

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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RECEIVED

JAN 27 2016

Appeal from Aiken Court of Common Pleas  
Judge Early

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SC Court of Appeals

Anthony Titmon

Appellant

vs

the State

Respondent

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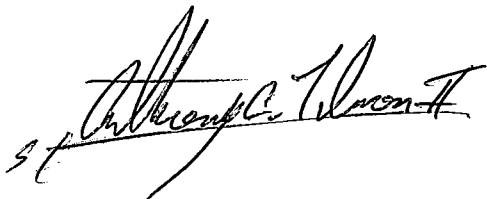
RECORD ON APPEAL

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- (1) Judge Early denial of Appellant's motion to proceed in forma pauperis dated Nov 12, 2015
- (2) the Clerk of Ct. letter dated Nov 12, 2015 requiring Appellant to pay \$ 150.00
- (3) Appellant's notice and motions dated Nov 26, 2015
- (4) the Clerk of Ct. letter dated Dec 3, 2015 requiring Appellant to pay \$ 25.00.

The undersigned hereby certifies that the record on appeal contains all material proposed to be included by any of the parties and not any other material.

Date Jan 6, 16

  
s/ Anthony Titmon

Aiken County  
Clerk of Court  
Liz Godard



Court of Common Pleas  
Second Judicial Circuit  
PO Box 583  
Aiken, SC 29803  
(803) 642-1536  
Fax 642-1718

Date: December 3, 2015

Anthony C. Tilmon #345028  
F3A-196  
McCormick Correctional Inst.  
386 Redemption Way  
McCormick, SC 29889

Re: Motion

Mr. Tilmon:

The pleadings for the above captioned case are being returned for the following reason(s):

Needs **a case number**.

Needs to be dated

Needs filing fee of \$25.00 made payable to Aiken County Clerk of Court.

Needs Cover Sheet (New Civil Action) or **(Motion/Order)** [www.judicial.state.sc.us/forms](http://www.judicial.state.sc.us/forms)

Needs to designate Jury or Non Jury

Other : We are returning the motion received by our office on December 2, 2015. Our office does not have a case number to file the motion to.

Sincerely,

Aiken County Clerk of Court

STATE OF SOUTH CAROLINA, )  
 )  
COUNTY OF AIKEN )  
 )  
Anthony Tilmon )  
 )  
Plaintiff )  
 )  
vs. )  
 )  
The State )  
 )  
Defendant. )

IN THE COURT OF COMMON PLEAS  
\_\_\_\_ JUDICIAL CIRCUIT

**MOTION AND AFFIDAVIT TO  
PROCEED IN FORMA PAUPERIS**

FILE NO. \_\_\_\_\_

I, Anthony C. Tilmon II being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me )  
this 10 day of Nov., 2015 )  
[Signature] )  
Notary Public for South Carolina )  
My Commission expires 12-16-2019 )

[Signature] )  
Signature of Plaintiff or )  
Person Filing Complaint on Behalf of )  
Plaintiff )

**ORDER**

- Leave is *granted* to proceed in forma pauperis without payment of the filing fee.
- Leave is *granted* to proceed in forma pauperis without payment of the service cost.
- Leave is *denied* to proceed in forma pauperis.

Dated: 11-12, 2015  
Aiken, South Carolina

[Signature]  
JUDGE/CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

SCCA 405CP (10/10) No Filing Fee required for habeas per  
Cakas v State 510 SE 2d 228

Aiken County  
Clerk of Court  
*Liz Godard*



Court of Common Pleas  
Second Judicial Circuit  
PO Box 583  
Aiken, SC 29803  
(803) 642-1536  
Fax 642-1718

Date: November 12, 2015

Anthony C. Tilmon #345028  
F3A-196  
McCormick Correctional Institute  
386 Redemption Way  
McCormick, S.C. 29899

Re: ~~PCR Application~~ *State habeas*

Ms. Tilmon:

The pleadings for the above captioned case are being returned for the following reason(s):

Needs *a case number*.

Needs to be dated

Needs filing fee of \$25.00 made payable to Aiken County Clerk of Court.

Needs Cover Sheet (New Civil Action) or (**Motion/Order**) [www.judicial.state.sc.us/forms](http://www.judicial.state.sc.us/forms)

Needs to designate Jury or Non Jury

Other : Motion/Order to Proceed In Forma Pauperis was denied. Please attach a check in the amount of \$150.00 and resubmit.

Sincerely,

Aiken County Clerk of Court

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS

Anthony Tilmon  
Petitioner

vs

The State  
Respondent

NOTICE OF MOTIONS  
AND  
MOTION OF MOTIONS

Now comes the above named Petitioner who moves this Hon. Court in the above and below matters.

Petitioner's first motion is based upon S.C.R. Civil P. Rule 60 (b) (1) Mistake

Petitioner argue that Judge Early made two (2) mistakes.

(1) Judge Early failed to remove himself from Petitioner's writ of habeas corpus per Floyd v State 400 SE2d 145, when he was the judge over Petitioner's criminal trial.

(2) Judge Early also made a mistake when he denied Petitioner's motion to proceed in forma pauperis upon his state habeas.

thereby, Petitioner also move for a 59 (c) motion per S.C.R. Civil P., for this Ct. to reconsider, alter and or amend its order, (undated see attached).

which Petitioner rec'd Nov 17, 2015.

Petitioner argue that he is entitled to proceed in forma pauperis SEE: Smith v Bennett 81 S. Ct. 895 and Lakes v State and is not required to pay the costs/fees as the Clerk of Ct. has requested see attached letter from Clerk of Ct.

Date 11/26/15

Respectfully submitted  
Anthony C. Tilmon II

# AFFIDAVIT OF SERVICE

I Anthony C. Tilmon II hereby certify that I have served my notice of motions upon the below Hon. Clerk of Ct. By placing the above said into the MC Corr. Inst. mail room on this 26<sup>th</sup> day of Nov. 2015 to be placed in the U.S. mail w/ postage prepaid.

**RECEIVED**

JAN 27 2016

SC Court of Appeals