

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

City of Charleston Special
Events Committee, Respondent,

-versus-

King Grant-Davis, Appellant.

PETITION FOR REHEARING

Appellate Case No.

2015-001085

Original

APPEAL FROM THE COURT OF COMMON PLEAS,
NINTH JUDICIAL CIRCUIT
R. MARKLEY DENNIS, JR., PRESIDING JUDGE

Case No. 2014-CP-10-7740
Judgment Entered on April 27, 2015
Dismissing Direct Appeal (Petition).

RECEIVED

JUL 31 2015

SC Court of Appeals

Frances I. Cantwell, Esquire
Assistant Corporation Counsel
City of Charleston Legal Department
50 Broad Street
Charleston, S. C. 29401
(843) 724-3730

Attorney for Respondent

King Grant-Davis
95 nasau Street
Charleston, S. C. 29403
(843) 722-9965

Appellant, Pro Se

On May 13, 2015, the plaintiff (Appellant) submitted to this Court a Motion To Proceed In Forma Pauperis on appeal requesting the following relief:

(a) waiving payment by appellant to court reporter, Court of Common Pleas, for a transcript of the proceedings in that court;

(b) allowing appellant to file only a final brief, and directing the Clerk of Court, Court of Common Pleas

to produce and provide the necessary copies of the record on appeal;

(c) not taxing costs on appeal against the appellant;

(d) allowing the appellant to file a reduced number of his final brief to this Court; and

(e) waving the payment of any appellate court filing fee by the appellant.

On July 16, 2015, this Court issued an Order denying appellant's motion based upon the decision of the South Carolina Supreme Court in Ex parte Martin, 321 S.C. 533, 471 S.E. 2d 134 (1995).

A R G U M E N T

1. The case at bar is distinguishable from "Martin." In this case, along with the in forma pauperis motion, this appellant supplied this Court with a copy of the Order of R. Markley Dennis, Jr., Chief Administrative Judge, Ninth Judicial Circuit, dated January 15, 2015 (entered / filed on 01/16/2015) in which the Court of Common Pleas, Charleston County "granted" the plaintiff's motion to proceed as a poor person in that court. The case at bar is also distinguishable from this court's case decision in Harrison v. Harrison (decided May 16, 2007). Prior to being remanded to the lower courts both Martin and Harrison were denied poor person relief in the circuit courts.

2. This appellant was granted in form pauperis relief

after a circuit court judge had examined the facts, the law, and the contentions raised in the **complaint, however inartfully pleaded** (see *Haines v. Kerner*, 404 U. S. 519, 520, 92 S. Ct. 594, 596, 30 L.Ed. 2d 652, 654[1972]). In the circuit court, plaintiff's papers contend that the Respondent ignored mandatory requirements of the applicable laws for processing and deciding the plaintiff's application for a special event permit. Plaintiff also contended that respondent acted in abuse of and in excess of its authority, and did not afford to plaintiff the legal process that was due to him in this case. Plaintiff also contended that the process established and followed by the respondent in general was inadequate of itself. Those are grounds intended to be raised on appeal to this Court.

When, as here, a pro se, indigent, **american with disabilities**, unemployed litigant who was granted in forma pauperis status in the circuit court and now was denied such status on appeal, the requirements for in forma pauperis relief in the courts of this State are **incompatible, arbitrary, and unreliable**. In light of the facts and circumstances of the case at bar, appellant contends that South Carolina Supreme Court ruling in "**Martin**" is NOT **inapposite** to the granting of in forma pauperis relief on appeal in this case.

3. Appellant contends that there exists several South Carolina **countervailing interests** favoring the granting of

in forma pauperis relief in this case in the appellate courts, as follows:

(a). South Carolina Rules of Civil Procedure, Rule 1. These rules govern the procedure in all suits of a civil nature . . . They shall be construed to secure the just, speedy, and inexpensive determination of every action.

(b). SCRCF Rule 3(b). " . . . , a plaintiff who desires to file an action in forma pauperis, together with the complaint proposed to be filed and an affidavit showing the plaintiff's inability to pay the fee required to file the action.

(c). South Carolina Appellate Court Rules, Rule 240

(d). In extraordinary cases, the appellate court may relieve a party from paying the filing fee.

(d). The Constitution of the State of South Carolina, Article 1, Section 2. " . . . the right of the people . . . to petition the government . . . for a redress of grievances. (see also, The Constitution of the United States, The Bill of Rights, Amendment 1).

(e) S.C. Const., art. I, Section 9. All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained.

Without the granting of poor person relief to this litigant in the appellate court(s) of South Carolina, the right to effective and meaningful redress of the respondent's

wrongdoings against appellant will be forever delayed (i.e. denied and lost) simply because the financial circumstances of appellant throughout this action's history makes him unable to afford the costs and fees to file and perfect his grievances and appeal.

Appellant cannot afford the \$100 filing fee.

The record on appeal in this action consists of at least 100 plus pages (see EXHIBIT I attached hereto). Appellant cannot afford to produce and file at least 1 copy of the record on appeal, and to serve at least 1 copy thereof upon the respondent. (see SCRCF, Rule 210)

Appellant must also order and pay for the transcript of the proceedings in the circuit court. (see SCACR, Rule 207.

WHEREFORE the appellant respectfully asks that this Court rehear and reconsider appellant's motion to appeal in forma pauperis and grant such other and further relief as the Court deems just and proper.

Dated: Charleston, S. C.

July 28, 2015

VERY TRULY,

King Grant - Davis
Appellant, Pro se

Frances I. Cantwell, Esquire
Assistant Corporation Counsel,
City of Charleston,
Legal Department
50 Broad Street
Charleston, S. C. 29401
(843) 724-3730

King Grant-Davis
95 Nassau Street
Charleston, S. C. 29403
(843) 722-9965

July 28, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, S. C. 29211

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SC Court of Appeals

RE: Petition For Rehearing

King Grant-Davis, Appellant,
versus City of Charleston
Special Events Committee,
Respondent.
Appellate Case No. 2015-001085

Dear Clerk of Court Kitchings:

Enclosed please find the original and six (6) copies of appellant's Petition For Rehearing (including EXHIBIT I, and EXHIBIT II) of the Order dated 07/16/2015 of your Court which denied appellant's May 13, 2015 Motion to proceed in forma pauperis. Due to appellant's poverty, your Courts 07-16-2015 Order effectively dismisses and finally decides appellant's appeal (see, SCACR, Rules 221[c], and 240[i]).

Also enclosed, please find an Affidavit Of Service (proof of service) indicating that on this same date the appellant has submitted a copy of these motion papers to the Charleston County Sheriff's Office Civil Process Service for them to personally serve the counsel for the respondent therewith.

Frances I. Cantwell, Esquire
Assistant Corporation Counsel
50 Broad Street
Charleston, S. C. 29401
(843) 724-3730
Counsel for Respondent

VERY TRULY,

King Grant-Davis

King Grant-Davis
95 Nassau Street
Charleston, S. C. 29403
(843) 722-9965

Appellant, Pro se

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FROM:

King Grant-Davis
95 Nassau Street
Charleston, S.C. 29403

The Honorable Jenny Abbot + Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

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