

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 25 2026

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

SC Court of Appeals

Durham Cole, Jr., Circuit Court Judge

Appellate Case No: 2026-001179

Lawton Holloway, Appellant,

v.

State of South Carolina, Respondent.

MOTION TO PROCEED IN FORMA
PAUPERIS ON APPEAL

Appellant, Lawton Holloway, respectfully moves this Court for leave to proceed in forma pauperis on appeal and for waiver or deferral of the \$250.00 Appellate filing fees.

This appeal arises from the Circuit Court's May 1, 2026 order denying Appellant's request to proceed in forma pauperis. Appellant is an incarcerated inmate who has no employment income, limited resources, and insufficient funds to pay the appellate filing fees.

On June 2, 2026, the Clerk of Court issued a Deficiency Notice identifying two (2) deficiencies:

- (1) Proof of Service
- (2) Payment of filing fee.

Appellant corrected the Proof of Service and notified the Court of his indigent status in his response dated, June 8, 2026.

Appellant respectfully submits that requiring payment of the filing fee before appellate review is granted would effectively prevent review of the very issue presented in this appeal, namely whether the Circuit Court erred in denying Appellant's request to proceed in forma pauperis.

South Carolina's litigation statutes contemplate that indigent inmates may pursue litigation notwithstanding an inability to immediately pay filing fees. See S.C. Code Ann. §§ 24-27-100, 24-27-130, 24-27-150, and 24-27-400.

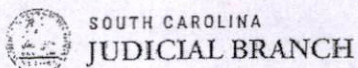
Appellant further submits that dismissal of this appeal based solely upon his inability to pay would deny meaningful access to appellate review and prevent consideration of his challenge to the lower court's ruling.

WHEREFORE, Appellant respectfully requests that this Court grant leave to proceed in forma pauperis on appeal, waive or defer the filing fee, and permit this appeal to proceed.

Respectfully submitted,

Lawton L. Holloway

Date: June 22, 2026 Lawton Holloway, Appellant pro se



STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

LAWTON L. HOLLOWAY)

Plaintiff,)

vs.)

STATE OF SOUTH CAROLINA)

Defendant.)

IN THE COURT OF COMMON PLEAS

SEVENTH JUDICIAL CIRCUIT

MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS

FILE NO. 2026CP4202064

Motion for Waiver of Costs and Fees

I, LAWTON HOLLOWAY, am unable to pay the costs of filing and service in the present matter and request that the court waive the costs and allow me to proceed in *forma pauperis*.

Plaintiff submits the following financial declaration and affidavit in support of the above motion.

Address PCI. Q1B-115, 430 Oaklawn Road Pelzer SC 29669

Age 56

Occupation N/A

Employer N/A

Employer Address N/A

Gross Monthly Income

- 1) Earnings (attach recent pay stubs)
- 2) Overtime
- 3) Social Security, VA Benefits,
Workers' Comp or Disability (SSI)
- 4) Unemployment
- 5) Alimony / Child Support (receiving)
- 6) Other (Specify) _____

Total Amount (Add lines 1-6):

Amount:

0
0
0
0
0
0
0

Assets

- 1) Cash
- 2) Money in Bank Accounts (Checking & Savings)
- 3) IRA / 401k / Pensions
- 4) Other (Specify) _____

Total Amount (Add lines 1-4):

Amount:

0
0
0
0



SOUTH CAROLINA
JUDICIAL BRANCH

<u>Monthly Expenses</u>		Amount:
1)	Rent / Mortgage	<u>0</u>
2)	Utilities	<u>0</u>
3)	Cell phone / Phone	<u>0</u>
4)	Food	<u>0</u>
5)	Child Support / Alimony (Paying)	<u>0</u>
6)	Child Care	<u>0</u>
7)	Car Payment	<u>0</u>
8)	Car Operating Expenses	<u>0</u>
	(Insurance, gas, maintenance)	<u>0</u>
9)	Clothing	<u>0</u>
10)	Cable / Satellite TV / Internet	<u>0</u>
11)	Medical / Dental / Vision Expenses	<u>0</u>
12)	Medical / Dental / Vision Insurance	<u>0</u>
13)	Credit Card / Loan Payments	<u>0</u>
14)	Other (Specify) _____	<u>0</u>
Total Amount (Add lines 1-14):		<u>0</u>

Sworn to before me this 22nd day
Of June, 2026

Lawson H. Halloway
Signature of Plaintiff

Alexis Danzy
Notary Public for South Carolina
My Commission Expires: _____

ALEXIS DANZY
Notary Public, State of South Carolina
My Commission Expires 2/6/2033



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 2, 2026

Lawton Leroy Holloway, 00379523
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

Re: Lawton L. Holloway v. State
Appellate Case No. 2026-001179

Dear Mr. Holloway:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. You must serve Respondent, State of South Carolina.
- The required filing fee has not been submitted. The correct filing fee is \$250.00.

