

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS
J.C. Nicholson, Circuit Court Judge

2014-CP-10-305

RECEIVED
OCT 22 2014
SC Court of Appeals

Sidney Fields # 254392

Appellant.

v.

The State Of South Carolina

Respondent.

MOTION TO BE RELIEVED FROM PAYING FILING FEE
PURSUANT TO RULE 240(d) SCACR

To The Court:

Rule 240(d) SCACR states that in extraordinary cases, a party may be relieved from paying the required filing fee. Appellant above named who is indigent asserts that this is an extraordinary case and that it warrants the relieving of a filing fee.

At the conclusion of appellant's (PCR) proceeding, no record was ever developed to substantiate the main allegation of appellant's (PCR) issue, nor was there a record developed to substantiate the exhibits marked into evidence. Appellant then submitted a writ of Habeas Corpus to address the deficiencies of the (PCR) record, in which the Chief Adm. Judge issued an Order placing the pleading on the Habeas Corpus docket. The Order also decreed that a hearing be set in accordance.

The respondent then submitted a motion to reconsider asking the Adm. Judge to vacate his Habeas Order and place the pleading on the (PCR) docket in order for them to move the court for a (PCR) dismissal. The Adm. Judge denied the respondent's motion to reconsider. And since the respondent failed to appeal the denial of their motion to reconsider, the Habeas Order RIGHT or WRONG became the law of the case.

However at the hearing, the respondent moved before another Judge for a (PCR) dismissal and their motion was granted by the second Judge. Thus the second Judge illegally construed and dismissed appellant's Habeas pleading as a successive (PCR) application and proceeding.

After the denial of appellant's appeal, appellant submitted a mandamus in circuit court to compel the court to conduct a Habeas Corpus proceeding as mandated by the Adm. Judge's initial Order to do so. The court denied the mandamus. Now appellant is before this court to appeal the Order denying the mandamus petition.

This matter is extraordinary pursuant to Rule 240(d) SCACR because a circuit court Judge cannot countermand the Order of another circuit court Judge, especially when the Order is the law of the case. And especially when the respondent blatantly violated Rule 60 of the S.C. Circuit Court Rules Of Practice when the Adm. Judge denied the respondent's application for an Order, the respondent then deliberately made a second application for an Order based on the same set of facts before a second Judge who issued an Order based on the respondent's second application. Thus the second Judge's Order is void.

Also the respondent blatantly violated due process by failing to give notice of their motion before the hearing. In short, the Habeas Order issued by the Adm. Judge is still pending and the mandamus Judge who's Order appellant is now appealing, concedes to this fact on record.

Because of the way the procedural violations were committed in the circuit court by Judicial officers of this State, this matter is ripe for appellate review by this court to resolve this Justiciable controversy.

Attached is appellant's Initial Brief and Designation Of Matter along with proof of service for each. The Initial Brief itself will show this court the egregious actions committed against appellant that will Justify why it's imperative that this court review this extraordinary case.

Wherefore, appellant Sidney Fields now pray that this court relieve him from paying a filing fee in this matter pursuant to Rule 240(d) SCACR

Respectfully Submitted,

Date: *October 20, 2014*

Sidney Fields
Sidney Fields # 254392

B.R.C.I. 4460 Broad River Rd.

Wateree # 177

Columbia, S.C. 29210

Sidney Fields # 254392
B.R.C.I. 4460 Broad River Rd.
Wateree # 177
Columbia, S.C. 29210

RECEIVED

OCT 22 2014

SC Court of Appeals

October 20, 2014

ATT: V. Claire Allen
Deputy Clerk, s.c. court of appeals
P.O. Box 11629
Columbia, S.C. 29211

RE: Relieving Party From Paying Filing Fee In Extraordinary Cases
Pursuant To Rule 240(d) SCACR
Sidney Fields # 254392 v. The State Of South Carolina
Case # 2014-002150

Dear Deputy Allen;

I received your letter dated October 13, 2014 informing me that \$100.00 is required to file an appeal in the above reference matter. However, this appeal is based on an extraordinary case and must be reviewed by your court.

At my original (PCR) proceeding, no record was ever developed to substantiate the main allegation of my (PCR) issue, nor was there a record developed to substantiate the exhibits marked into evidence. I then submitted a writ of Habeas Corpus to address the deficiencies of the (PCR) record, in which the Chief Adm. Judge issued an Order placing the pleading on the Habeas Corpus docket. The respondent challenged the Habeas Order in which the Adm. Judge denied the respondent's motion to reconsider. No appeal was taken by the respondent.

At the hearing the respondent moved before another Judge for a (PCR) dismissal and their motion was granted by the second Judge. Thus the second Judge illegally construed and dismissed my Habeas pleading as a successive (PCR) application and proceeding.

After the denial of my appeal, I submitted a mandamus to compel the circuit court to conduct a Habeas Corpus proceeding as mandated by court Order that is the law of the case, but was denied. Now I am before this court to appeal the Order denying my mandamus.

This matter is extraordinary pursuant to Rule 240(d) SCACR because a circuit court Judge cannot countermand an Order by another Judge especially when the Order is the law of the case. And especially when the respondent blatantly violated Rule 60 of the S.C. Circuit Court Rules Of Practice by making an application for an Order before another Judge after the first application was denied by the first Judge.

Also the respondent blatantly violated due process by failing to give notice of their motion before the second Judge. In short, the Habeas Order issued by the Adm. Judge is still pending and the mandamus Judge who's Order I am now appealing, concedes to this fact on record.

Enclosed is my Initial Brief and Designation Of Matter along with proof of service for each. The Initial Brief itself will show the egregious actions committed that will justify why I should be relieved from paying a filing fee pursuant to Rule 240(d) SCACR. (see note below)

Sincerely

Sidney Fields

Sidney Fields # 254392

CC: Kristin M. Simons
Office Of The Attorney General
(attorney for respondent)

PS: My affidavit of indigency and the financial statement of my account has been already been submitted with the notice of appeal.

PS: Motion is also enclosed asking court to relieve filing fee. Please submit this motion to the court for their review.

RECEIVED

OCT 22 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY

COURT OF COMMON PLEAS

J.C. Nicholson, Circuit Court Judge

2014-CP-10-305

Sidney Fields # 254392

Appellant.

V.

The State Of South Carolina

Respondent.

PROOF OF SERVICE

Appellant certify that he has served (one) copy of his Motion To Be Relieved From Paying Filing Fee on Kristin M. Simons Esq., Office Of The Attorney General (attorney for respondent) P.O. Box 11549 Columbia, S.C. 29211 by depositing one copy in the United States mail postage prepaid to the address above.

Date: *October 20, 2014*

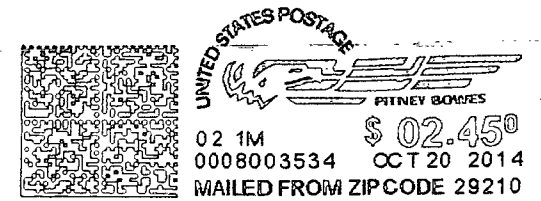
Sidney Fields
Sidney Fields # 254392

B.R.C.I. 4460 Broad River Rd.

Wateree # 177

Columbia, S.C. 29210

Sidney Fields #254392
B.R.C.I. 4460 Broad River Rd.
Waterree #177
Columbia, S.C. 29210



RECEIVED

OCT 22 2014

SC Court of Appeals

RECEIVED
OCT 20 2014
BRCI
MAILROOM

The S.C. COURT OF Appeals
ATTN: V. Claire ALLEN
P.O. Box 11629
Columbia, S.C. 29211

