

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable Carolyn C. Matthews, Administrative Law Court Judge

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Administrative Law Court Docket No. Case No. 13-ALJ-15-0042-AP

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Kenneth Green, #116020 ..... Appellant

v.

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

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

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KENNETH GREEN  
#116020  
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

Kenneth William Green, 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).

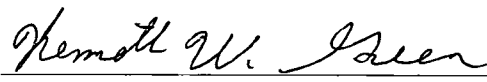
Where certain fundamental rights are involved, the United States Constitution requires that an indigent person be allowed access to the courts, *see Boddie v. Connecticut*, 401 U.S. 371. This Court may also allow proceeding without prepayment of costs from appeals of administrative agency decisions, 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,

April 10, 2014

  
Kenneth W. Green  
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**PROOF OF SERVICE**

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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 10th day of April, 2014, addressed as follows:

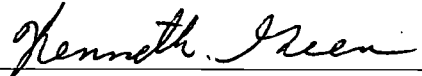
Tommy Evans, Esq.  
General Counsel  
S. C. Dept. of Probation, Parole, and Pardon Servs.  
P.O. Box 50666  
Columbia, SC 29501

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

**RECEIVED**

APR 15 2014

**SC Court of Appeals**

  
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