

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

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Administrative Law Court Docket No. 12-ALJ-04-00143-AP

**Appellate Case No. 2014-000409**

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Thomas J. Torrence, #094651 ..... Respondent

v.

South Carolina Department of Corrections ..... Appellant

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**MOTION TO PROCEED *IN FORMA PAUPERIS***

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Thomas J. Torrence  
#94651  
Lieber Correctional Institution  
Post Office Box 205  
Ridgeville, South Carolina 29472

**RESPONDENT, pro se**

Other counsel of record:

Lake E. Summers, Esq.  
**Malone, Thompson, Summers & Ott LLC**  
339 Heyward Street, Suite 200  
Columbia, SC 29201

Counsel for Appellant South Carolina  
Department of Corrections

**RECEIVED**

MAR 27 2014

**SC Court of Appeals**

Thomas J. Torrence, the *pro se* Respondent in the afore-captioned appeal from the Administrative Law Court, respectfully moved this Honorable Court, on March 10, 2014, pursuant to Rule 240, South Carolina Appellate Court Rules, to dismiss the afore-captioned appeal by the South Carolina Department of Corrections for lack of appealability of a matter where the January 30, 2014 Order of the Administrative Law Court (ALC) is not a final judgment or order upon which an appeal may be taken at this time pursuant to South Carolina Code of Laws § 1-23-610(A)(1).

Respondent here is indigent (*less than* one dollar (\$1.00) in his trust account for over one year) and believes he is entitled to proceed without prepayment of the \$25 motion filing fee prescribed by Appellate Court Rules where a state agency initiated this appeal and the appeal itself lacks appealability. This motion is brought pursuant to Rule 240, SCACR.

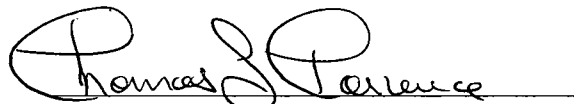
Appellant submits that this Court enjoys the discretion to grant a motion to proceed *in forma pauperis* where it may be required by constitutional provisions, *see, Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995).

Where certain fundamental rights are involved, the United States Constitution requires that an indigent person 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). Respondent believes that he should not be aggrieved by an appeal that is improperly filed pursuant to our Supreme Court precedent.

### CONCLUSION

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

Respectfully submitted,



Thomas J. Torrence  
#094651  
Lieber Correctional Institution, SA-43  
Post Office Box 205  
Ridgeville, South Carolina 29472-0205

March 20, 2014

**RESPONDENT, Pro se**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

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**CERTIFICATE OF SERVICE**

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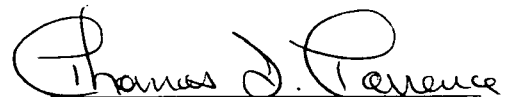
The undersigned hereby certifies that he has served a true and correct copy of Respondent's Motion to Proceed *In Forma Pauperis* on counsel for Appellant by placing a copy in the U.S. Mail, first-class postage affixed thereto, this 20th day of March, 2014, addressed as follows:

Lake E. Summers, Esq.  
**Malone, Thompson, Summers & Ott LLC**  
339 Heyward Street, Suite 200  
Columbia, SC 29201

**RECEIVED**

MAR 27 2014

**SC Court of Appeals**



Thomas J. Torrence  
#94651  
Lieber Correctional Institution  
Post Office Box 205  
Ridgeville, South Carolina 29472

**RESPONDENT, pro se**

Thomas J. Torrence  
#094651  
Lieber Correctional Institution SA-43  
P.O. Box 205  
Ridgeville, SC 29472-0205

March 20, 2014

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

**Re: Motion to Proceed *In Forma Pauperis*** in regards to:  
Motion to Dismiss Appeal of the Administrative Law Court's January 30, 2014 Order in  
*Thomas J. Torrence, #094651, Respondent, v. South Carolina Department of Correction,*  
*Appellant*  
ALC Docket No. 12-ALJ-04-00143-AP  
**Appellate Case No. 2014-000409**

Dear Ms. Kitchings:

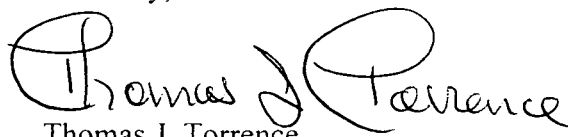
I am in receipt of your March 17, 2014 correspondence regarding the filing fee for Respondent's Motion to Dismiss the appeal. Enclosed for filing please find the original and six (6) copies of Respondent's Motion to Proceed *In Forma Pauperis* in the above-referenced case.

Also enclosed is a proof of service of the Motion on counsel for Appellant.

If this matter is not in correct form please advise me of any further deficiency. Your assistance in this matter is sincerely appreciated.

With kindest regards, I am,

Sincerely,

  
Thomas J. Torrence  
**RESPONDENT, Pro se**

**RECEIVED**

MAR 27 2014

**SC Court of Appeals**

Cc: Lake E. Summers, Esquire

Thomas J. Torrence

#94651

Lieber Correctional Institution SA-43

P.O. Box 205

Ridgewille, SC 29472-0205

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MAR 20 2014  
MAIL ROOM  
LIEBER C.I.

FORWARDED

MAR 27 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk

Court of Appeals of South Carolina

Post Office Box 11629

Columbia, South Carolina 29211