

JAM JAGEL

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JAN 23 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM BEAUFORT COUNTY  
COURT OF GENERAL SESSIONS

THE HONORABLE CARMEN T. MULLEN, CHIEF ADMINISTRATIVE JUDGE

Case No:2006-GS-07-1640, & 1641

Nathaniel Johnson, Jr. #211574,

Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent,

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APPLICATION TO PROCEED IN FORMA PAUPERIS

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I, Nathaniel Johnson, Jr. #211574, a pro-se Appellant, is requesting permission to proceed IN FORMA PAUPERIS. In support of my application for request to proceed without being required to prepay fees or costs, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security therefor; that I believe that I am entitled to an Belated Appeal citing \* White v. State, 263 S.C. 110, 208 S.Ed.2d. 35 (1974). Whether the Appellant, is entitled to the right of an Direct Appeal, and Whether the Appellant, knowingly, intelligently waived his rights to appeal citing Section §17-28-90(G). Access to Justice Post-Conviction DNA Testing Act? Appellant believes that he is entitled to redress and entitled to relief.

The Appellant, was prejudiced by the actions of the Respondent, and the Clerk of Court's failure to provide the Appellant, with adequate notice of the order, but upon request by the Appellant, he was provided with an copy of the Order dated November 14th, 2019, received by the Appellant on January 16th, 2020, Order Denying Application for Post-Conviction DNA Testing. Appellant, hereby files his Notice of an Belated Appeal and Application to Proceed In Forma Pauperis in support thereof. Appellant is requesting appointment of "Standby Appellate Counsel."

In further support of this application, I answer the following questions:

1. Have you ever brought an action or appeal in the S.C. Court of Appeals?

Yes X or No \_\_\_\_\_.

Were any of the actions or appeals dismissed because they were frivolous, malicious or failed to state a claim upon which relief may be granted?

Yes \_\_\_\_\_ or No X.

2. Are you presently employed?

Yes \_\_\_\_\_ or No X.

3. Have you received within the past twelve months any money from any of the following sources?

(a). Business, profession, or form of self-employment?

Yes \_\_\_\_\_ or No X.

(b). Rent payments, interest, or dividends?

Yes \_\_\_\_\_ or No X.

(c). Pensions, annuities, or life insurance payments?

Yes \_\_\_\_\_ or No X.

(d). Gifts or inheritance?

Yes \_\_\_\_\_ or No X.

(e). Any other sources?

Yes \_\_\_\_\_ or No X.

4. Do you own any cash, or do you have money in a checkings or saving account?

Yes \_\_\_\_\_ or No X.

For accounts at other financial institutions, state the present balance and the amount of all deposits over the past six months? \$00.00.

For prisoners account, state the present balance and the amount of all deposits over the past six months? \$00.00.

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property?

Yes \_\_\_\_\_ or No X .

6. List the persons who are dependent upon you for support, state your relationship to those persons and indicate, how much contributed towards their support?

There are no persons who are dependent upon me for support. \$00.00.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 01/21/20, 2020.

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

SUBSCRIBED TO AND AFFIRMED before me this 21  
day of Jan, 2020.

Kmya Breen (L.S.)  
NOTARY PUBLIC

My Commission Expires: 10/28/29.

CERTIFICATE

I hereby certify that on January 21st, 2020, the Appellant, Nathaniel Johnson, Jr. #211574, has the sum of \$00.00, on account to his credit at the Allendale Correctional Institution where he is confined. I further certify that during the past six months the Appellant, received the average monthly balance of \$00.00. I attach a true and correct copy of the record of deposits that the Appellant, received into his trust account for the past six months.

Kmya Breen  
Institution Mailroom Clerk

01/21/20  
Dated

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PROOF OF SERVICE

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I, Nathaniel Johnson, Jr. #211574, certify that I have served an true copy of the Appellant's "NOTICE OF AN BELATED APPEAL", AND "APPLICATION TO PROCEED IN FORMA PAUPERIS", on Mary Jordan-Lempesis, and the Beaufort County Clerk of Court, by depositing into the United States mail, postage prepaid on this 21st, day of January 2020, addressed to: Mary Jordan-Lempesis, Asst. Solicitor for the Fourteenth Judicial Circuit, P.O. Box 1880, Bluffton, S.C. 29910, the Honorable Jerri Ann Roseneau, Clerk of Court, for Beaufort County, P.O. Drawer 1128, Beaufort, S.C. 29901.

January 21st, 2020.

*Nathaniel Johnson, Jr. #211574*  
Mr. Nathaniel Johnson, Jr. #211574  
ACI. Colleton Unit F-1 A#05  
1057 Revolutionary Trail Hwy47  
P.O. Box 1151  
Fairfax, S.C. 29827  
Pro-Se Appellant