

THE SOUTH CAROLINA COURT OF APPEALS

APPELLATE CASE NO: 2015-000477

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MAY 27 2015

SHAWN J. BURRIS, 191562,

Appellant

SC Court of Appeals

v.

SOUTH CAROLINA DEPT. OF CORRECTIONS, Respondent.

MOTION FOR RECONSIDERATION

PETITIONER RESPECTFULLY PRESENTS THIS MOTION FOR RECONSIDERATION ON THE GROUNDS THAT,

1.) THE D.H.O. CONVICTIONS APPEALED FROM INVOLVE PETITIONER'S PROTECTED (STATE CREATED) LIBERTY INTERESTS SINCE HE LOST SIXTY (60) DAYS GOOD TIME AS A RESULT OF SAID CONVICTIONS. (SEE ATTACHMENT).

2.) PETITIONER WAS DENIED ACCESS TO THE COURTS DURING HIS APPEAL IN THE ADMINISTRATIVE LAW COURT. (THIS ISSUE IS BEING GRIEVED NOW.)

3.) AS BOTH OF THESE ISSUES INVOLVE PETITIONER CONSTITUTIONAL RIGHTS, PETITIONER CONTENTS THAT HE SHOULD BE ALLOWED TO PROCEED IN FORMA PAUPERIS.

CONCLUSION

FOR THE FOREGOING REASONS PETITIONER PRAYS THE HONORABLE COURT WILL RECONSIDER ITS EARLIER DECISION, AND IN TURN, GRANT PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS.

RESPECTFULLY SUBMITTED,

S/ *Shawn J. Burris*

SHAWN J. BURRIS #191562

ATTACHMENT.

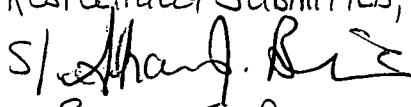
WAIVER OF DIFFERENT FEES FOR INDIGENT INMATES

IN LONG V. DISTRICT COURT OF IOWA, IN AND FOR LEE COUNTY, FORT MADISON, IOWA, 385 U.S. 192, 87 S. CT. 362 (U.S. IOWA, 1966) AND WHICH WAS REAFFIRMED BY ROBERTS V. LAVALLEE, 389 U.S. 40, 88 S. CT. 194, (U.S. N.Y. 1967, OCT. 23), IT STATES, "TO INTERPOSE ANY FINANCIAL CONSIDERATION BETWEEN INDIGENT STATE PRISONER OF STATE AND HIS EXERCISE OF STATE RIGHT TO SUE FOR HIS LIBERTY IS TO DENY THAT PRISONER EQUAL PROTECTION OF LAWS."

IN PEOPLE V. MONTGOMERY, 18 N.Y. 993, 278 N.Y.S. 2d 226, 224 N.E. 2d 730 (1966). "THIS CASE HOLDS THAT THE STATUTORY REQUIREMENT OF PAYMENT FOR A PRELIMINARY HEARING TRANSCRIPT, AS APPLIED TO AN INDIGENT (PRISONER), IS A DENIAL OF EQUAL PROTECTION AND UNCONSTITUTIONAL, UNDER BOTH FEDERAL AND STATE CONSTITUTIONS." SEE ALSO BOWMAN V. SMITH, 430 U.S. 817, 97 S. CT. 1491.

THIS D.H.O. CONVICTION APPEALED FROM HAS EXTENDED PETITIONER INCARCERATION, THEREFORE PETITIONER IS, IN EFFECT, EXERCISING HIS RIGHT TO SUE FOR HIS LIBERTY.

THEREFORE, THIS COURT SHOULD RECOGNIZE THAT, TO INTERPOSE ANY FINANCIAL CONSIDERATION, COURT OR FILING FEE, ON PETITIONER, WHO IS AN INDIGENT, WOULD BE TO DENY HIM EQUAL PROTECTION OF LAWS, THUS A VIOLATION OF HIS CONSTITUTIONAL RIGHTS, AS PROVIDED BY THE UNITED STATES CONSTITUTION.

RESPECTFULLY SUBMITTED,
S/ 
SHAWN J. BURRIS.

THE SOUTH CAROLINA COURT OF APPEALS

APPELLATE CASE No: 2015-000477

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SHAWN J. BURRIS, #191562,

APPELLANT,

v.

S.C. DEPT. OF CORRECTIONS,

RESPONDENT.

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SC Court of Appeals

CERTIFICATE OF SERVICE

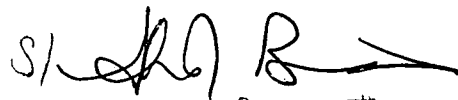
I HEREBY CERTIFY THAT A COPY OF THE FOREGOING MOTION WAS THIS DATE SERVED UPON THE RESPONDENT, BY PLACING A COPY OF SAME, VIA MAIL, TO THEIR LAST KNOWN ADDRESS AS FOLLOWS:

OFFICE OF GENERAL COUNSEL (SCDC)

INTER DEPARTMENTAL MAIL

P.O. Box 21787/ 4444 Broad River Rd.

COLUMBIA, SC 29211-1787



SHAWN J. BURRIS #191562

T.C.I., SB-260

P.O. Box 252

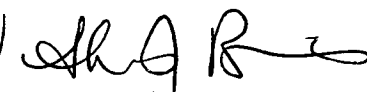
TURBEVILLE, SC 29162

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NOTICE TO ALL PARTIES

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PETITIONER HAS ADDED AN ATTACHMENT TO THE MOTION FOR RECONSIDERATION
SC Court of Appeals
CONCERNING PAYMENT OF FILING FEES BY AN INDIGENT INMATES, WHICH IS DEEMED TO
BE UNCONSTITUTIONAL WHEN EXERCISING A RIGHT TO SUE FOR LIBERTY, AS IN THE
PRESENT CASE.

S/ 
SHAWN J. BURRIS

THE SOUTH CAROLINA COURT OF APPEALS

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APPELLATE CASE NO: 2015-000477

SC Court of Appeals

SHAWN J. BURELS

APPELLANT,

v.

SOUTH CAROLINA DEPT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THE ENCLOSED MOTION WAS THIS DATE SERVED UPON RESPONDENT, BY PROVIDING A COPY OF SAME, VIA U.S MAIL, TO THEIR LAST KNOWN ADDRESS AS FOLLOWS:

OFFICE OF GENERAL COUNSEL (SCDC)
P.O. Box 21787 / 4444 Broad River Rd
COLUMBIA, SC 29211-1787

THIS 20TH DAY OF MAY.

S/ *Shawn J. Burels*
SHAWN J. BURELS #191562
T.C.I., SB-260
P.O. Box 252
TURBEVILLE, SC 29162

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MAIL ROOM

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Shawn J. Rubens #191562

COLUMBIA

SC 2900

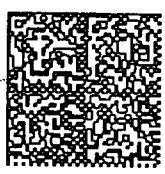
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S.C. COURT OF APPEALS

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COLUMBIA, SC 29211



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THE DEPARTMENT OF CORRECTIONS HAS NEITHER
CENSORED NOR INSPECTED THIS ITEM. THEREFORE
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

TURBEVILLE CORRECTIONAL INSTITUTION
S. C. DEPARTMENT OF CORRECTIONS