

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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AUG 10 2023

Appeal from the Administrative Law Court SC Court of Appeals
The Honorable Milton G. Kimpson, Administrative Law Judge
Docket No. 2022-ALJ-04-0183-AP

Case No. 2023-000948

Alonzo C. Jeter, #282902, ----- APPELLANT,

vs

vs

South Carolina Department of
Corrections, -----

RESPONDENT.

MOTION FOR REHEARING

The Appellant, Alonzo C. Jeter, III, comes respectfully and motions this Court pursuant to RULE 240 (i), SCACR, for a rehearing on Appellant's motion To Proceed In Forma Pauperis, which Appellant filed with this Court on This Court issued its order dated June 27, 2023, denying the Motion and further provided that Appellant shall pay a \$250.00 (two-hundred fifty) dollar filing fee associated with filing notice of appeal, within fifteen (15) days from the filing date of the Court's denial order.

Upon Appellant's inability and consequential failure to provide the required notice of appeal filing fee (\$250.00 pursuant to RULE 203, SCACR) and as instructed by way of the Court's denial order filed June 27, 2023; this Court issued an order dismissing Appellant's

appeal attempt by way of its Order dated July 27, 2023.

REHEARING

Appellant files this motion for Rehearing on the Motion To Proceed In Forma Pauperis as Appellant seeks to bring to the attention of this Court, the inequity (lies) which results from this Court's denial of leave that Appellant proceed in the appeal in forma pauperis, as well as the inequity which results as this Court dismisses the appeal based solely on Appellant's impecuniosity and inability to pay.

Simply put, Appellant would remain without legal remedy if such privilege is not afforded, as he would be barred from the Court by no reason other than his impecuniosity.

Appellant is aware that this Court basis its determination and discretion upon the ruling of Ex parte Martin, 321 S.C. 533, 471 SE2d 134 (1995). However, Appellant is also aware that this Court, in its discretion can allow Appellant to proceed in his appeal as the allowance generally concerns a fundamental right that requires waiver of the filing fee. Id. See also, Ex parte Dibble, 279 S.C. 592, 310 SE2d 440 (1983), "Courts have inherent power to do all things reasonably necessary to insure that just results are reached to fullest extent possible."

It can be reasonably inferred that the costs (\$250.00) of the filing fee, which was set by Order dated October 9, 2018, (Rule 203(d)(2)(B), SCACR), was actually set with the median

income of working class citizens in mind, and therefore the fee amount would not seem to be an unreasonable fee amount for the average working citizen.

However, Appellant seeks the court's understanding and acknowledgment that he is not an average working citizen as he is rather, an incarcerated prisoner who is in fact employed within the South Carolina Department of Corrections and is working a 8-hour per day job, 5 days per week - but is unable to earn wages for his employment due to South Carolina Laws, Regulations, and decision to rest upon the Slavery Exception Clause which exists within the Thirteenth Amendment to the United States Constitution and South Carolina's own Constitution.

The "work without pay" scheme is made possible due to the language:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Thirteenth Amendment of the US Constitution, Section 1.

This allowance of slavery/involuntary servitude has been embraced and is entailed within the policies of the South Carolina Department of Corrections. See i.e., SCDC Policy OP-21.04, titled, "Inmate Classification Plan", as this policy

which governs Appellant states as follows:

Section 37.10, "Refusing to Work / Failure to Work / Refusing to Attend the Compulsory School Program": An inmate will not be allowed to refuse any work or mandatory educational assignment or other mandatory program. Such refusal will subject the inmate to disciplinary action.

Appellant would also show the Court that, In South Carolina Courts, income below the federal poverty guidelines creates a presumption of indigency. See RULE 602, SCACR; Bairdfoot v City of Beaufort, South Carolina, 312 F. Supp. 3d 503 (2018).

Appellant emphasizes that his income is less than the Poverty Guidelines established and revised annually by the United States Department of Health and Human Services and published in the Federal Register under the authority of 42 USC. 9902(a). This is because Appellant is in fact employed but unable to earn wages for his employment due to South Carolina law. Appellant is destitute and his access to the Court is blocked by the imposition of undue hardship.

