

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Alex Kinlaw, Jr., Circuit Court Judge

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2016-CP-23-7631

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Dominick L. Johnson, ..... Appellant,  
v.  
The State, ..... Respondent.

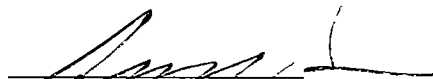
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NOTICE OF APPEAL

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Dominick L. Johnson appeals the Honorable Alex Kinlaw, Jr.'s Order of Dismissal filed August 7, 2020.

This 21 day of Aug., 2020.

  
Susannah Ross, Attorney at Law  
330 E. Coffee St.  
Greenville, SC 29601  
(864) 242-0029  
Attorney for Appellant

Other Counsel of Record:  
Taylor Zane Smith, Assistant Attorney General  
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Columbia, SC 29211  
(803) 734-3970  
Attorney for Respondent

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S.C. SUPREME COURT



second offense, and for ten years for possession of crack cocaine, third offense. The sentences were suspended with probation for three years.

Applicant did not appeal his convictions or sentences.

In his application for post-conviction relief, filed on December 29, 2016, Applicant claims he is entitled to post-conviction relief because:

1. "Greenville County Sherriff officials gave [Applicant] a false preconception as to why they chose to knock on [Applicant's] door."
2. "Greenville County Sherriff officials did not state that they had a reasonable suspicion as to why they come to [Applicant's] residence" to speak to applicant concerning any crime applicant might have been involved in.
3. "Greenville County Sherriff officials lead [Applicant] astray by force."
4. "Greenville County Sherriff officials stepped inside [Applicant's] residence without [Applicant's] consent, demanding [Applicant] to step outside by pulling out Tasers."

In its return, filed on July 17, 2017, Respondent moved for the summary dismissal of the application on the ground that Applicant failed to state a claim upon which post-conviction relief can be granted, arguing the claims presented by applicant are not cognizable under the Uniform Post-Conviction Procedure Act ("Act").

On May 8, 2019, pursuant to Respondent's motion, and after reviewing the pleadings in this matter and all of the records attached thereto, the Honorable Perry H. Gravely issued a conditional order of dismissal, conditionally granting Respondent's motion to dismiss and giving Applicant twenty days after the service of the order upon him to provide reasons, factual or legal, that the motion should not be granted outright and the application should not be dismissed summarily. The conditional order of dismissal was served on Applicant on May 21, 2019, as is shown by the attached cover letter and certificate of service, which are incorporated into this order.

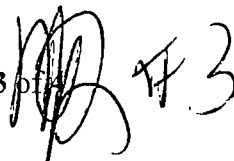
Applicant, though represented by counsel throughout this PCR action, has filed various documents pro se. On June 20, 2019, Respondent filed a motion to strike Applicant's pro se filings. Judge Gravely granted Respondent's motion to strike in an order issued on June 20, 2019. Accordingly, this Court will not consider any of Applicant's pro se filings in ruling upon Respondent's motion for the summary dismissal of the application. Although Applicant has been served with the conditional order of dismissal, he has not filed any response thereto.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Before this Court are the records of the Greenville County Clerk of Court regarding Applicant's convictions, the transcript from Applicant's plea hearing before Judge Miller, and the records from Applicant's present application for post-conviction relief. This Court does not have records for Applicant from the South Carolina Department of Corrections because Applicant is in federal custody. Pursuant to S.C. Code Ann. § 17-27-70(b), this Court makes the following findings of fact and conclusions of law.

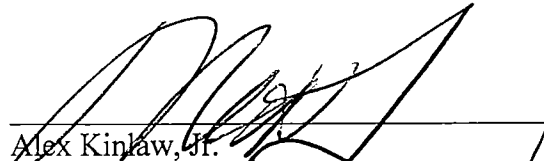
Applicant has failed to file a response to the conditional order of dismissal issued by Judge Gravely. Applicant has failed to give any reason that the conditional dismissal should not be final. Applicant has failed, therefore, to meet the burden imposed upon him in this matter. Respondent's motion for the summary dismissal of this application is granted, and the application is denied and dismissed with prejudice because it does not present a claim for which post-conviction relief can be granted under the Act.

**IT IS THEREFORE ORDERED** that Respondent's motion for the summary dismissal of the application is granted and this application is denied and dismissed with prejudice. This Court hereby advises the Applicant that he must file and serve a Notice of Appeal, through his attorney, within thirty days of the service of this Order to secure appellate review. Rule 203,



SCACR. Applicant's attention is directed to Rule 227, SCACR., for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 3<sup>rd</sup> day of August, 2020.

  
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Alex Kinlaw, Jr.  
Chief Judge for Administrative Purposes  
Thirteenth Judicial Circuit

Croft, South Carolina.

Copy mailed to  
Attorney general / S. Ross  
on 8 / 7 / 2020.