

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable Carolyn C. Matthews, Administrative Law Court Judge

Administrative Law Court Docket No. 13-ALJ-15-0043-AP

Gene Ray Richardson, #93614. Appellant

v.

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

MOTION TO PROCEED *IN FORMA PAUPERIS*

GENE RAY RICHARDSON
#93614
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

APPELLANT, pro se

Other counsel of record:

Tommy Evans, Esq.
General Counsel
S. C. Department of Probation, Parole, and Pardon Services
P.O. Box 50666
Columbia, SC 29501

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APR 14 2014

SC Court of Appeals

Gene Ray Richardson, the *pro se* Appellant in the afore-captioned appeal from the Administrative Law Court, respectfully moves this Honorable Court, pursuant to Rule 240, South Carolina Appellate Court Rules, for leave to proceed in the afore-captioned appeal *in forma pauperis* where the Appellant is an indigent prisoner without the ability to pay the Notice of Appeal filing fee required by Rule 203, SCACR.

Appellant believes he is entitled to proceed without prepayment of the \$100 notice filing fee prescribed by Appellate Court Rules where a state agency has denied Appellant due process in determining Appellant's liberty in a statutory parole review under the statute in effect at the time of sentencing (S.C. Code Ann. §24-21-645 (1985)); and the Administrative Law Court rendered a decision without requiring a certified record upon which the substantial evidence in light of the whole record rule could be applied where the record provided was challenged and evidence exists in the record and withheld by Respondents that is contrary to the Administrative Law Court's ruling.

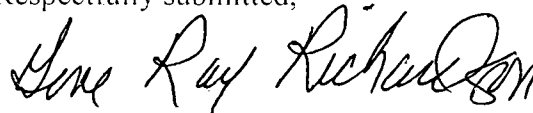
Appellant submits that this Court enjoys the discretion to grant a motion to proceed *in forma pauperis* where it may be required by constitutional provisions, *see, Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995).

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).

CONCLUSION

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

Respectfully submitted,



Gene Ray Richardson
#093614
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Post Office Box 205
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April 9, 2014

APPELLANT, Pro se

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PROOF OF SERVICE

The undersigned hereby certifies that he has served a true and correct copy of the Notice of Appeal on all parties required by Court Rules, and a copy of Appellant's Motion to Proceed *In Forma Pauperis* on counsel for Respondent, by placing a copy in the U.S. Mail, first-class postage affixed thereto, this 9th day of April, 2014, addressed as follows:

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

The Honorable Jana E. Shealy
Clerk
S.C. Administrative Law Court
Edgar A. Brown Bldg.
1205 Pendleton Street, Suite 224
Columbia, SC 29201



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