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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Aiken Court of Common Pleas
Judge. Early

JAN 27 2016
SC Court of Appeals

Anthony Tilmon

Appellant

vs

The State

Respondent

INITIAL BRIEF

No counsel on record
only
Judge. Early

Anthony Tilmon
McCormick East.
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. CONSTITUTION 14th Amend
- (2) WHETHER JUDGE EARLY WAS REQUIRED TO REMOVE HIMSELF FROM APPELLANT'S CASE PER FLOYD V STATE 400 SE 2d 425
- (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 14th 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. Court, 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. Court, 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
Anthony C. Thomas II

Re-submitted 3-3-16

Anthony C. Thomas II

(6)

See proof of service on back

Proof of Service

I Anthony C. Titman II hereby certify that I have served my initial brief and designation of matter upon the Clerk of Appeal Ct. and the Atty Gen's office on this 3rd day of ~~3rd~~ March 2016

Sworn to before me
this 3rd day of March 2016
Michael Camare


Notary Public

My Commission Expires
July 09, 2026


By Anthony C. Titman II