

The State of South Carolina
IN THE COURT OF APPEALS

Appeal From The Administrative
Law Court

S. Phillip Lenski, Administrative Law
Judge

Angelo Ham, #315014,

Appellant,

vs.

South Carolina Dept. of Corrections,

Respondent.

Appellant Petition For Rehearing

RECEIVED

OCT 13 2014

SC Court of Appeals

Appellant, Angelo Ham, hereby submit this petition for rehearing in accordance with Rule 221 (a) of the S.C. Rules of Appellate Court alleging that this Honorable Court have clearly overlooked the law that was set out by the Supreme Court in Ex parte Martin, 321 S.C. 533, 471 S.C.2d 134 (1995) and in Al-Skeibee v. State, 338 S.C. 354, 527 S.C.2d 742 (2000).

This Court issued an Order dated August 19, 2014 stating that "the motion to proceed in forma pauperis is denied pursuant to Ex Parte Martin, 321 S.C. 533, 471 S.E.2d 134 (1995)." However, the Supreme Court specifically held in that court that "Because of the increasing number of persons seeking to proceed in forma pauperis, we take this opportunity to give guidance as to when it is appropriate to waive filing fees. In the absence of a statutory provision allowing the general waiver of filing fees, we conclude motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions."

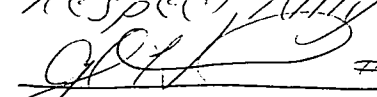
The Supreme Court went to hold in Al-Sherbaji v. State, 527 S.E.2d 742 (2000) that, "to obtain judicial review of the ALJ's final decision, "a petition by an aggrieved party must be filed with the circuit court and served on the opposing party not more than thirty days after the party receives the final decision and order of the administrative law judge. Appeal in these matters is by right." " See S.C. Code Ann. § 1-23-610 (B) (Supp. 1999); accord S.C. Code Ann. § 1-23-380 (A) (1) (Supp. 1999).

So, understanding both of the controlling cases cited above, this Honorable Court should not have denied the Appellants' motion to proceed in

Formo papers and should not have dismissed the Appellants appeal in this matter.

Appellant therefore respectfully request and pray that this Honorable Court vacate both of its orders dated August 19, 2014 and October 6, 2014 and allow the Appellant to proceed in Formo papers.

October , 2014

Respectfully Submitted,
 #315014
Angelo Horn #315014
L.C.I. ISMU # 62
990 Wiscoky Highway
Bishopville, S.C. 29010

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Proof of Service

I, Angelo Horn, hereby certify that an original copy of the "Appellant Petition For Rehearing", in the above-cited matter was this day served upon the Respondent by depositing a copy of the same in the U.S. Mail, postage prepaid, to the following address:

S.C. Dept. of Corrections
Office of the General Court
444 Broad River Road
P.O. Box 21787
Columbia, S.C. 29211

October 9, 2014

J. H. O. #315014

Angelo Horn #315014
L.C.I. ISMU # 02
990 Wisocky Highway
Bishopville, S.C. 29010

October 9, 2014

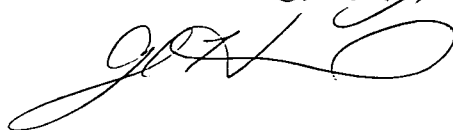
S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

re: Angelo Horn #315014 v. S.C.S.C.
Appellate Case No.: 2014-001098
Trial Court Case No.: 2013ALJO-10641AD

Dear Honorable Members:

Enclosed please find an original copy of the
"Appellant Petition For Rehearing" in the
above-cited matter.

With personal kindest regards, I am

Sincerely,


cc: S.C.S.C.

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SC Court of Appeals

Argo 10 Home #315014

K.C.I. Smith # 000

990 W. 100th St. S.C.

Bishopville S.C.

29810

S.C. Court of Appeals

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Columbia, S.C.

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SC Court of Appeals

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