

Benjamin LEE Johnson
275623

Lieber Correctional Institution

P.O. Box 205

Ridgeville SC. 29472

TO: Ms. Nikky Haley

Hello, How are you doing? Hopefully 2014, the year has been a great year for you thus far. As for me, it's just a blessing for me to reach out and seek understanding. That being said, there are just a few issues I would like to address for one. I'm currently serving a 30 years sentence in the Department of Corrections for Murder; Over the past 15 years, I've been seeking post conviction relief due me suffering from a mild case of mental retardation; and after I sent a petition to the Court of Common Pleas in 2002. a Judge Row's Ordered a Competency Evaluation and Treatment to be carried out by the Department of Corrections. to no avail. Now, it's my intent to have this order executed so, that I will be able to receive the aforementioned relief. The only problem is this: the Department of Corrections isn't in any shape, form or fashion designed or designated to function as a Mental Health Care Facility. Their thing is Crime and Punishment; not treatment and rehabilitation. And, Plus. My Mental Condition date's back Pre-incarceration (era 1986). Therefore, I truly believe that I should in turn be evaluated by the proper authority which would be the Department of Mental Health. And because the Department of Mental Health has Statutory

responsibility for Custody and Control of individuals determined to have mental illnesses. Petitioner should be examined and observed at an appropriate facility of the Department of Mental Health by one or more examiners to determine whether Petitioner is Criminally Responsible Pursuant to S.C. Code Ann §§ 17-24-10(A)(b)(1976). To date the South Carolina Department of Corrections has failed to comply with Judge Raul's Order. Petitioner asserts that he Plea was involuntary and was obtained in violation of the Due Process Clause, that prohibits a conviction of a mentally incompetent defendant. Ms. Haley, that's the importance of me being able to get properly evaluated and obtaining the proper treatment. If S.C. D.C. has failed to yield to such a process as a Court Order, I highly suspect that this matter will either be neglected and/or because non-existent all together. And, it's sad. I keep receiving the run-around about the Court of Common Pleas reviewing my case while they're doing nothing to ensure I receive this Evaluation/Treatment Ordered by Judge Raul's. It indeed is a standing order, and I will never be completely satisfied until it's executed as it is a matter of law. In addition, over the last 15 years, I've filed for Post Conviction Relief several times, all in a timely manner. But all of a sudden, it's like I'm being blackballed, with the Court of Common Pleas refusing to re-instate my case because of issue of tolling the statute of limitations in P.C.R. applicant. But, in Ferguson the Supreme Court stated that "although we have not specifically addressed tolling the statute of limitations in context of mentally incompetent P.C.R. applicants, case law warrants a holding that in circumstances in which the applicant demonstrates the failure to timely file for

for PCR. was due to Mental incompetency, the Statute of limitations Should be tolled," Id As Stated earlier, the initial PCR. applicant was filed promptly, and addressed the issue where Judge Haul's gave his still Standing Order. Now any Subsequent PCR. applicant. were only filed in Striving to revisit aforesaid Order, and that brings this matter, all in all in it's true light of importance. Ms. Haley, Could you Please look into this matter? And. I know it's Proess, but, one Step At A time isn't too hard... I'm truly gratefull for your time. and just know that your patience is to the utmost importance to me. Thank you and MAY God Bless you.

Respectfull Submitted
Aug 7, 2014
Ridgeville South Carolina

Benjamins L. Jofferson
#275623

STATE OF SOUTH CAROLINA

Court of X Charleston Berkeley

BENJAMIN LEE JOHNSON

SCDC No. 275623

Applicant / Petitioner

vs.

State of South Carolina,
Respondent.

COURT OF COMMON PLEAS

Case # 01-CP-10-3829

ORDER

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied granted under advisement; a formal order will be filed (see below - No.6)

2. Motion(s) was/were heard in this case and the court orders:

 The motion to dismiss and/or for summary judgment is hereby granted denied under advisement based upon the statute of limitations and/or the successive nature of the application or other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

 Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.

 The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed with prejudice without prejudice.

X 5. Other: THE PSYCHIATRIC UNIT OF THE DEPARTMENT OF
CORRECTIONS WILL PERFORM A COMPETENCY EVALUATION
AND TREATMENT ON BENJAMIN LEE JOHNSON.

6. The court further orders:

 The Attorney General Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within days.

 Both sides are directed to submit proposed orders to the court and to serve the orders on each other within days.

 The court does not request proposed orders.

IT IS SO ORDERED.

Date: 9/10/02
Charleston, S.C.

Court Reporter GAYLE BURNS

Attorney for Applicant ANDREW GRIMES

Attorney for Respondent ED SALTER

Julie J. Armstrong
Presiding Judge

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P. & GS.

By Julie J. Armstrong
CLERK OF COURT

REV. 08/12/02

2002 SEP 12 AM 11:25
JULIE J. ARMSTRONG
CLERK OF COURT