the issuing judicial officer in order to be complete is a common law decision predicated on public policy considerations. Without the signature, it is merely an "unfinished paper." But it has been decided [in Davis] that, when an officer is performing the ministerial duty of issuing a paper on compliance with certain conditions prescribed by law, his signature at the foot of the paper he intended to sign is necessary to its validity". See also DuBose v. DuBose, 90 S.C. 87, 72 72 S.E. 045 (1911, these cases are controlling authority. The Lower Court decision are conflicting leading case in support of the propositing, and which has influenced other decisions advancing similar vieds. ...

Finally, the Lower Court misconstrued these leading cases to inapplicable to this case. The Lower Court misapplied the law.

The decision that should have been rendered is for Rev. Willie Johnson as a matter of law.

WHEREFORE, The Petitioner respectfully requests the Court to reconsider its Order 2nd August, 2018 opinion and rule in favor of the Petitioner.

Respectfully Submitted,

Rev. Willie Johnson, #127009
Kirkland Correctional Institution
4344 Broad River Road
Columbia, South Carolina 29210

Columbia, South Carolina

August 14,2018

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

AUG 17 2018

S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY

COURT OF COMMON PLEASE

R.MARKELY DENNIS, JR. CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2018-000401

Rev.Willie Johnson. #127009 ..... Petitioner

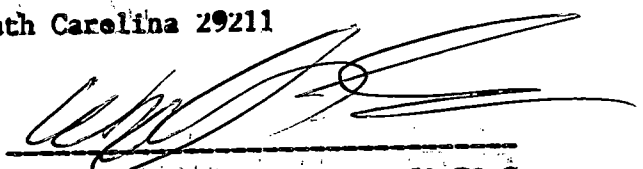
v.

State of South Carolina ..... Respondent

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the following Petition for Rehearing to be mailed to:

Megan Harrigan Jameson,
Assistant Attornay General
P.O. Box 11549
Columbia, South Carolina 29211



Rev. Willie Johnson. #127009
Kirkland Correctional Institution
4344 Broad River Road
Columbia, S.C. 29210

August 14,2018

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Supreme Court of
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