

THE STATE OF SOUTH CAROLINA

In The Supreme Court

RECEIVED

JUN 18 2024

SC Court of Appeals

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.

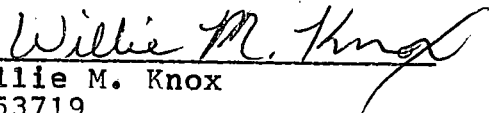
Appellant has been indigent and an affidavit is in the Court of Appeals' files. The Court of Appeals recently granted leave to proceed in forma pauperis in an identical prevailing wage matter, Robert Lee #348833 v. S.C. Dep't of Corr., App. Case No. 2024-000603 (Ct. App. May 15, 2024).

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


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

THE STATE OF SOUTH CAROLINA

In The Supreme Court

RECEIVED

JUN 18 2024

SC Court of Appeals

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.

PROOF OF SERVICE

I certify that I have served the Petitioner for Writ of Certiorari and Appendix by depositing a copy in the U.S. Mail, postage prepaid, on June 13, 2024, addressed to its attorney of record, Joseph R. Shakibanasab, Office of General Counsel, S.C. Department of Corrections, 4444 Broad River Road / P.O. Box 21787, Columbia, SC 29221-1787.

June 12, 2024

Willie M. Knox
Willie M. Knox

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

Petitioner, Pro Se

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

RECEIVED
JUN 18 2024
SC Court of Appeals

June 12, 2024

Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

Re: Willie M. Knox v. SCDC
Petition for Writ of Certiorari

Dear Clerk,

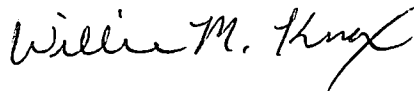
Please find enclosed for filing in the above-reference certiorari matter:

1. Petitioner for Writ of Certiorari
2. Appendix
3. Motion for Leave to Proceed In Forma Pauperis; and
4. Proof of Service

If this filing does not conform to SCACR, please notify me so that I may correct any deficiency.

With kindest regards, I am

Sincerely,



Willie M. Knox
Petitioner, pro se

Cc: ~~Honorable Jenny Kitchings (all documents)~~

Willie M. Knox

#153719

Allendale C.I. FIA-19

1057 Revolutionary Trail

Fairfax SC 29827

RECEIVED

JUN 18 2024

SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia SC 29211