

THE STATE OF SOUTH CAROLINA  
 IN THE COURT OF APPEALS  
 APPEAL FROM BEAUFORT COUNTY COURT  
 HONORABLE CARMEN T. MULLEN, CIRCUIT COURT JUDGE  
 Lower Case No's #2006-GS-07-01640, & 01641  
 Appellate Case No: 2020-000110

**RECEIVED**  
 JUL 13 2020  
 SC Court of Appeals

Nathaniel Johnson, Jr. #211574, .....Petitioner,  
 V.  
 State of South Carolina, .....Respondent,

MOTION FOR LEAVE TO PROCEED PRO-SE

Dated: Mon. April 6<sup>th</sup> 2020. /s/ Nathaniel Johnson #211574  
 Mr. Nathaniel Johnson, Jr. #211574

ACI. Bamberg Unit F-4 B#26  
 1057 Revolutionary Trail Hwy47

Other Counsel Of Record:  
 Mr. Isaac McDuffie Stone, III, Esq.  
 Fourteenth Judicial Circuit Solicitor  
 P.O. Box 1880  
 Bluffton, S.C. 29910  
 Attorney for Respondent

P.O. Box 1151  
 Fairfax, S.C. 29827  
 Pro-Se Petitioner

MOTION FOR LEAVE TO PROCEED PRO-SE

Comes now, Nathaniel Johnson, Jr. #211574, the Petitioner, who hereby moves, with an " Motion to apply for leave to proceed as an advocate for himself", in this matter, as justice is so required, as a matter of law, in pursuant to the S.C. Code of Laws Ann. §40-5-80, and upon the showing of the Petitioner's certificates. Petitioner, makes his move based upon the Return to Motion to Appoint Standby Counsel, the response from the Appellate Defense Counsel. Appellate Defense Counsel, moved to be relieved and requested that the Court, appoint outside Counsel. Appellate Defense Counsel, also moved with his opinion in regards to the case of \* State v. Roberts, 364 S.C. 583, 614 S.E.2d 626 (2005). Petitioner, asserts that after a careful consideration and the facts of this case, as it pertains to death sentences, where the Petitioner, may not have an federal or state constitutional right to proceed pro-se on an direct appeal of capital cases only! Petitioner, further understands that he has an "Human Right", or an "God Given Right", along with "STANDING", to protect his legal interest. According, to §40-5-80, of the S.C. Code of Laws Ann., the Petitioner, may apply for leave upon the showing of an certificate, he may asks for permission to proceed pro-se, to challenge the underlying conviction and sentence on a direct appeal if granted by the Court.

After, careful consideration and the importance of protecting the constitutional rights of the Petitioner's interest with regards to justice, Petitioner, respectfully waives his rights to appointment of outside counsel, and seeks to advocate for himself.

CONCLUSION

WHEREFORE, undersigned Petitioner, respectfully wishes to proceed pro-se in this denial of his DNA Testing Application appeal from the Beaufort County Court of General Sessions, before the Honorable Carmen T. Mullen, Circuit Court Judge. Petitioner, filed an Petition for a Writ of Certiorari, and in pursuant to §40-5-80, Petitioner, is applying for leave to proceed pro-se, as justice is so required, as a matter of law.

Dated: Mon. April 6<sup>th</sup>, 2020

Respectfully submitted,  
/s/ Nathaniel Johnson, Jr. #211574  
Mr. Nathaniel Johnson, Jr. #211574  
ACI. Bamberg Unit F-4 B#26  
1057 Revolutionary Trail Hwy47  
P.O. Box 1151  
Fairfax, S.C. 29827  
Pro-Se Petitioner

THE STATE OF SOUTH CAROLINA  
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Appellate Case No:2020-000110

Nathaniel Johnson, Jr. #211574, .....Petitioner,  
V.  
State of South Carolina, .....Respondent,

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of his "Motion to Apply For Leave To Proceed Pro-Se", in the above-referenced case has been served upon the opposing counsels Isaac McDuffie Stone, III, Esq., Fourteenth Judicial Circuit Solicitor's Office, P.O. Box 1880, Bluffton, S.C. 29910, and William M. Blicht, Jr., Esq. S.C. Attorney General's Office P.O. Box 11549, Columbia, S.C. 29211.

Dated: Mon. April 6<sup>th</sup>, 2020

Respectfully submitted,  
/s/ Nathaniel Johnson Jr. #211574  
Mr. Nathaniel Johnson, Jr. #211574  
ACI. Bamberg Unit F-4 B#26  
1057 Revolutionary Trail Hwy47  
P.O. Box 1151  
Fairfax, S.C. 29827  
Pro-Se Petitioner

SUBSCRIBED AND SWORN to before me this 06  
day of April, 2020.  
Kmya Green (L.S.)  
NOTARY PUBLIC

My Commission Expires: 10/28/29.

Dated: Thurs July 9<sup>th</sup> 2020

The Honorable Jenny A. Kitchings  
 Clerk of Court, SC. Court of Appeals  
 P.O. Box 11629  
 Columbia, SC. 29211

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 SC Court of Appeals

RE: Nathaniel Johnson Jr. #211574 v. State of South Carolina  
 Appellate Case No: 2020-000110

Dear Ms. Kitchings,

On April 1<sup>st</sup> 2020, I received from the South Carolina Court of Appeals, an order denying the Petitioner's motion for standby counsel and that there is no constitutional right to proceed pro-se on appeal from a criminal conviction, in pursuant to \*State v. Roberts, 364 S.C. 583, 614 S.E.2d 626 (2005). On April 6<sup>th</sup> 2020, the Petitioner, file with the South Carolina Court of Appeals an Motion for Leave to Proceed Pro-Se, along with certificates showing proof of studies.

Petitioner, a motion stating that the case of  
 \* State v. Roberts, (2005), did not apply to his  
 case but did apply to death sentence cases only.  
 Petitioner asserted that he did have a State and  
 Federal constitutional right to proceed pro-se in  
 pursuant to the cases of \* State v. Barnes, 407 S.C.  
 27, 35, 733 S.E.2d 545, 550 (2014), where a  
 defendant of ~~the~~ State of South Carolina has an  
 constitutional right to represent himself under  
 both federal and state constitutions on appeals  
 of a criminal conviction. Also see \* U.S. v. Isaac,  
 655 F.3d. 148, 153 (3<sup>rd</sup> Cir 2011), It is well settled  
 that the Sixth Amendment guarantees a criminal  
 defendant the right to proceed pro-se equal to  
 its guarantee of the right to counsel. This is the  
 third request to receive back from the Court, an  
 clocked stamped copy of its original date that  
 the Court received the Petitioner's motion.

JAM JAFEL

I am providing the Court with another duplicate copy to be clocked stamped for the original dated that courts received the first motion and sent back for my records. Please provide clocked stamped back to me at your earliest convenience. Thank you kindly!

Dated: 7/9/20

Respectfully submitted,  
by Mr. Nathaniel Johnson Jr. #211574  
Mr. Nathaniel Johnson Sr. #211574  
ACI. Bamberg Unit F-4 B#26  
P.O. Box 1151  
Fairfax, SC. 29827

Mr. Nathaniel Johnson Jr. #211574

ACI. Bamberg Unit F-4 B#26

P.O. Box 1151

1057 Revolutionary Trail Hwy #7

Fairfax, SC. 29827

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SC Court of Appeals

The Honorable Jenny A. Kitchings  
Clerk of Court, SC. Court of Appeals

P.O. Box 11629

Columbia, SC. 29211

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LEGAL MAIL