

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM THE ADMINISTRATIVE LAW COURT
John D. McLeod, Administrative Law Judge
Case No. 15-ALJ-15-0068-AP

AUG 01 2016

SC Court of Appeals

Thomas Thompson #80681-----Appellant

v.

South Carolina Department of Probation,
Parole and Pardon Services-----Respondent

Appellate Case No. 2016-000781

PETITION FOR REHEARING AND REINSTATEMENT

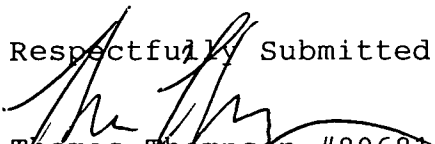
Appellant respectfully requests that the Court rehear the matters in question here. Specifically, was Appellant's May 25th Motion to proceed in forma pauperis frivolous or taken solely for the purpose of delay. Appellant can supply the Court with a financial statement regarding his E.H. Cooper Trust Fund Account balance for the period in question which will show that he was not able to pay the filing fees. Upon receiving the Order of May 18th denying his original motion to proceed in forma pauperis Appellant timely filed the Motion of May 25th in which he referenced the May 18th Order and cited longstanding legal precedents which clearly state that Appellate review is not to be denied due to a persons poverty. Appellant begs the Court inform him how his assertion of his right to due process despite his financial situation is frivolous or done for delay?

At the time that Appellant filed his May 25th Motion he informed the Clerk, Ms. Jenny Abbott Kitchings, that his financial situation would soon change as he was to be employed in the P.I.E. Program here at Tyger River Corr. Inst. Appellant is now financially able to pay his court fees, however he has been reluctant to do so due to past experience with the Court. In a previous case before the S.C. Court of Appeals, #2013-002712, Appellant received an order which affirmed the decision of the Administrative Law Court. Appellant filed a Petition for Rehearing

on March 13, 2015 and submitted a request to have the \$25 filing fee paid from his Cooper Trust Fund Account. On March 19, 2015 Appellant received the Remittur in this case dated March 16, 2015. Appellant has received no further communication from the Court regarding this petition despite letters of enquiry to the Clerk and to the S.C. Court Administrations requesting assistance. The Petition was apparently never filed yet the \$25 filing fee was not returned. Appellant was understandably hesitant to send a much larger sum from his Cooper Trust Fund Account without first receiving a response from the Court on his Motion or some form of notice that his case had not been dismissed.


Appellant respectfully requests that the Court reinstate his appeal. Appellant requests that the Court inform him as to the amount of fees due.

Respectfully Submitted,


Thomas Thompson #80681
TyRCI 10-204A
200 Prison Road
Enoree, S.C. 29335

July 28, 2016

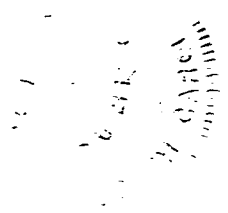
Sworn to and subscribed before


Notary Public, on this date

July 28, 2016.

My Commission expires:

Dec. 10, 2024.



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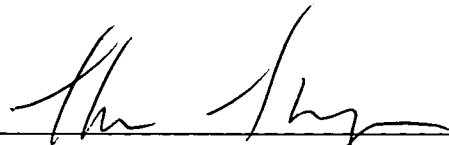
v.

South Carolina Department of Probation,
Parole and Pardon Services-----Respondent

Appellate Case No. 2016-000781

PROOF OF SERVICE

I certify that I have served the Petition for Rehearing and Reinstatement dated July 28, 2016 on the Respondent, South Carolina Dept. of Probation, Parole and Pardon Services by depositing a copy in the US Mail, postage prepaid, on July 28, 2016 addressed to the Attorney of Record, Tony Evans, Jr., 2221 Devine Street, Suite 600, Post Office Box 50666, Columbia, S.C. 29250.

s. 

Thomas Thompson #80681
TyRCI 10-204A
200 Prison Road
Enoree, S.C. 29335

July 28, 2016

The South Carolina Court of Appeals

Thomas Thompson #80681, Appellant,

v.

South Carolina Department of Probation, Parole and
Pardon Services, Respondent.

