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MAR 25 2021

SC Court of Appeals

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  
LOWER COURT CASE NO:#2006GS0701640, & 01641.

APPELLATE CASE NO:2020-000110

NATHANIEL JOHNSON, JR. #211574,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT,

NOTICE OF MOTION TO APPLY FOR LEAVE TO FILE STATE WRIT OF HABEAS CORPUS

PLEASE TAKE JUDICIAL NOTICE, THAT THE PETITIONER, NATHANIEL JOHNSON, JR. #211574, WHO'S PRO-SE ADVOCATING ON HIS OWN BEHALF, COMES NOW, AND MOVE WITH NOTICE OF MOTION TO APPLY FOR LEAVE TO FILE AN CIVIL ACTION IN THE COURT OF COMMON PLEAS, AN STATE WRIT OF HABEAS CORPUS AGAINST HIS CONVICTION AND SENTENCE. PETITIONER HAS GOOD CAUSE FOR SEEKING RELIEF IN PURSUANT TO §17-17-10, AND THE S.C. CONSTITUTION Art.1 §18, CITING THE CASES OF \* MEIRISH v. LANCASTER, 2013 133 S.Ct. 1781, 185, L.Ed.2d 988, AND SEE \* BUTLER v. STATE, (S.C. 1990) 302 S.C. 466, 397 S.Ed.2d 87, 111 S.Ct. 442, 498, U.S. 972 112 L.Ed.2d 425, WHERE THE WRIT WILL ISSUE ONLY UNDER CIRCUMSTANCES WHERE THERE HAS BEEN A VIOLATION AND A DENIAL OF FUNDAMENTAL FAIRNESS. ALSO, SEE \* BASKINS v. MOORE, 362 F. Supp. 187 (DSC 1973)( FINDING THE ACT IS A PROCEDURAL DEVICE AND DOES NOT SUPPLANT THE CONSTITUTIONAL RIGHT TO SEEK HABEAS CORPUS NOR DOES IT UNCONSTITUTIONALLY SUSPEND THAT RIGHT. FOR GOOD CAUSE SHOWN, LEAVE SHOULD BE GRANTED AS JUSTICE IS SO REQUIRED, AS A MATTER OF LAW.

DATED: Fri. March 26<sup>th</sup> 2021

RESPECTFULLY SUBMITTED,

/s/ Mr. Nathaniel Johnson, Jr. #211574  
MR. NATHANIEL JOHNSON, JR. #211574

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NATHANIEL JOHNSON, JR. #211574,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT,

PROOF OF SERVICE

THE UNDERSIGNED COUNSEL, HEREBY CERTIFY THAT ON THIS 26<sup>th</sup> DAY OF March, 2021, A TRUE COPY OF THE SAME HAVE BEEN SERVED UPON THE OPPOSING PARTY, WILLIAM M. BLITCH, JR. ESQ., OFFICE OF THE ATTORNEY GENERAL, P.O. BOX 11549, COLUMBIA, S.C. 29211.

DATED: Fri. March 26<sup>th</sup>, 2021

RESPECTFULLY SUBMITTED,

1/s/ Mr. Nathaniel Johnson Jr. #211574  
MR. NATHANIEL JOHNSON, JR. #211574

ACI. BAMBERG UNIT F-4 B#26  
P.O. BOX 1151  
1057 REVOLUTIONARY TRAIL HWY 47  
FAIRFAX, S.C. 29827  
ATTORNEY FOR PETITIONER PRO-SE

JAM JAGEL

DATED: Fri March 26<sup>th</sup>, 2021

THE HONORABLE JENNY A. KITCHINGS  
CLERK, THE SOUTH CAROLINA COURT OF APPEALS  
P.O. BOX 11629  
COLUMBIA, S.C. 29211.

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SC Court of Appeals

RE: TO FILE NOTICE OF MOTION TO APPLY FOR LEAVE TO FILE AN CIVIL ACTION FOR  
A STATE WRIT OF HABEAS CORPUS IN THE COURT OF COMMON PLEAS.

NATHANIEL JOHNSON, JR. #211574, PETITIONER, -vs- STATE OF S.C., RESPONDENT,  
APPELLATE CASE NO: 2020-000110.

DEAR MRS. KITCHINGS:

ENCLOSED YOU FIND THE ORIGINAL AND ONE COPY TO BE SENT BACK DATE STAMPED  
FOR MY RECORDS. ALSO, STILL AWAITING TO RECEIVE DATE STAMPED COPY OF MOTION  
FOR A NEW TRIAL. THIS IS THIRD REQUEST. PLEASE SEND BACK AT YOUR EARLIEST  
CONVENIENCE. THANK YOU KINDLY!

SINCERELY

*1st Mr. Nathaniel Johnson Jr. #211574*

MR. NATHANIEL JOHNSON, JR. #211574

ACI. BAMBERG UNIT F-4 B#26

P.O. BOX 1151

1057 REVOLUTIONARY TRAIL HWY 47

FAIRFAX, S.C. 29827

PRO-SE PETITIONER

cc:

WILLIAM M. BLITCH, JR. ESQ.

Mr. Nathaniel Johnson Jr #211574

ACI Bamberg Unit F-4 B#26

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P.O. Box 1151

Fairfax, SC. 29827

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SC Court of Appeals

The South Carolina Court of Appeals

P.O. Box 11629

Columbia, SC. 29211