6
Lawton Holloway, #379523
Perry Correctional Institute
430 Oak Lawn Rd. / Q1A-115
Pelzer, SC 29669

RECEIVED

JUN 11 2026

SC Court of Appeals

June 8, 2026

Catherine S. Harrison
Chief Deputy Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Case No. 2026-001179

Dear Honorable Harrison,

In response to your correspondence dated, June 2, 2026, please find enclosed herewith the corrected Proof of Service which is now in compliance with SCACR, Form 7 and has been served upon the Respondent.

Regarding the \$250.00 filing fee, please be advised that I am indigent, that the underlying appeal, itself, is in reference to the lower court's denial of my Motion to Proceed in forma pauperis. Cited in the Notice is the relevant statutory authority relied upon in this matter. (See Title 24; §§ 24-27-100, 130, 150, and 400)

Thank you for your time and attention.

Sincerely,

Lawton L. Holloway
Lawton L. Holloway

cc: Alan Wilson
S.C. Office of Attorney General

File

Lawton Holloway, #379523
Perry Correctional Institute
430 Oak Lawn Rd. / Q1A-208
Pelzer, SC 29669

RECEIVED

JUN 25 2026

SC Court of Appeals

June 22, 2026

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

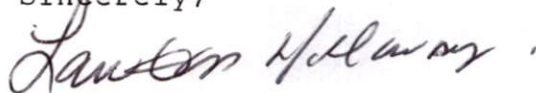
Re: Appellate Case No: 2026-001179

Dear Honorable Kitchings,

Please find enclosed herewith my Motion to Proceed in forma pauperis. Also enclosed are the following:

- (1) Affidavit of indigence filed in lower court.
- (2) Deficiency letter dated June 2, 2026.
- (3) Appellant's response dated June 8, 2026.

Sincerely,



Lawton Holloway

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 25 2026

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Durham Cole, Jr., Circuit Court Judge

SC Court of Appeals

Appellate Case No: 2026-001179

Lawton Holloway, Appellant,

v.

State of South Carolina, Respondent.

PROOF OF SERVICE
BY MAIL

I hereby certify that, on this day I served the forgoing document(s): **Motion to Proceed in forma pauperis On Appeal**, upon the Respondent in the above captioned matter by depositing copy of the same in the U.S. Mail, postage prepaid for delivery to their last known address as follows:

Alan Wilson, AG
S.C. Office of Attorney General
1000 Assembly St. / Suit 501
Columbia, SC 29201

June 23, 2026

s/ Lawton Holloway
Lawton Holloway, #279523
Perry Correctional Institute
430 Oak Lawn Rd. / Q1A-208
Pelzer, SC 29669

RECEIVED

JUN 25 2026

SC Court of Appeals

Lawton Holloway, #379523
Perry Correctional Institute
430 Oak Lawn Rd. / Q1A-208
Pelzer, SC 29669

June 23, 2026

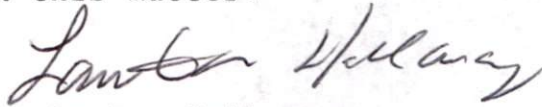
The Honorable Jenny A. Kitchings, Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Appellate Case No: 2026-001179

Dear Honorable Kitchings,

Please find enclosed herewith an original of my Proof of Service indicating that I served the Respondent copy of my previously filed Motion to Proceed in forma pauperis.

Thank you for your help in this matter.


Lawton Holloway

Lawton Hallway 379523
Perry Correctional Q1A208
430 Oaklawn Road
Pelzer SC 29669

RECEIVED

JUN 22 2026

PCI MAILROOM

LEGAL MAIL

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

RECEIVED

JUN 25 2026

SC Court of Appeals