

State of South Carolina  
IN THE COURT OF APPEALS

Appeal From the Richland County  
Court of Common Pleas

**RECEIVED**

Diane S. Goodstein, Circuit Judge JUN 11 2015

SC Court of Appeals

Case No.: 2014CP1007890

Angelo Ham, #31504,

Appellant,

vs.

S.C. Dept. of Corrections,

Respondent.

MOTION TO PROCEED  
IN FORMA PAUPERIS

Appellant, Angelo Ham, hereby submit this motion to proceed in forma pauperis pursuant to Ex parte Martin, 321 S.C. 533, 471 S.E.2d 134 (1995).

Appellant contends that the case at hand involves two (2) important questions of law and/or fact that

must entertain and/or resolve. Detailed below are both questions:

- 1.) Whether the Circuit Court has subject matter jurisdiction or appellate jurisdiction from an appeal from the Administrative Law Court?

The Supreme Court held in Al-Shobazz v. State, 338 S.C. 354, 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." S.C. Code Ann. § 1-23-610 (3) (Supp. 1999); see also S.C. Code Ann. § 1-23-380 (A) (1) (Supp. 1999).

However, the Circuit Court in the case at hand issued a written order stating, "this matter is an appeal from the administrative law court involving an inmate disciplinary matter. Defendant's motion to dismiss is granted for lack of subject matter jurisdiction."

Based upon the above-cited legal authorities, the circuit court clearly erred by dismissing Appellants petition. See also, Rule 204 of the S.C. Appellate Court rules and Rule 82 of the S.C. Rules of Civil Procedure.

2.) Whether the clerk of the ALC erred by failing to allow the ALJ to rule on the Appellant's motion and affidavit to proceed in forma pauperis?

Appellant contends that on October 15, 2014, the Respondent rendered a final decision on two (2) disciplinary grievances of which was received by the Appellant on November 4, 2014. On November 6, 2014, Appellant filed and served his notice of appeals in both of those matters on the Respondent and the ALC but, however, on November 20, 2014, the Appellant received those documents back unfiled along with a memorandum stating in pertinent part that:

"Our records indicate you have filed 3 appeals in this calendar year and therefore the appeal attached is being returned and will not be processed unless it is accompanied by the appropriate fee."

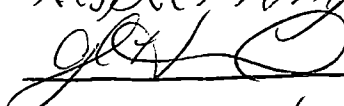
Then, on November 21, 2014, the Appellant filed a motion and affidavit to proceed in forma pauperis in that court pursuant to Ex Parte Martin, supra. Again, on December 11,

2014, Appellant received these two (2) motions unfiled with the same memorandum stating the same statement as outlined above.

Appellant states that these are the same facts that happened in Ex Parte Motion, and the court held that the appeal was premature.

Accordingly, this appeal should be remanded so that the ALC can rule on the appellants motion.

JUNE 8, 2015

Respectfully Submitted,  
 #315014  
Angelo Horn #315014  
L.C.I. / R.H.U. # 114  
990 Wisocky Highway  
Bishopville, S.C. 29010

State of South Carolina

IN THE COURT OF APPEALS

Appeal From the Richland County  
Court of Common Pleas

Diane S. Goodstein, Circuit Judge

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CA No. : 2014CP4007890

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Angelo Ham, #315014,

Appellant,

vs.

S.C. Dept. of Corrections,

Respondent.

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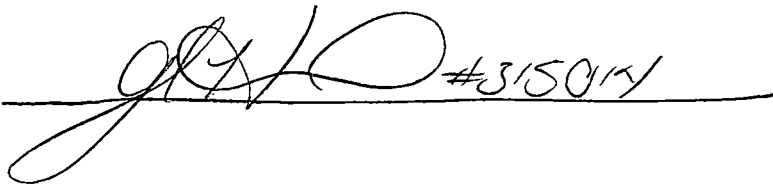
CERTIFICATE OF SERVICE

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I, Angelo Ham, hereby certify that an original copy of the "Notice of Appeal", "Order of Dismissal", and "Motion to Proceed *IN FORMA PAUPERIS*", in the above-cited matter was this day served on the Respondent by depositing a copy of the same in the U.S. Mail, postage prepaid, to the following address:

Shaniko Kenyetta Johnson  
S.C. Dept. of Corrections  
Office of General Counsel  
P.O. Box 21787  
Columbia, S.C. 29221-1787

JUNE 8, 2015

 #315014

Angelo Ham #315014  
L.C.I. / RTU #114  
990 Wiscocky Highway  
Bishopville, S.C. 29010

JUNE 8, 2015

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JUN 11 2015

SC Court of Appeals

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

Dear Honorable Kitcherings:

Enclosed please find an original copy of the  
"Notice of Appeal", "Order of Dismissal", "Motion  
and Affidavit to Proceed in forma pauperis", and  
"Certificate of Service" that I wish to have filed.  
With personal kindest regards, I am

Sincerely,



990 Wisocky Highway  
Bishopville, S.C.  
29010

S.C. Court of Appeals  
P.O. Box 11029  
Columbia, S.C.  
29211

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