

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Aiken Court of Common Pleas  
Judge. Early

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JAN 27 2016  
SC Court of Appeals

Anthony Tilmou

Appellant

vs

The State

Respondent

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INITIAL BRIEF

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No counsel on record  
only  
Judge. Early

Anthony Tilmou  
McCormick Inst.  
F-3-196 A  
386 Redemption Way  
McCormick, SC 29899

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## STATEMENT OF ISSUES ON APPEAL

- (1) WHETHER THE COURT DENIED APPELLANT HIS RIGHT OF ACCESS TO COURT WHEN IT RULED THAT APPELLANT COULD NOT PROCEED IN FORMA PAUPERIS IN HIS STATE WRIT OF HABEAS CORPUS WAS IN ERROR. OF THE U.S./S.C. CONST. 14<sup>th</sup> Amend
- (2) WHETHER JUDGE EARLY WAS REQUIRED TO REMOVE HIMSELF FROM APPELLANT'S CASE PER FLOYD V STATE 400 522 445
- (3) WHETHER THE COURT DENIED APPELLANT TO REDRESS/ACCESS TO COURT WHEN IT REQUIRED APPELLANT TO PAY A \$25.00 MOTION FEE UPON HIS NOTICE AND MOTIONS WHEN APPELLANT WAS IMPOVERISHED AND NOT REQUIRED TO PAY ANY COSTS/FEE'S IN HIS STATE WRIT OF HABEAS CORPUS ACTION IN VIOLATION OF HIS 14<sup>th</sup> Amend. per the U.S./SC CONST.

(3)

## STATEMENT OF CASE

The Appellant filed a state writ of habeas corpus in its original jurisdiction which was denied.

The Appellant then tried to file his State writ of habeas corpus in the lower Cir. Court. But he was denied to proceed in forma pauperis Nov 12, 2015.

The Appellant filed a notice of motion on Nov 26, 2015 arguing that the Judge made a mistake per. S.C.R. Civil P. - Rule 60 (b) (1) in not allowing him to proceed in forma pauperis upon his state writ of habeas corpus in the lower court - thus asking for a 59 (c) motion, plus a Floyd issue for Judge. Early to remove himself from Appellant's case, due to the fact he was the judge over Appellant's criminal trial.

On Dec 7, 2015 the Appellant rec'd a letter from the Clerk of Ct. dated Dec 3, 2015 stating that Appellant was required to pay a \$25.00 motion fee.

This appeal follows:

## ARGUMENT (1)

The court denied Appellant his right of access to court when it ruled that Appellant could not proceed in forma pauperis in his state writ of habeas corpus was in error, where he was entitled to proceed in forma pauperis without costs/fees SEE: Lakes v State 510 SE2d 228 and Smith v Bennett 81 S. Ct. 895 Also see U.S./S.C. Const. 14th Amend.

## ARGUMENT (2)

Appellant argue that Judge, Early was required to remove himself from Appellant's case and notice of motions when he was the trial Judge upon Appellant's criminal trial SEE: Floyd v State 400 SE2d 145

## ARGUMENT (3)

Appellant argue that the court denied him to redress/access to court when it required him to pay a \$25.00 motion fee upon his notice and motions, when he's impoverished and not required to pay any costs/fees in his state writ of habeas corpus action, violates his 14th Amend. per the U.S. (S.C. Const. 151)

## CONCLUSION

Based upon the above arguments this court should reverse the judgments of the circuit court. Because he is entitled to proceed in his state writ of habeas corpus and his notice of motions without costs/fees.

Date Jan 6, 16

Respectfully submitted  
St. Anthony C. Munoz II

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
Appeal from Aiken Court of Common Pleas

Anthony Tilmon

vs **RECEIVED** Appellant

the State

JAN 27 2016  
SC Court of Appeals Respondent

PROOF OF SERVICE

I Anthony C. Tilmon hereby certify that I have served the below persons my motion to proceed in forma pauperis, initial brief, designation of matter and record on appeal.

Jenny A. Kitchings  
S.C. Ct. of App.  
P.O. Box 11629  
Columbia, SC 29201

S.C. Atty Gen's office  
"Civil Div"  
P.O. Box 11549  
Columbia, SC 29201

SWORN to and before  
this 06 day of January 2016

Anthony C. Tilmon

Franklin  
Notary Public

my Commission Expires 12.16.2019

Anthony C. Tilmon #1 345028

F3 196

McCormick Correctional Institute

386 Redemption Way

McCormick, SC 29899

In house

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JAN 27 2016

**SC Court of Appeals**



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JAN 21 2016

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MAIL ROOM**

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

MCCORMICK CORRECTIONAL INST.  
STATE DEPARTMENT OF CORRECTIONS

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MAIL ROOM**

