

The South Carolina Court of Appeals

Robert Watkins, 243803 Appellant

RECEIVED

South Carolina Department of Corrections, Respondent

MAY 26 2023

SC Court of Appeals

Appellate Case No 2023-000603

The Honorable Ralph King Anderson, III

Administrative Law Court case 2022-ALS-04-0297-AP

Motion to proceed without cost
filing fees due to indigency
Sworn Affidavit

I Appellant Robert Watkins, hereby under oath
state that I am indigent due to my lengthy incarceration
within SCDC and unable to pay Notice of Appeal
filing fees pursuant to SCACR 203, and therefore
asks this Court to allow me to waive that cost
and proceed with my appeal without cost of filing fees

of \$250.00

Robert Watkins

Robert Watkins 243803

2-2-13

sworn to before me

Livesay Corr. Inst

on this 23 day May month 2023 year

P.O. Box 580

SL Notary Jennifer Johnson

Una SC 29378

Exp. Date 9/24/26

To The South Carolina Court of Appeals

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Robert Watkins, 243803, Appellant

MAY 26 2023

SC Court of Appeals

v

South Carolina Department of Corrections, Respondent

The Honorable Ralph King Anderson III
Administrative Law Court case no: 2022-ALJ 040097 AP

Proof of Service

I, appellant certify that on May 23 2023 I placed in the Livesay Corr. Inst. mail room a copy of my letter to S.C. Court of Appeals, clerks, requesting them to vacate the order to dismiss my appeal and reinstate my appeal and Motion for an extension of time to file my brief of Appellant, by placing a copy of them and sending them to The SCDC General Counsel at P.O. Box 21787 Columbia SC. 29221-1787, also a copy of an affidavit of indigency to proceed without cost of filing fees of \$250.00 for Notice of Appeal.

The South Carolina Court of Appeals

Robert Watkins, 243863, Appellant

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South Carolina Department of Corrections Respondent

MAY 26 2023

Appellate Case No. 2023-000603

SC Court of Appeals

The Honorable Ralph King Anderson III
Administrative Law Court Case 2022-ALJ-04-0297-AP

reinstatement of Appeal

Dear clerks of Court of South Carolina Court of Appeals, clerk. Jenny Abbott Kitchings, V. Claire Allen and Catherine Harrison

I received your correspondence in reference to My Notice of Appeal of Judge Ralph King Anderson III Administrative Law order of Docket NO 22-ALJ-04-0297. in which was given appellate case number 2023-000603. on April 18 2023 I received a letter from Catherine Harrison, deputy clerk informing me of the deficiency, in which pursuant to SCACR 203 The required filing fee has not been submitted. The correct filing fee is \$250.00. On May 11 2023 I placed in the Livesay Corr Inst. mail room. My motion for extension of time to file Initial Brief of Appellant concerning Appellate Case No 2023-000603 in which was received by SC Court of Appeals on May 16 2023. On May 15 2023 Jenny Abbott Kitchings issued an order, dismissing my case on grounds that I have failed to provide Notice of Appeal filing fee as required by Rule 203 of South Carolina Appellate Court Rules (SCACR).

I am requesting that the clerk of Courts of S.C. Court of
Appeal reinstate my Appeal appellate Case 2023-000603
on grounds that it is a violation of S.C. Const article 1 section
8 Separation of Powers for the clerk of Courts of S.C.
Court of Appeals to dismiss my appeal based on
the discovery that a deficiency existed, in which I
had failed to pay \$250.00 Notice of Appeal filing
Fees. see Barnes v State 433 S.C. 399, 859 S.E.2d 260
and Miller v State, 377 S.C. 99, 102, 659 S.E.2d 492,
495 (2008) see 21 CJS Courts § 335 (2021)

unless specifically authorized by statute or a
Court rule a clerk of Court may not exercise any
judicial power reserved for a judge Fed 1. The clerk
cannot, without express constitutional or statutory
authority, exercise any judicial functions. This
includes the prohibition of performing any action
contingent or deciding a question of law.)

clerk of Court may not reject a pleading for lack
of conformity with requirements of form only
a judge may do that. Hooke v Savley, 187
F.3d. 680, 862 (5th Cir 1999) see also Gorud v
Tabachnick 428 Mass. 1001, 696 N.E.2d 547
548 (1998). It is the judicial duty of a
Judge to decide whether or not my Notice of Appeal

Should be dismissed because I didn't comply with Section 203. I am requesting that the clerk of Court vacate its order dismissing my appeal. I've included with this request, an Affidavit of indigency, and to proceed without cost, waiving the \$150.00 filing fee, due to my indigency because of my lengthy incarceration within SC.

I've also included a motion for an extension of time to file my Brief of Appellant; the reason I haven't been able to comply is because I had surgery to have a bilateral cord Hernia removed, was unable to walk or move around.

Thank You

Robert Watkins 243803 (2-2-B)

Livesay Corr Inst

P.O. Box 580

Ulmer SC, 29378

Robert Watkins 243803-2-2-13
Livesay Corr Frist
P.O. Box 580
Una SC 29328



Jerry A. Kitching
S.C. Court of Appeals . clerk V. Elaine Allen
P.O. Box 11629
Columbia SC 29211

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MAY 26 2023

SC Court of Appeals

SCDC
Christmas
Packet

Legal