

STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal From Charleston County

R. Markley Dennis, Jr., Circuit Court Judge

Trial Court Case No. 2013-CP-10-5444

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DEC 29 2014

SC Court of Appeals

Clark D. Thomas, Appellant,

V.

Evening Post Publishing Co.,
d/b/a The Post and Courier,
Glenn Smith, Officially
and Individually,Respondent.

**MOTION TO PROCEED
IN FORMA PAUPERIS**

Pursuant to Rule 240, SCACR, Clark D. Thomas, *pro se*, Appellant in the above-captioned *Appeal*, respectfully requests that this Court grant him leave to proceed *in forma pauperis*. This *Motion* is based on one or more of the following grounds:

INTRODUCTION

This matter comes before this Court in the interest of the appeal Thomas seeks to file requesting relief from the lower court's *Order* granting the Respondents' motion for summary judgment in an action for libel and the intentional infliction of emotional distress filed by

Thomas on September 17, 2013, in response to an article written and published about him by the Respondents.

I.

Pecuniary Limitations

Thomas borrowed the funds required to file and prosecute this case in the lower court from his mother, Carol Ann Cook. She has also paid the fee to prepare the transcript relevant to this matter, however, Cook is unable to provide Thomas with the funds to file and perfect this *Appeal*. (See pp. 3-4). In order that Thomas may enjoy his right to meaningful access to the courts as guaranteed by the Fourteenth Amendment to the United States Constitution, Thomas respectfully requests that this Court grant him leave to proceed *in forma pauperis*.

WHEREFORE, Appellant prays that this Court grant the relief requested; and, for such other relief as this Court deems just and proper.

Respectfully submitted,



Clark D. Thomas #187845
BRCI / Moultrie A-2087
4460 Broad River Road
Columbia, SC 29210


Columbia, SC

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**AFFIDAVIT
OF
CLARK D. THOMAS**

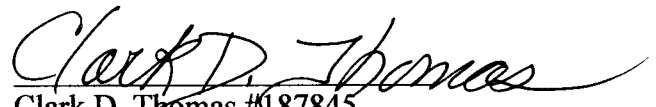
NOW COMES Clark D. Thomas, Appellant in the above-captioned *Appeal*, and states, under oath, the following:

1. I am currently serving a 20 year sentence, that began in 2008, at the Broad River Correctional Institution (BRCI) in Columbia, SC. My projected release date is December 1, 2024, and I have had no income or any other means of supporting myself.
2. Pursuant to Rule 240(c)(3), SCACR, the facts I have stated by virtue of this *Motion* are true and correct to the best of my knowledge and belief.

Further affiant sayeth naught.

SUBSCRIBED AND SWORN TO before me
This 22nd day of December, 2014


Pamela P. Rittner (L.S.)
Notary Public for South Carolina
My Commission Expires: 2/12/2023


Clark D. Thomas #187845
BRCI / Moultrie A-2087
4460 Broad River Road
Columbia, SC 29210

**AFFIDAVIT
OF
CAROL ANN COOK**

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NOW COMES Carol Ann Cook, and states, under oath, the following:

1. I loaned the fee to file the above-captioned case in the lower court, the fees to file motions in that action, and the fee to prepare the transcript required for this *Appeal* to my son, Clark D. Thomas. However, I am not able to loan him the money to file and perfect this *Appeal*.

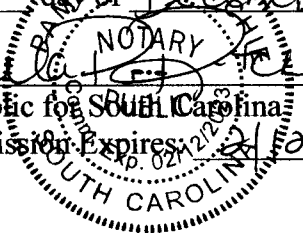
Further affiant sayeth naught.

SUBSCRIBED AND SWORN TO before me
This 22nd day of December, 2014

[Signature] (L.S.)

Notary Public for South Carolina

My Commission Expires: 2/10/2013



[Signature]

Carol Ann Cook
202 Shadowfield Drive
West Columbia, SC 29169
803-939-8430

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the document listed below has been sent

by U.S. Mail to:

Jay Bender, Esquire
P.O. Box 8057
Columbia, South Carolina 29202.

1. *Motion to Proceed In Forma Pauperis.*

Clark D. Thomas

Clark D. Thomas #187845
BRCI / Moultrie A-2087
4460 Broad River Road
Columbia, SC 29210

December 29 2014
Columbia, SC