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OCT 28 2012

STATE OF SOUTH CAROLINA  
In The Supreme Court

**S.C. SUPREME COURT**

Appeal From Administrative Law Court  
Deborah Brooks Durden, Administrative Law Judge

Appellate Case No. 2010-179746  
Unpublished Opinion No. 2012-UP-332

George Lee Tomlin,

Petitioner  
(Movant)

v.

South Carolina Department of  
Probation, Parole and Pardon  
Services (SCDPPPS),

Respondents

NOTICE AND MOTION TO PROCEED  
IN FORMA PAUPERIS AND MOTION  
FOR PRISONER PRO SE STATUS

You will please take notice that on October, \_\_\_\_\_ 2012 the undersigned move before the South Carolina Supreme Court for an order granting pauper status to proceed with the petition and attachment(s) herein and for order granting prisoner pro se status upon the determination of further proceeding(s) on the grounds:

1. Tomlin has been granted pauper status on appeal in the Administrative Law Court (ALC) and on appeal in South Carolina Court of Appeals;
2. The issue(s) of matter(s) which are involved in this petition (appeal) concern the 'liberty interest(s) of parole release hearing(s), Howard v. SCDC, SE2d \_\_\_\_\_ (2012) and Furtick v. SCDPPPS, 576 S.E.2d 146, 149 n. 4 (2003)
3. More, there is the presumption of judicial review which is associated with an appeal from the ALC that is characterized as an agency under §§1-23-310 and 1-23-380 of S.C. Code Ann (2011). See also South Carolina Constitution Article I Section 22;

4. In Martin v. State, 471 SE2d 134,135, (1995), this Court wrote:

In the absence of a statutory provision allowing the general waiver of filing fee, we conclude motion to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions.

5. The fundamental due process ex post facto and etc. right(s) are involved in this petition here;

6. Petitioner respectfully requests that this Court grants him pro se prisoner status which would relax South Carolina Appellate Court Rules (SCACR) 210 and 211 as they pertain to cover stock paper of appendices, brief(s) and etc, on appeal, also number of copies of them. South Carolina Department of Corrections (SCDC) has policies which deem cover stock paper contraband and prohibits materials for binding appendices, brief(s) and etc.

Wherefore Tomlin requests that this Court grants him pauper status to proceed.

s/ George Lee Tomlin  
George Lee Tomlin 166361  
RCI, GA-6, POB 2039  
Ridgeland, S.C. 29936

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused true and correct copies of the Notice of Motion to proceed in Forma Pauperis and Motion for pro se prisoner status to be mailed, postage prepaid, to respondent's attorney, Tommy Evans, Jr., POB 50666, Columbia, SC 29250 this 17 day of October 2012.

s/ George Lee Tomlin  
George Lee Tomlin