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STATE OF SOUTH CARLINA
IN THE COURT OF APPEALS

SEP 22 2023

SC Court of Appeals

Sandtario Poole # 360120)
Appellate)
Vs)
SC. Department of Corrections)
Respondent)

Case # 2023-000950

MOTION: For Rehearing

On appeal from the Administrative law court.

Honorable; Robert L. Reibold, ALJD

Case # 2023-ALJ-04-0058-IJ

I respectfully move this court to, rehear and amend its order by the Clerk dated Sept/06/23 Dismissing the appeal, received by me on 9/12/23.

Facts

I filed a timely NOA dated 6/04/23 in proper order, along with a Motion for informa pauperis, and served all parties. The court, by order dated Aug/01/23 granted waiver of Rule 267 SCACR in so much as only one copy of briefs and ROA is required, But denied waiver of filing fee and counsel.

I filed a motion for reconsideration dated 8/9/23, which was returned unanswered by order dated 8/15/23, pending dismissal of case. I then filed my initial brief on appeal, dated Aug/27/23 with proof of service.

This case stems from summary dismissal of appeal from step 1 and 2 grievance, challenging classification records that alters the structure of my sentence.

I certify that i do not have the funds to pay the 250.00 filing fee.

Argument

WHETHER THE DISMISSAL FOR FAILING TO PAY FILING FEE, DENIES ME ACCESS TO THE COURT, AND DUE PROCESS OF JUDICIAL REVIEW, OF AN ADMINISTRATIVE DECISION: SIMPLY BECAUSE I LACK FUNDS TO PAY THE COURTS FEE.?

1

The courts order denying waiver of filing fee, cites Ex Parte Martin 321 SC 533. I submit thia is an unreasonable application, because this appeal is from an administrative law court (tribunal) order, and not a circuit court complaint. SC

law grants the right to judicial review from (ALC) decisions, §1-23-610(A)(1),(B)(b.c.e.f), and I believe the case has merit and will prevail [if]- not denied judicial review because I dont have any money. I futher submit that this court dose not need a specific const. right to grant informa pauperis, but judicial review comes under SC Const. Art 1 §3, §8, §9 to settle impasses between citizens and goverment branches and agencies.

2

The court futher denied appointment of counsel, citing Ex Parte Dibble 279 SC 592 and Rule 608(g) SCACR. I submit this is in error, because Dibble dealt with a different matter altogether, yet at [Head Note 2] did hold "courts have inherent power to do all things necessary to ensure that just results are reached to fullest extent possible." This case is an appeal for judicial review from the (ALC) on injunctive type case (IJ) pursuant to §1-23-610 et seq. a specific constitutional right to counsel is not required for this court to grant if it finds case justifies need, and such const right was not pleaded. I futher submit that Rule 608 dose not deny this courts power to appoint professionals to properly present cases to the court for intelligent review.

Conclusion

Wherefore I pray that this court will reconsider and recind its order dismissing the appeal, and allow the case to proceed, as this court deems just. I tahnk the court for its waiver of Rule 267 SCACR.

September/ 17'th /2023

Mr. Joseph R Shakibanasab, esq
Office of General Counsel; SCDC
PO. Box 21787
Columbia SC 29221-1787
Ph 803-896-1278
Counsel for respondent.

Respectfully

/s/ Sandtario Poole
Sandtario Poole
BRCI, Marion-B-281
4460 Broad River Rd
Columbia SC 29210
Appellate Pro Se

State of South Carolina
In The Court of Appeals

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SFP 22 2023

SC Court of Appeals

TO: Honorable; Jenny A Kitchens
Clerk of Court
PO Box 11629
Columbia SC. 29211

Sept/ 17'th /2023

RE: Sandtario Poole, 360120 Vs The SC.DOC
BRCI, Marion-B-281
4460 Broad River Rd
Columbia SC 29210
Appellate Pro Se

Appellate Case 2023-000950

Court,

Please find enclosed for filing in the above case my original;

1.
Motion for rehearing.
2.
Proof of Service / Filing Letter

Thank you for your time and paitence in this matter.

Sincerely

X Sandtario Poole

PROOF OF SERVICE

I certify that on thia 20 /day of/ September /2023, one true copy of my motion for rehearing was served on counsel, Mr Joseph Shakibanasab, as addressed below, by depositing same in the mailroom marked INTRAGENCY, in proper order.

Mr. Joseph R. Shakibanasab, esq
Office of General Counsel; SCDC
4444 Broad River Rd
PO Box 21787
Columbia SC 29221-1787
Ph 803-896-1278
Counsel for respondent.

Respectfully

/s/ Sandtario Poole
Appellate Pro Se

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