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The Supreme Court of South Carolina

S.C. SUPREME COURT

Hayward L. Rogers, 278510, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2015-000374

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

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1, The South Carolina Supreme Court

S.C. SUPREME COURT

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 his appeal on May 27, 2015. The appellant contends, that he did not file a motion to proceed in forma pauperis in the filing of his appeal, and that the appeal was filed with the Court of Appeals from the denial of his appeal with the 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-Shabaaz 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, *Furtick v. S.C. Dept. of Probation, Parole, and Pardon Services*, 576 S.E.2d 146 (S.C. 2003), which held

2,

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 Lower COURT was without jurisdiction to impose sentence. Thus, if 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 appellant 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

Harold L. Rogers

The South Carolina Court of Appeals

Heyward Rogers, 278510, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2015-000374

ORDER

Appellant's motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.

Appellant's motion to appoint counsel is also denied.

 AS
FOR THE COURT

Columbia, South Carolina

cc:

Heyward Rogers, 278510

Daniel John Crooks, III, Esquire

FILED

5/27/15

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Amv

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P.C.I. MAILROOM

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LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS HAS
NOT INSPECTED OR CENSORED THIS ITEM.
THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS CONTENTS.
PERRY CORRECTIONAL INSTITUTION
SC DEPARTMENT OF CORRECTIONS