

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
The Honorable S. Phillip Lenski, Administrative Law Judge  
Case No. 13-ALJ-15-0027-AP  
Appellate Case No. \_\_\_\_\_

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Ronald Tate #114188,.....Appellant,

v.

S.C. Department of Probation,  
Parole and Pardon Services.....Respondent.

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MOTION TO PROCEED IN FORMA PAUPERIS

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MAY 13 2014

**SC Court of Appeals**

Appellant, Ronald Tate #114188, hereby apply for leave to proceed in the Court of Appeals without prepayment of fees or security thereof. In support of my Motion, I declare under penalty of perjury that the following facts are true to the best of my knowledge and understanding:

1. I'm the Appellant, and I am an indigent prisoner in SCDC and do not have the funds to pay the cost of said proceeding or give security thereof, and I'm entitled to redress.
2. Pursuant to S.C. Const. Art. I, § 22 Appellant has a constitutional right to "judicial review", and "shall not be finally bound by a judicial or quasi judicial decision of an Administrative Agency affecting private rights".
3. Pursuant to S.C. Code Ann. § 1-23-380 & 610(B) (2008 Supp.) "Appeal in this matter is by right".
4. Appellant intends to raise the following issues:
  - A. Substantial Due Process rights of the appellant have been prejudiced because the administrative findings and decisions are in violation of constitutional or statutory provisions, made upon unlawful procedure and affective by other error of law.
  - B. ALC failed to look to the presence of mandatory language in the statute that gives rise to liberty interest in parole release.
  - C. The ALCJ admittedly passed on Ex Post Facto violations because he was indecisive as to its prejudicial effect.


5. This Court has the right and obligation to determine whether an inmate is being deprived of a "State created right" or "Liberty Interest" granted to him by rule, a statute of regulation promulgated by the government. Meachum v. Fano, 96 S.Ct. 2532 (1976). The parole procedures that the SCPPP'S has established create such liberty interest which cannot be "arbitrarily abrogated". An agency's failure to afford an individual procedural safeguards required under its own regulations may result in the invalidation of the ultimate administrative determination. U.S. v. Morgan, 193 F.3d 252, 256 (4th Cir. 1999).

#### CONCLUSION

Appellant moves the Court to take judicial notice that to interpose any financial consideration between an indigent prisoner of the State and his exercise of a State right to [Appeal] ... is to deny that prisoner the equal protection of the law. Smith v. Bennett, 81 S.Ct. 895 (1961). When ... right is granted by a State, financial hurdles must not be permitted to condition its exercise. Id. 898. 1. ALCD Rules.

I declare under penalty of perjury that the above information is true and correct.

Respectfully,

  
Ronald Tate #114188  
Appellant Q2 B220  
Perry Corr. Inst.  
430 Oaklawn Road  
Pelzer, S.C. 29669

This 7, day of May 2014,  
at Pelzer, South Carolina.

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PROOF OF SERVICE

I, Ronald Tate #114188, certify that I have served the Notice of Appeal on S. Phillip Lenski, Administrative Law Judge, by depositing a copy of it in the United States Mail, postage prepaid, addressed to his Clerk, Jana Shealy, Administrative Law Court, 1205 Pendleton St., Suite 224, Columbia, S.C. 29201. Also, I have served a copy of Appellant's Motion to Proceed In Forma Pauperis, along with Proof of Service.

I further certify that I have mailed identical copies of same to Tommy Evans, Jr., Legal Counsel for the South Carolina Department of Probation, Parole and Pardon Services, at 2221 Devine St., Suite 600, P.O. Box 50666, Columbia, S.C. 29250.

RE

MAY 07 2014

P.C.I. MAILROOM

*Ronald Tate*

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Appellant Q2 B220  
Perry Corr. Inst.  
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