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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

Order (S.C. Ct. App. filed May 15, 2024)

South Carolina Department of Corrections . . . Respondent,

v.

Willie M. Knox, #153719 Petitioner.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Willie M. Knox
#153719
Allendale C.I. F1A-19
1057 Revolutionary Trail
Fairfax, SC 29827

Petitioner, Pro Se

PETITIONER'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner has submitted a petition for writ of certiorari pursuant to Rule 242, SCACR. This motion seeks leave to proceed without payment of costs on the above-captioned petition for writ of certiorari from the Court of Appeals, dismissing Petitioner's motion to reinstate an appeal from the Administrative Law Court (ALC) raising issues of the Department's failure to pay Petitioner the prevailing wage for his labor.

Petitioner participated in the private sector prison industries program at Evans Corr. Inst. from 1992 until 2011, with the private sector sponsor Escod. Upon leaving Evans Petitioner timely exhausted his grievance process and proceeded to the ALC. Following a six (6) year abeyance period the ALC issued an order affirming the Department's denial of Petitioner's grievance on October 3, 2023.

Petitioner was deprived of the prevailing wage prescribed by 18 USC §1761(c), S.C. Code §§24-3-315 and 24-3-430(D) for all regular, overtime and training hours during that period. Identical to Torrence and Wicker, Petitioner has a due process right and property interest in the prevailing wage. Both precedents held it was an error of law to be paid less than the prevailing wage for labor in that program.


Appellant has been indigent and an affidavit is in the Court of Appeals' files. The Court of Appeals recently granted leave to proceed in forma pauperis in an identical prevailing wage matter, Robert Lee #348833 v. S.C. Dep't of Corr., App. Case No. 2024-000603 (Ct. App. May 15, 2024).

Petitioner respectfully submits this motion is made in good faith and should not be considered frivolous.

Petitioner submits that he has a property interest in the prevailing wage for the labor he performed and believes based on the holdings in Torrence and Wicker that he will prevail.

Respectfully submitted,

June 12, 2024


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