

State of South Carolina
In the Court of Appeals

Appeal From Lee County

The Honorable R. Kirk Griffin, Circuit Court Judge

Trial Court case 2022 CP-31-00103

Appellate case no 2022-000979

John B. Campbell Appellant

v

South Carolina Department of corrections
Director Bryan Sterling,
Employee Robert Clay.

Respondent

Motion for Writ of mandamus

RECEIVED

AUG 04 2022

SC Court of Appeals

Facts and Procedural History

1. I, petitioner John B. Campbell on April 8, 2022 mailed a summons and complaint, A verified claim pursuant to 15-78-80, also a motion to proceed in forma pauperis to Lee County clerk of court Teresa A. Brown addressed at P.O. Box 387 Bishopville S.C. 29010.
2. On June 15, 2022, petitioner received correspondence from clerk of court Teresa A. Brown, in which The Honorable R. Kirk Griffin Denied petitioner leave to proceed in forma pauperis.
3. There was no correspondence received pertaining to petitioner verified claim filing, nor did the clerk of court Return petitioner summons and complaint

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4. On July 7, 2022, petitioner motion to the Supreme Court of South Carolina, for a Order instructing Lee County clerk of Court Teresa Brown to file petition verified claim pursuant to South Carolina Tort claim act. subsection 15-78-80.
5. On July 15, 2022, petitioner received correspondence from the Supreme Court of South Carolina clerk of Court Patricia A. Howard in which the clerk of Court Transfer case to South Carolina Court of Appeals pursuant to Rule 204 S.C.A.C.R.
6. On July 28, 2022, petitioner received correspondence from the S.C. Court of Appeals clerk instructing petitioner to file notice of Appeal and the \$1250.00 filing fee, as a motion to proceed in forma pauperis.
7. The Court Instruction, if followed appears to be a procedural default, if petitioner were to file a motion to proceed in forma pauperis to the South Carolina Court of Appeals pertaining to filing a Notice of Appeal in regards to appealing the lower court order Denying Leave to Proceed in forma pauperis. The Appellate court clerk of Court Probable would deny Leave to Proceed in forma pauperis due to South Carolina Code of Law requiring a statutory provision that would waive filing fee, for an appeal of a lower court case that is now within Appellate court jurisdiction see Martin vs S.C. 565 S.E.2d 756 S.C. 2001

Appellate case 2022-CP 010979

Motion for writ of mandamus

8. Wherefore, petitioner motion for the S.C. Court of Appeals to issue a writ of mandamus instructing Lee County Clerk of Court Teresa A. Brown to file petitioner summons and complaint in pursuant to S.C. Code of Law 24-27-100 filing fee plan, see Martin vs S.C. Department of Corrections 56 S. S. Edd. 756 S.C. 2001
9. Also in pursuant to South Carolina Code of Law 8-21-310 (1) schedule of fee and costs to be collected

August 1, 2022.

John B. Copley
253 Throop Street
Bennettsville S.C. 29517

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Appellant

v

South Carolina Department of Correction

Respondent

Proof of Service

I, John B. Campbell hereby certify that I've served the motion for writ of mandamus by depositing a copy of same in the United States mail, postage prepaid address to: Teresa A. Brown.

Clerk of Court
Lee County P.O. Box 387
Bishopville S.C. 29010

This Day August 1, 2022

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AUG 04 2022

SC Court of Appeals

John B. Campbell
253 Thorp street
Bennettsville S.C. 29512

The South Carolina Court
of Appeals, Clerk
Jenny Abbott Kitchings
P. O. Box 11629
Columbia S.C. 29211

Re: Appellate case No 2022-00979

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Dear Clerk of Court,

Enclose for filing is a motion for
a writ of mandamus and proof of service served
to Lee County clerk of court Teresa A. Brown.

August 1, 2022

John B. Cuphall
253 Throop St
Bennettsville S.C. 29512

Mr. John B. Campbell
253 Throup Street
Bennettsville S.C 29512

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South Carolina Court of Appeals
Jenny ABBott Kitching, clerk
P.O. Box 11629
Columbia S.C. 29211

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