

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Civ. Act. No. # 2025-CP-00000-00000

**RECEIVED**

FEB 04 2026

S.C. SUPREME COURT

Jesse Edmond, )  
Plaintiff/Petitioner, )  
v. )  
John/Jane Doe, Clerk, )  
Administrative Law Court, and, )  
South Carolina Department )  
of Corrections, )  
Defendants/Respondents. )

NOTICE OF APPEAL

COMES NOW, Jesse Edmond, the Plaintiff in the above-captioned matter, who hereby gives ten (10) days notice of appeal, in relation to the (1) form order(s) filed August 13, 2025 and on November 12, 2025 and final written decision/judgment denying Plaintiff's Application To Proceed In Forma Pauperis and Plaintiff's Rule 59(e) Motion in connection thereto filed November 12, 2025; and (2) the final written order, filed the 1st day of December, 2025, granting Defendant Shealy's motion to dismiss, both of which were addressed in the aforementioned form orders.

The grounds for appeal shall be:

1. The signed order and its accompanying form order constitutes an error of law, and amounts to an abuse of discretion, due to the Court's failure discuss, address, or apply and otherwise comply with the explicitly mandatory provisions of Code Sections §§ 24-27-100 and 24-27-150, S. C. Code Ann., which provides in pertinent part the following :

"[if] a prisoner brings a civil action or proceeding, the court upon the filing of the action, shall order the prisoner to pay as a partial payment of any filing fees required by law a first-time payment of twenty percent of the preceding six months' income from the prisoner's trust account administered by the Department of Corrections and thereafter monthly payments of ten percent of the preceding month's income for this account. ..."

(Emphasis supplied); Canon 2, Code of Judicial Conduct, Rule 501, SCACR.

- The Court makes no attempt whatsoever to consider the applicable law, and more shockingly, the Court makes no attempt to apply this law to the facts of the case; and
2. The signed order and its accompanying form order constitutes an error of law, and amounts to an abuse of discretion, due to

the Court's failure to discuss, address, or incorporate Defendant Shealy's waiver or "dropping" of all grounds raised in the motion to dismiss at the November 3, 2025 WebEx hearing, with the exception of the first two grounds; and in its order resurrects these "dropped" grounds or affirmative defenses, i.e. immunity, lack of subject-matter jurisdiction, exhaustion of administrative remedies, and failure to state facts sufficient to constitute a cause of action; and the ruling is an error of law, where, the Court clearly misapprehends the definition of subject-matter jurisdiction, which is the power of a court to hear the class or category of cases to which the proceedings belong. In re November 4, 2008 Bluffton Town Council Election, 385 S.C. 632, 686 S.E.2d 683 (2009); State v. Crocker, 366 S.C. 394, 621 S.E.2d 890 (Ct.App. 2005) Obviously, the Court of Common Pleas, as a component of the Circuit Court, has subject matter jurisdiction, of civil matters. art. V, § 11, South Carolina Constitution; thus the Court is in error, as subject-matter jurisdiction has nothing to do with service of the summons and complaint, unlike personal jurisdiction, which the Defendant has in fact, waived by voluntary appearance, and signing acceptance of service, Rule 4, SCRCP; and

3. The signed order and its accompanying form order constitutes an error of law, and amounts to an abuse of discretion, due to the Court's refers to "online records of his certificates of service", which Plaintiff-Petitioner has no access to, nor have been provided same; and this denies due process and a fair trial, and further constitute inadmissible hearsay whose authenticity might be reasonably called into question; and
4. The signed order and its accompanying form order constitutes an error of law, and amounts to an abuse of discretion, due to the Court's failure to discuss, address, or apprehend the fact, that a denial of in forma pauperis application, results, according to the Court's own logic, in the failure to "commence" an action, thus, the Court is without jurisdiction to reach the merits of Defendant Shealy's motion to dismiss. Stated differently, the Court of Appeals has held that, in applying Rule 3, SCRCP, in its forma pauperis application provisions, the applicant submits only a "proposed" summons and complaint for proposed filing, and only after the application is granted is the summons and complaint actually filed, thus commencing the action. Until an action is commenced pursuant to Rule 3, there is no proceeding pending, and therefore, nothing to act upon. Chabek v. Nationwide Mut. Fire Ins. Co., 303 S.C. 26, 397 S.E.2d 786 (Ct. App. 1990) Thus, the Court had no jurisdiction or authority to rule upon Defendant Shealy's motion to dismiss, in the first instance; and
5. The signed order and its accompanying form order constitutes an error of law, and amounts to an abuse of discretion, due to the Court's failure to discuss, address, or specify that the

