

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable John D. McCleod, Administrative Law Court Judge

Case No. 13-ALJ-15-0038-AP
Appellate Case No. 2014-000023

Carnell Davis, #179330 Appellant

v.

South Carolina Department of
Probation, Parole, and Pardon Services Respondent

MOTION TO PROCEED *IN FORMA PAUPERIS*

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MAR 13 2014

SC Court of Appeals

CARNELL DAVIS
#179330
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

APPELLANT, pro se

The Appellant herein sought review of the final agency decision of the South Carolina Department of Probations, Parole and Pardon Services (SCDPPPS) in his denial of parole in violation of controlling South Carolina statutory law regarding criteria utilized in the determination of parole. This matter was dismissed by the Administrative Law Court, the Honorable John D. McCleod, dated December 4, 2013. Appellant is indigent and believes he is entitled to proceed without prepayment of the \$100 filing fee prescribed by Rule 203(d), SCACR. This motion is brought pursuant to Rule 240, SCACR.

Appellant submits that this Court enjoys the discretion to grant a motion to proceed in forma pauperis where it may be required by constitutional provisions. See, *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995).


Where certain fundamental rights are involved, the United States Constitution requires that an indigent be allowed access to the courts. See *Boddie v. Connecticut*, 401 U.S. 371. This Court may also allow proceeding without prepayment of costs from appeals of administrative agency decisions, such as the instant case, see, *Ex parte Cauthen*, 291 S.C. 465, 354 S.E.2d 381 (1987).

Appellant suggests that the instant matter bears on the unconstitutional application of South Carolina statutory law regarding the five (5) criteria set forth in §24-21-645 and begs this Honorable Court to accept this matter *in forma pauperis*.

CONCLUSION

WHEREFORE, based on the foregoing, the Appellant prays this Honorable Court grant this Motion to proceed *in forma pauperis*.

March 7, 2014



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PROOF OF SERVICE

The undersigned hereby certifies that he has served a true and correct copy of the Motion to Proceed *In Forma Pauperis* on all parties required by Court Rules, by placing a copy in the U.S. Mail, first-class postage affixed thereto, this 8 day of March, 2014, addressed as follows:

Matthew Buchanan, Esq.
General Counsel
S. C. Dept. of Probation, Parole, and Pardon Servs.
P.O. Box 50666
Columbia, SC 29501

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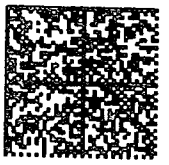
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