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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

Docket No. 23-ALJ-15-0031-AP

Michael J. Pettinato, #218405,.....Appellant,

v.

The South Carolina Department of Probation,
Parole and Pardon Services,.....Respondent.

MOTION TO PROCEED IN FORMA PAUPERIS

I, Michael J. Pettinato, the above Appellant, respectfully moves this Honorable Court to allow me to proceed in this matter without prepayment of fees or costs.

In support of this Motion, Appellant herein declares the following:

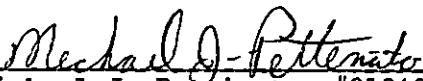
1. I am the Appellant in the above captioned action and I believe that I am entitled to redress;
2. This Appeal involves the fact that my case was dismissed based on the ALC's arbitrary determination that it lacked jurisdiction because my Notice of Appeal was "untimely," when the Notice of Appeal was indeed timely and the ALC, as well as Respondent, both know this to be true;
3. This Appeal also involves my attempts to secure through the ALC:
 - A) My right to obtain adequate Notice of the Time and Place of my Parole Hearing;
 - B) To secure my statutory right to appear at the hearing and argue

my case for parole, whether in person or by video; and C) To compel the Respondent to adhere to South Carolina Statutes and its own rules and regulations.

4. I am indigent, have about \$00.24 in my E.H. Cooper Trust account, have had approximately \$1000.00 in my account this past year and I receive a total of approximately between \$50.00 to \$100.00 from friends and family about every three months.

5. I thereby request that this Honorable Court allow me to proceed in this action without prepayment of fees and costs.

Respectfully Submitted,


Michael J. Pettinato, #218405
Allendale C.I., F3 A-27
1057 Revolutionary Trail
Fairfax, SC 29827

February 19, 2024
Fairfax, South Carolina

Appellant, Pro Se

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Michael J. Pettinato, #218405,.....Appellant,

v.

The South Carolina Department of Probation,
Parole and Pardon Services,.....Respondent.

PROOF OF SERVICE

I, Michael J. Pettinato, herein CERTIFY under penalty of perjury that I have on this date, served a Notice of Appeal, a copy of the Order being appealed, Motion To Proceed In Forma Pauperis and Affidavit of Indigency in the above captioned case, upon the above Respondent by depositing a copy of same into the U.S. Mail, First Class Postage prepaid, addressed to:

South Carolina Dep't of Probation,
Parole and Pardon Services
Attn: Matthew C. Buchanan, Esq.
293 Greystone Blvd.
P.O. Box 207
Columbia, SC 29202

Hon. Jana E. Shealy, Clerk
S.C. Administrative Law Court
1205 Pendleton St., Suite 224
Columbia, SC 29201

February 26, 2024
Fairfax, South Carolina

Michael J. Pettinato
Michael J. Pettinato, #218405
Allendale C.I., F3 A-27
1057 Revolutionary Trail
Fairfax, SC 29827
(NO PHONE)
Appellant, Pro Se

Michael J. Pettinato, #218405
Allendale Corr., Inst., F3 A-27
1057 Revolutionary Trail
Fairfax, SC 29827

February, 19, 2024

Hon. Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Michael J. Pettinato v. SCDPPPS
ALC Case No. 23-ALJ-15-0031-AP
Notice of Appeal, Motion To Proceed
In Forma Pauperis, Affidavit of Indigency,
and, Proof of Service

Dear Ms. Kitchings:

Enclosed for filing in the above referenced matter, please find a Notice of Appeal, the Order being appealed, A Motion To Proceed In Forma Pauperis, an Affidavit Of Indigency, and Proof of Service of these documents on General Counsel for the SCDPPPS and Ms. Jana E. Shealy, Clerk of the Administrative Law Court.

Also enclosed, please find a copy of each of the above documents that I ask you to please file stamp and return to me for my records, if you would please do so. I have enclosed a self addressed, postage prepaid envelope for your convenience.

As always, I thank you in advance for your assistance in this matter.

Sincerely & Respectfully,


Michael J. Pettinato

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SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF ALLENDALE)

AFFIDAVIT OF INDIGENCY

Personally appeared before me, Michael J. Pettinato, who first being Duly Sworn upon his Oath, states the following:

1. I am the Appellant in an Appeal I have filed in the S.C. Court of Appeals seeking relief from the Administrative Law Court's dismissal of my Appeal from the Final Decision of the S.C. Dep't of Probation, Parole and Pardon Services in Docket No. 23-ALJ-15-0031-AP.

2. I give this Affidavit in support of my Motion To Proceed In Forma Pauperis in the South Carolina Court of Appeals.

3. I am incarcerated within the South Carolina Department of Corrections at Allendale Corr., Inst., and have been incarcerated since 1994.

4. Because of my indigency status, I am unable to pay the filing fees and any costs associated with filing and prosecuting of this Appeal.

5. I have under \$30.00 in my E.H. Cooper Trust Account, own no Real Estate and have no bank accounts;

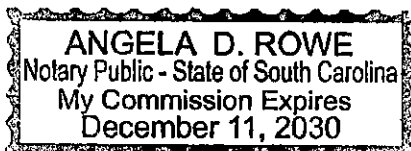
6. I respectfully request that this Honorable Court allow me to proceed in this matter without prepayment of fees or costs thereof.

Sworn to and Subscribed to before me
this 26TH day of February, 2024.

Michael J. Pettinato
Michael J. Pettinato

Angela Rowe
Notary Public For South Carolina

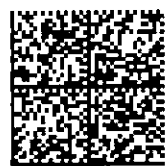
My Commission Expires: December 11, 2030.



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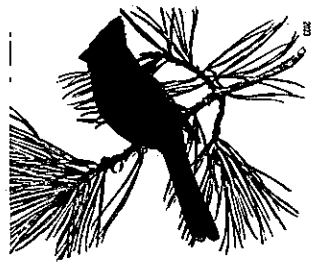
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FOREVER / USA

Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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