Appellant also reminds the Court that a "Dear Colleague Letter" was drafted and released by the United States Department of Justice's Civil Rights Division and Office for Access to Justice on March 14, 2016 and more recently on or about April 23, 2023. This letter was sent out to all courts within the

United States and did inform, among other things that
"State and local courts deprive indigent defendants of
due process and equal protection if they condition
access to the courts on payment of fines or fees."
See also, Boddie v Connecticut, 401 US 371, 91 Sct 780
(1971), "[A court] denies procedural due process in
denying [] indigent appellants access to [the] court
for the sole reason that they cannot pay a required fee.";
See also Smith v Bennett, 365 US 708, 81 Sct 895
(1961); Burns v State of Ohio, 360 US 252, 79 Sct 1164
(1959); Coppedge v US, 369 US 438, 82 Sct 917 (1962)

It is clearly inequitable that the State of South Carolina
and the arms of the State would work together to
place Appellant under the "work without pay" scheme and
then also after being the very reason that Appellant
remains destitute - now would use Appellant's status
as a pauper to now bar him from access to the courts
due to his impecuniosity and inability to attend to
pay filing fees and costs.

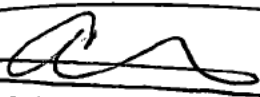
N.A.A.C.P. v Meese, 615 F. Supp. 200 (1985), "One of the
Basic principles, one of the glories, of the American
system of justice is that the courthouse door is open
to everyone - the humblest citizen, the indigent, the

convicted felon, the illegal alien.

CONCLUSION

For the above reasons, Appellant prays this court rehear his motion, consider these points Appellant sets before it, and ultimately in the interest of Due Process, Equal Protection, and equity grant Appellant leave to proceed in this action in forma pauperis and without costs.

Respectfully submitted,


Alonzo C. Jeter, III
APPELLANT / pro se

MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville, South Carolina 29972

This 6th day of August, 2023.

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Case No. 2023-000948

Alonzo C. Jeter, #282902, -----, APPELLANT,

VS


VS

South Carolina Department of
Corrections, -----

RESPONDENT.

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have mailed the motion for Rehearing to the South Carolina Court of Appeals on this 9th day of August, 2023, by placing a copy of the same within a postage prepaid envelope, and by placing said envelope in the hands of McDougall Correctional Institution's mailroom personnel on the above date, for mailing via the United States Mail, addressed as follows: Joseph R. Shakibanasab, Office of General Counsel, South Carolina Department of Corrections, P.O. Box 21787, Columbia, SC 29221-1787; Jenny A. Kitchings, Clerk, P.O. Box 11629, Columbia, SC 29211. (Will mail to Shakibanasab when allowed paper and envelopes).

s/ 
Alonzo C. Jeter, III

August 6, 2023

Alonzo C. Jeter, III, #282902
MacDeugell Correctional Institution
1516 Old Gilliam Road
Ridgeville, South Carolina 29472

The Hon. Jerry A. Kitchings
Clerk, SC Court of Appeals
PO Box 11629
Columbia, SC 29211

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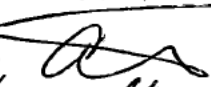
RE: Alonzo C. Jeter, III, #282902 v SCDC
Appellate Case No. 2023-000948

Dear Honorable Clerk:

Enclosed for filing, please find the Motion For Rehearing along with a Certificate of Service.

Enclosed also, please find a self-addressed stamped envelope (which bears also a "SCDC Christmas Packet" stamp). Please return to me a file stamped copy of these filings that I may obtain copies of the same. Per SCDC policy I am not allowed to receive copies of documents which are handwritten unless they bear the Court's stamp upon them. Secondly, I have used by allowance of paper for the month and thus have no additional paper to provide additional handwritten copies of the same.

Thank you for your attention, understanding, and assistance in this regard. Sincerely,


Alonzo C. Jeter, III

Alonzo C. Jeter, III, #282902
MacDougall Correctional Institution
1516 Old Gillard Road
Ridgeville, South Carolina 29203

CHARLESTON SC 294

8 AUG 2023

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