- action is dismissed without prejudice, and may be commenced anew, as contemplated by clearly established law of the State, including Code Sections §§ 24-27-100 and 24-27-150, which the Court obviously fails to consider and apply, as required by the clear and positive mandate of statutory provisions.
6. The signed order and its accompanying form order constitutes an error of law, and amounts to an abuse of discretion, due to the Court's failure to make findings of fact and conclusions of law, in regard to the application to proceed in forma pauperis, and the Rule 59(e) motion Plaintiff-Petitioner filed, as required by Rule 52, SCRPC. Moreover, the Court adroitly evades the requirement to elucidate its rationale, and failed to explain its ruling. Finally, the Court failed to explain or even apply why Code Section § 24-27-400 S. C. Code Ann, does not apply to the case, and Ex Parte Martin, which this Court continues to cite without discussion.
  7. The lower court's order denying Plaintiff's application to proceed in forma pauperis violates art. I, § 22, of the South Carolina Constitution; and the objectives of Re: Access To Justice Commission, 417 S.C. 118, 789 S.E.2d 753 (2016) and
  8. The lower court's order denying Plaintiff's application to proceed in forma pauperis in this SCDC prevailing wage case violates art. I, § 3, and art. I, § 14 as well as art. I, § 22 of the South Carolina Constitution; and this Court's pronouncements in Ex Parte Martin, 321 S.C. 533, 471 S.E.2d 134 (1995) and recent Court of Appeals rulings on the precise issue of fundamental state-created right to prevailing wage under Code Section § 24-3-430(D), ruled on in Wicker v. SCDC, 360 S.C. 421, 602 S.E.2d 56 (2004); Torrence v. SCDC, 433 S.C. 224, 857 S.E.2d 549 (2021); Administrative Order, dated November 26, 2024, Roy White # 263221, v. South Carolina Department of Corrections, Appellate Case No.# 2024-001745 (SCDC prevailing wage case); Administrative Order, dated February 11, 2025, Charles Nemon Vandross v. South Carolina Department of Corrections, Appellate Case No.# 2024-002046 (SCDC prevailing wage case) both granting in forma pauperis, citing Ex Parte Martin, supra., also cited by the lower court to opposite effect of denying Plaintiff's application to proceed in forma pauperis, and
  9. The lower court's order denying Plaintiff's application to proceed in forma pauperis violates Plaintiff's rights under the First Amendment right of access to the courts, and to Due Process and the Equal Protection of the Laws, of the South Carolina Constitution; and the United States Constitution and
  10. The lower court's order granting the Defendant's motion to dismiss constitutes an abuse of discretion; and
  11. The lower court's order granting the Defendant's motion to dismiss is clearly erroneous and contrary to law, or otherwise made upon unlawful procedure, where the Defendant failed to controvert or otherwise refute Plaintiff's objection that the Defendant lacked standing to object to

Plaintiff's application to proceed in forma pauperis; and to assert as an affirmative defense, the fact that the court had not yet granted the application to proceed in forma pauperis, as affecting the sufficiency of service of the summons and complaint; and

12. The lower court's order granting the Defendant's motion to dismiss is clearly erroneous and contrary to law, or otherwise made upon unlawful procedure, where the lower court granted the Defendant's motion to dismiss, on the ground of insufficiency of the service of process, where the Defendant entered both a voluntary appearance and a general appearance, and failed to assert or affirmatively plead the defense of lack-of-personal jurisdiction; and Rule 4, SCRPC, provides that such appearances are the equivalent of personal service.
13. The lower court's order granting the Defendant's motion to dismiss is clearly erroneous and contrary to law, or otherwise made upon unlawful procedure, where the Defendant did not controvert or refute that the motion failed to provide notice of motion, and was therefore not cognizable nor properly before the court; and
14. The lower court's order granting the Defendant's motion to dismiss is clearly erroneous and contrary to law, or otherwise made upon unlawful procedure, where the court in granting the motion to dismiss failed to afford the Plaintiff any opportunity to amend the complaint to cure any deficiencies in pleading; and
15. The lower court's order granting the Defendant's motion to dismiss is clearly erroneous and contrary to law, or otherwise made upon unlawful procedure, where the Defendant at the hearing on its motion to dismiss, dropped all asserted grounds, except the first two, yet the court in its order, relies upon said grounds to annunciate its grant of the motion; and by failing to enter default of a party upon the calendar.
16. The lower court erred and committed abuse of discretion by failing to comply with the statutory mandates set forth in Code Sections §§ 24-27-100 and 24-27-150, S. C. Code Ann., in assessing Plaintiff's application to proceed in forma pauperis; and by failing to strike insufficient defenses.
17. The lower court lacked jurisdiction to entertain or otherwise rule on Defendant Shealy's motion to dismiss, where, pursuant to Code Sections §§ 24-27-100 and 24-27-150; and Rule 3, SCRPC, the denial of application to proceed in forma pauperis, effectively resulting in no action being commenced at all, and thus, the motion to dismiss was not cognizable, in the first instance.
18. The lower court abused its discretion by not ruling on motion to amend final order.

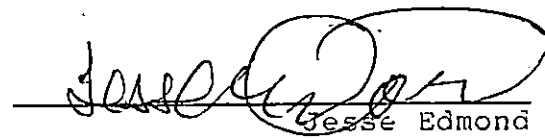
Attachments:

1. Form Order (SCCA 405.1), signed August 12, 2025 and filed August 13, 2025
2. Form Order, signed November 10, 2025, and filed November 12, 2025
3. Formal written order, signed the Unk day of Unk, 2025, and filed on the 1st day of December, 2025.

cc: Filed in the Court of Common Pleas, and in the S.C. Supreme Court.

J. Emory Smith, Jr., S.C.A.G.

Date. December 23, 2025  
Fairfax, South Carolina.

A handwritten signature in black ink, appearing to read "Jesse Edmond", written over a horizontal line.

Jesse Edmond  
Plaintiff, Pro Se  
Allendale Correction Institution  
1057 Revolutionary Trail  
Fairfax, SC 29827