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JUN 10 2022

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
APPEAL TO THE COURT OF APPEALS  
The Honorable Shirley C. Robinson, Administrative Law Judge

APPELLATE CASE No: 2022-000442

Mr. Nathaniel Johnson, Jr, 211574,

Petitioner,

v.

South Carolina Department of Corrections,

Respondent,

PETITION FOR A WRIT OF CERTIORARI

*1/s/ Mr. Nathaniel Johnson Jr.*  
Mr. Nathaniel Johnson, Jr. 211574  
ACI. Bamberg Unit F-4 B-35  
P.O. Box 1151  
Fairfax, S.C. 29827  
Pro-Se Petitioner

Other Counsel of Record:

Imani Diane Byas, Esquire  
Staff Attorney  
Office of General Counsel  
South Carolina Department of Corrections  
P.O. Box 21787  
Columbia, S.C. 29221  
(803)896-8508

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CERTIFICATE OF COUNSEL

Counsel for the Petitioner hereby certifies that the Petition for Rehearing was made and finally ruled on by the S.C. Court of Appeals on March 31st, 2022. Notice of Appeals received by the S.C. Supreme Court on April 12th, 2022.

Dated: \_\_\_\_\_

6/10/22

is

Mr. Nathaniel Johnson, Jr. #211574

Mr. Nathaniel Johnson, Jr. 211574  
ACI. Bamberg Unit F-4 B-35  
P.O. Box 1151  
Fairfax, S.C. 29827  
Pro-Se Petitioner

QUESTION PRESENTED

1. Whether the Court of Appeals erred in holding that the Administrative Law Court ruled correctly by stating that it lacked the authority to consider a facial challenge to the constitutionality of SCDC's policy?

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~~2. Whether the Court of Appeals lacked jurisdiction to consider the constitutionality of a facial challenge to SCDC's policy violating Art 1 Section 13 of the State's Constitution?~~

STATEMENT OF THE CASE

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On Tuesday February 26th, 2019, the Petitioner wrote a request to staff member, form 19-11, for a response. On Thursday February 28th, 2019, Petitioner received a response from Nurse P. Derrick. Petitioner proceeded with his Step 1 grievance procedure on the same date. On March 14th, 2019, Petitioner received the Warden's response. Petitioner disagreed with the Warden's response and then proceeded with Step 2 grievance on the same date.

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On April 15th, 2019, the Petitioner received a response from the Responsible Official Mr. Wayne C. McCabe. On May 6th, 2019, Petitioner filed his Notice of Appeal, to the Administrative Law Court, after exhausting his grievance process

On September 16th, 2019, The Honorable Shirley C. Robinson, ALJ, issued an order dismissing appeal for lack of jurisdiction. On September 27th, 2019, Petitioner filed his Notice of Appeal with the S.C. Court of Appeals. On February 16th, 2022, the S.C. Court of Appeals affirmed the decision of the Administrative Law Court with an Unpublished opinion No: 2022-UP-071. Petitioner requested a Rehearing En Banc and on March 31st, 2022, Reahearing petition was denied. March 16th, 2022, Petitioner received notice of Remittitur being sent to the Administrative Law Court.

Petitioner filed his Notice of Appeal along with Application to Proceed In Forma Pauperis on April 12th, 2022, received by the S.C. Supreme Court. Appeals as follows:

## ARGUMENT

### DISCUSSION:

1. The S.C. Court of Appeals did err in holding that the ALC lacks the authority to consider a facial challenge to the constitutionality of SCDC's policy violating the State's Constitution Art 1 Section 13.

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Petitioner argues that SCDC has been charging \$15.00 each month for chronic Blood Pressure meds by taking monies out of inmate's Cooper Trust Fund to pay for prescription meds. The Federal Government has given the S.C. Department of Corrections funding to take care of inmate's every fisical year. Petitioner contends that the ALC and the S.C. Court of Appeals did have authority and jurisdiction to rule on the constitutionality of this issue See \*Howard v. S.C. Dept. of Corrections, 399 S.C. 618 (Sept. 12th, 2012). The ALC has subject matter jurisdiction under Administrative Procedure Act (APA) to hear a properly perfected appeal from the Dept. of Corrections 1-23-310(B).

2. Court of Appeals did have jurisdiction to consider a facial challenge in regards to the constitutionality of SCDC's policy violating Art 1 Section 13 of the State's Constitution.

Petitioner argues that the S.C. Court of Appeals did have proper jurisdiction in pursuant to S.C. Code Ann 14-8-200 (Supp. 2016), providing that the S.C. Court of Appeals has jurisdiction over any case in which an appeal is taken from a final decision of an agency or a final decision of the Administrative Law Court.

Petitioner further argues that he is medically insured with both medicaid and medicare under the Americans with disability Act and should not have to pay SCDC for a chronic Blood Pressure med that is necessary, and the State Department of Corrections is responsible for the welfare, maintenance, health, education and rehabilitation of its inmates.

