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JUN 08 2015

SC Court of Appeals

The South Carolina Supreme Court

1,
Hayward L. Rogers, 278510, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2015-000374

Notice of Appeal

The Appellant in the above action, appeals the decision of the Court of Appeals denying his motion to proceed in forma pauperis, and denying his motion to appoint counsel and denying the appeal, on May 27, 2015.

The Appellate contends that he did not file a motion to proceed in forma pauperis in the filing of his appeal. The Appellant filed his appeal with the Court of Appeals from the denial of his appeal with the South Carolina Administrative Law Court. Rule 51, Applicability; The Rules in this section shall apply exclusively in matters heard on appeal from final decisions pursuant to *Al-Shabazz v. State*, 527 S.E.2d 742 (S.C. 2000). Note to 2001 Amendments: The special Appeals Rules have been added to the Court's Rules of Procedure used in appeals from final decisions of the Department of Correction. See,

2,

Furtick v. S.C. Dept. of Probation, Parole and Pardon Services, 576 S.E.2d 146 (S.C. 2003), which held that the Court has jurisdiction under Al-Shaba 22 v. State, 527 S.E.2d 742 (S.C. 2000). Moreover, there is supporting factual and material evidence of record that pursuant to S.C. Code Ann. 17-27-20, Appellant's convictions and sentences is in violation of the Constitution of the United States, and the Constitution and Laws of this State, and the Court was without ^{power} jurisdiction to impose sentence. Thus, if the Appellant has made a strong showing that his convictions and sentences is a result of a miscarriage of justice, then in the interest of justice Appellate should be allowed to proceed in forma pauperis, with counsel appointed. Also, prisoners retain a Sixth Amendment right to counsel, assistance of counsel may be provided at the Court's discretion once the prisoner has established a prima facie case in a civil rights action. 42 U.S.C. 1983. See, Appellant's pending civil rights action for denial of access to the Court in the U.S. Federal District Court.

6-3-15

Magdalen L. Rogers

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Certificate of Service

The undersigned hereby does certify that on this
herein date a copy of the notice of appeal has
been served upon opposing counsel along with
certificate of service by placing one copy in the
U.S. mail postage prepaid.

6-3-15

Hayward L. Rogers

MR. HAYWARD L. ROSE #278510
430 Oaklawn Road, #2-B115
Pelzer, S.C. 29669

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P.C.I. MAILROOM

SOUTH CAROLINA COURT OF APPEALS
The Hon. MS. JENNY A. KITCHINSS, CLERK
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