

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On appeal from the Administrative Law Court,
Honorable, S Phillip Lenski, presiding.

Docket 24-ALJ-15-0043-AP

Joseph H. Gibbs, #185709 - - - Appellate

vs

The SC.P.P.P.S.B - - - - Respondent

MOTION FOR INFORMA PAUPRIS

I the appellate pro se, respectfully moves this court to grant informa paupris in this case, and allowe judicial review of the merits and procedure, because:

1. The (APA) provides for judicial review as a matter of due process, from administrative decisions on adverse state agency orders, and the SC Supreme court has held that judicial review from the ALC is a due process right.
2. As of this day, I have a total of \$6.11¢ in my E.H.Cooper account; and am an inmate in the SCDC, since 1991. I am below the poverty level, and cannot afford the cost, and requirments for a meaningfull review, and I still get \$8.75¢ ea two weeks as state pay, and received no charges since 1998.
3. I have a reasonable expectation, and beleive that I will prevail on appeal upon review of the merits, procedure, and evidence of the case as a whole, Since:
(A)- Upon this courts orders in Kelsey v SCPPPS 893 SE.2d 588, and Blackwell V SCPPPSB 24 WL 2956900, I requested to view my parole file, Id Appendix 1, at the parole hearing on Oct/30/2024. I discovered numerous factual errors and false facts, that I marked up. I tried to correct the facts at hearing, but the Board stated I could not retry my case, and threatned to cut me off several times, ID Affidavit, @ appendix 1. and did so. I pointed out the errors and its effect on nature and seriousness of case, but they would not allow it. I was denied a full

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and fair hearing.

(B)- I ordered the audio CD of the hearing, and it shows NO consideration of any criteria used, or facts, or records, but when victim witnesses spoke, they paid full attention, and used this (private cause of action) to reject parole based on private emotions, that relate to permanant denial of eligibility. The records I was allowed to view was incomplete, and I was not allowed to make any corrections.

(C)- The order denying parole only used Criteria as a finding of fact, and contained no real facts, or Instructions. The evidence shows no carefull finding of facts or consideration was made on the Ellements of 24-21-640. The cooper/compton Supra statement made was a falscity, and no discussion was made with or without me.

(D)- The ALC would not address anything the respondent did not put in their brief, and ignored my brief, and corrections to fact and law. Counsel (& ALC) stated I kicked in Browns front door and shot him in the back as he fled, and he died instantly! This is a false statement, and contrary to the whole circumstance of the trial and transcripts. The ALC adopted this without cause or hearing. (as to any collateral consequence, the judicial & excutive branch has not made a factual determination in any order) and is pending. This case is non collateral. This case is one of Irregular Procedure, and parole agency is a constitutional office, created by SC Const 1790, 1865, 1868, 1895, and even though it was removed from Governor as a political popularity contest, the people has not changed the const, and SC Citizens have a constitutional interest in parole, which is a state interest and subjective, and ReHabilitation is an objective state interest, and not a private action.

(E)- I filed a 59(e) motion to preserve issues and arguments, and provide a meaningfull review of adverse agency order; only on matters not already ruled on, so The ALC returning same stamped rehearing not allowed, should not be considered a final order, and it is unsigned or dated, and no rehearing was sought.

(F)- The ALC denied any evidence to be used to prove my case, and denied all rules of evidence outside of amended ALC Rule 61, to include records actually used by respondent, and submitted by me with appellate brief. They would not allow kelsey supra to determine correctness & truth, and the parole file actually showed low risk and assesment, that promotes parole. How can one get a meaningfull review

by the ALC or this court of appeals, if no evidence is allowed that respondent dont like.?

(G)- The ALC ruled on "Routine" as a cause for denial of jurisdiction and denial of appeal. The record shows different, and the doctrine of Routine is a judge made law, and not in statute or constitution. 24-21-10 et seq provides for an evidence based system, to ward against arbitrary and capricious acts, and 1-23-600(D) useses "...Potentially Eligibility" to deny ALC review; ie my case is not under new laws [15---life] ect, that is potential, but my eligibility is absolute under 1991-92 law. Here routine is used a a blank check to deny any kind of const and statutory award of parole, and the 14'th amend protects privileges as well as due process. I did not appeal being denied parole per se, but being denied a meaningfull hearing, review, and earned award of parole without just cause.

Conclusion

(H)- Having made my plea for in forma paupris, and stateing some of the facts and reasons, I ask this court to either remand case to ALC to make final order on all issues, or grant me the ability to present my case to this court for a review on merits and procedure.

May/ 5 /2025

Mr. Mathew C Buchanan
General Counsel; SCPPPSB

Respectfully

/s/ *Joseph Hugo Gibbs*
Joseph Hugo Gibbs
Appellate Pro Se
4460 Broad River Rd
Columbia SC 29210

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals
May 15 2025

TO: Clerk of Court
PO Box 11629
Columbia SC 29211

RE: Joseph H Gibbs, #185709 vs The SCPPPSB
BRCI, Marion-163 24-ALJ-15-0043-AP
4460 Broad River Rd
Columbia SC 29210

Sub: On appeal from the SC Administrative Law Court, Honorable
S. Phillip Lenski presiding.

Court,

Please find enclosed for filing on appeal in the above case
my;

1. Notice of Appeal, dated 5/5/25.
2. Motion for In Forma Paupris. 5/5/25.
3. Order stamped on 59(e) motion.
4. Final order of the ALC.
5. Order denying motions to compell & proffer & strike.
6. Order denying parole, 10/30/24.

Thanks for your time and service, please let me know if I need
to do something else for appeal.

Respectfully

/s/ Joseph H. Gibbs
Appellate Pro Se

May/6th/2025

PROOF OF SERVICE

I, the appellate pro se, certifies that I did
serve one copy of the documents listed above, plus this proof of
service on the Clerk SC Ct of Appeals; and Copy of NOA to judge
Lenski, and NOA plus Motion for informa paupris to counsel of record
Mr Buchanan as addressed below, in proper order.

Honorable; S. Phillip Lenski
1205 Pendleton Street, Suite 224
Columbia SC 29201

Sincerely

/s/ Joseph Hugo Gibbs
Appellate Pro SE
Joseph Hugo Gibbs

Mr. Mathew C Buchanan
General Counsel; SCPPPSB
PO Box 207
Columbia SC 29202

Joseph H. Gibbs, 185709
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