Petitioner contends that the S.C. Court of Appeals erred in arguing the case of \* S.C. Dept. of Corrections v. Cartrette, 387 S.C. 640, 649, 694 S.E.2d 18, 23 (Ct. App 2010) concluding deductions from an inmate's pay for room and board did not violate the State's obligation.

Petitioner argues that his issues in regard to SCDC taking his monies were taken out of his personal protected interest account which violated ~~his protected property interest from his E.H. Cooper Trust Account and not~~ from inmate's pay. Having Petitioner pay for his prescription meds did violate the State Agency's obligation under Art XII Section 2 of the State's Constitution.

CONCLUSION

Wherefore, the Petitioner pray that this Honorable Court, finds in favor and reverse and remand the decision of the S.C. Court of Appeals to consider a hearing by granting Petition for Writ of Certiorari, as a matter of law.

Dated: 6/10/22

Respectfully submitted,

*Mr. Nathaniel Johnson, Jr. #211574*

Mr. Nathaniel Johnson, Jr., 211574  
ACI. Bamberg Unit F-4 B-35  
P.O. Box 1151  
Fairfax, S.C. 29827  
Pro-Se Petitioner

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THE STATE OF SOUTH CAROLINA  
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The Honorable Shirley C. Robinson, Administrative Law Judge

APPELLATE CASE No: 2022-000442

Mr. Nathaniel Johnson, Jr., 211574,

Petitioner,

v.

South Carolina Department of Corrections,

Respondent,

PROOF OF SERVICE

The undersigned certifies that on this 10<sup>th</sup> day of June, 2022, a true copy of the Petitioner's Petition for a Writ of Certiorari and Appendix have been served on the Respondent, by placing into the U.S. Mail addressed to: Imani Diane Byas, Esquire, Staff Attorney, Office of General Counsel, South Carolina Department of Corrections, P.O. Box 21787, Columbia, S.C. 29221-1787.

Dated: 6/10/22

Respectfully submitted  
1st Mr. Nathaniel Johnson, Jr. 211574  
Mr. Nathaniel Johnson, Jr. 211574  
ACI. Bamberg Unit F-4 B-35  
P.O. Box 1151  
Fairfax, S.C. 29827  
Pro-Se Petitioner

Dated: \_\_\_\_\_

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SC Court of Appeals

Mrs. Patricia A. Howard, Clerk  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, S.C. 29211

RE: To file Petition for a Writ of Certiorari and to receive back a date stamped copy for the purpose of making additional copies if needed, because the agency will not make copies unless date stamped by the Court.  
Mr. Nathaniel Johnson, Jr. 211574, Petitioner, -vs- South Carolina Department of Corrections, Respondent,  
Appellate Case No: 2022-000442

Dear Mrs. Howard:

Enclosed you will find one original and six copies of the Petitioner's Petition for a Writ of Certiorari along with proof of service. Please file with the S.C. Supreme Court and send back a date stamped copy for my records. Thank you kindly!

Sincerely,

*Mr. Nathaniel Johnson, Jr.*

Mr. Nathaniel Johnson, Jr. 211574  
ACI. Bamberg Unit F-4 B-35  
P.O. Box 1151  
Fairfax, S.C. 29827  
Pro-Se. Petitioner

JAM JAGEL

Dated: June 10<sup>th</sup> 2022

The Honorable Jenny Kitchings  
Clerk, for the S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC, 29211

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SC Court of Appeals

RE: To give notice of petition for a writ of Certiorari  
to the S.C. Supreme Court.

Mr. Nathaniel Johnson Jr. #211574  
v. South Carolina Department of Corrections  
Appellate Case No: 2022-000442

Dear Mrs. Kitchings:

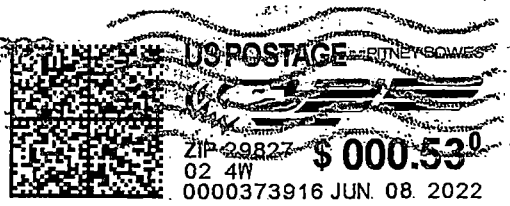
Please acknowledge by sending back an date  
stamped copy that you have received for my records.

Sincerely,  
/s/ Mr. Nathaniel Johnson Jr. #211574  
Mr. Nathaniel Johnson Jr. #211574  
A.C.I. Bamberg Unit F-4 B#35  
P.O. Box 1151  
Fairfax, SC. 29827  
Pro-Se Petitioner

Mr. Nathaniel Johnson Jr. #211524  
ACI. Bamberg Unit F-4 B#35  
P.O. Box 1151  
Fairfax, S.C. 29827

The Honorable Jenny Kitchings  
Clerk, for the S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

AUGUSTA GA  
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LEGAL MAIL

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