

The State of South Carolina
In the Court of Appeals

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FEB 24 2022

Mr. Nathaniel Johnson Jr. # 211574, Appellant, SC Court of Appeals

v.
South Carolina Department of Corrections, Respondent,

Appellate Case No: 2019-001628.

Appeal From The Administrative Law Court
Shirley C. Robinson, Administrative Law Judge

Notice of Motion for a Rehearing En Banc

Now comes, Mr. Nathaniel Johnson Jr. # 211574, an pro-se Appellant, who hereby move with an Notice of Motion for a Rehearing En Banc. It was affirmed by this Honorable Court, holding that the All correctly concluded it lacked authority or jurisdiction to consider a facial challenge to the Appellant's claim that the DNA Act, which authorize collecting of \$250.⁰⁰ deducted from inmate's account. See *Sanders v. S.C. Dept of Corrections (S.C. Ct. App. 2008)

665 S.E.2d 231, where the ALC does have jurisdiction to hear and rule on inmate's claim which authorizes collection of processing fee from inmates required to provide DNA samples as applied, was an ex post facto violation that enhanced his sentence by assessing additional fees after his punishment was adjudicated. The ex post facto claims were non collateral matters, and ALC had jurisdiction to hear appeals from final decision of (DOC) Department of Corrections. Violation of Art 1 §4. SC. Code 14-8-200, where Court of Appeals has jurisdiction. (Supp. 2016)

Conclusion

Wherefore, for the above reasons, mentioned the Appellant pray for consideration of matters overlooked which ALC had jurisdiction to hear, ruled, and preserved issues for review, Appellant respectfully asks for Rehearing En Banc, as justice is so required as a matter of law.

Respectfully submitted,
By Mr. Nathaniel Johnson #11574

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Mr. Nathaniel Johnson Jr. #211574, Appellant, SC Court of Appeals

v.

South Carolina Department of Corrections, Respondent,

Appellate Case No: 2019-0011028

Appeal From The Administrative Law Court
Shirley C. Robinson, Administrative Law Judge

Proof of Service

I, Nathaniel Johnson Jr. #211574, do hereby certify
that on this 18th day of February, 2022, a
true copy of the same have been served on the
Respondent, Imani Diane Byas, 5400 Broad River Rd.
Columbia, SC. 29212.

Respectfully submitted,

Dated: February 18th, 2022

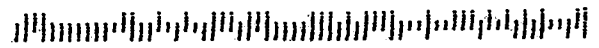
by Mr. Nathaniel Johnson Jr. #211574

Mr. Nathaniel Johnson Jr. # 211574
A.C.I. Bamberg Unit F-4 B#216
P.O. Box 1151
Fairfax, SC, 29827

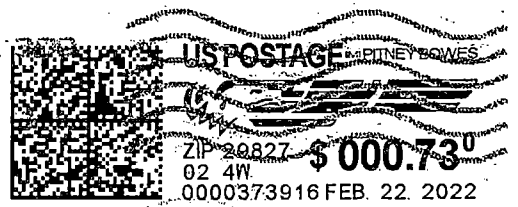
South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
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LEGAL MAIL

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