Appellate Case No. 2016-000781

ORDER

The motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.


FOR THE COURT

Columbia, South Carolina

cc:
Thomas Thompson #80681
Tommy Evans, Jr., Esquire
Amy Bracy

FILED

5/18/16

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
John D. McLeod, Administrative Law Judge
Case No. 15-ALJ-15-0068-AP

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MAY 31 2016

SC Court of Appeals

Thomas Thompson #80681-----Appellant

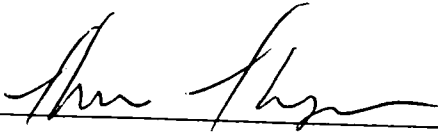
v.

South Carolina Department of Probation,
Parole and Pardon Services-----Respondent

Appellate Case No. 2016-000781

MOTION TO PROCEED IN FORMA PAUPERIS

Pursuant to the Order filed 5-18-16 and signed by Paul E. Short, Appellant cites the following; "Our decisions for more than a decade now have made clear that differences in access to the instruments needed to vindicate legal rights, when based upon the financial situation of the defendant, are repugnant to the Constitution." Roberts v. LaVallee 389 US 40, 42 88 S.Ct. 194, 196 19 L.Ed 2d 41 and Williams v. Oklahoma City 395 US 458, 89 S.Ct. 1818, 23 L.Ed 440. Appellant also cites Griffin v. People of State of Illinois 351 US 12, 76 S.Ct. 585, 100 L.Ed 891 "State may not grant Appellate review in such a way as to discriminate against some...on account of their poverty." Based on these cases Appellant requests to proceed in forma pauperis.

s. 

Thomas Thompson #80681
Tyger River CI U-10-204A
200 Prison Road
Enoree, S.C. 29335

May 25, 2016

2nd



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
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July 19, 2016

Thomas Thompson #80681
Tyger River CI U-10-204A
200 Prison Road
Enoree SC 29335

Re: Thomas Thompson v. SCDPPPS
Appellate Case No. 2016-000781

Dear Mr. Thompson:

This Court received your motion to proceed in forma pauperis dated May 25, 2016 in the above matter. Enclosed is the order of the Court dated May 18, 2016. Therefore, pursuant to Rule 240(i) of the South Carolina Appellate Court Rules, SCACR, the Court will not take any action with regard to the motion, which is also enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Tommy Evans, Jr., Esquire

The South Carolina Court of Appeals

Thomas Thompson #80681, Appellant,

v.

South Carolina Department of Probation, Parole and
Pardon Services, Respondent.

Appellate Case No. 2016-000781

The Honorable John D. McLeod
Trial Court Case No. 2015ALJ150068AP

ORDER

Appellant has failed to pay the filing fee, as required by Rule 203 of the South Carolina Appellate Court Rules, and the order of this Court dated May 18, 2016. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

FILED

7-19-16

cc:

Thomas Thompson #80681

Tommy Evans, Jr., Esquire

Jana E. Shealy

July 28, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

RE: Thomas Thompson #80681, Appellant

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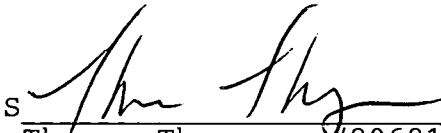
South Carolina Department of Probation,
Parole and Pardon Services, Respondent

Appellate Case No. 2016-000781

Dear Ms. Kitchings,

Enclosed for filing is a Petition for Rehearing and Reinstatement in the above case. Also enclosed are the following:

- 1.-Proof of Service on Respondent
- 2.-A copy of the Order of May 18, 2016 signed by Mr Paul E. Short, Jr
- 3.-A copy of Appellant's Motion to proceed in forma pauperis dated May 25, 2016.
- 4.-A copy of the July 19, 2016 letter from the Deputy Clerk stating that no action will be taken on Appellant's May 25th Motion.
- 5.-A copy of the Order of July 19, 2016 dismissing Appellant's Appeal.


s _____
Thomas Thompson #80681
Pro Se Litigant
TyRCI 10-204A
200 Prison Road
Enoree, S.C. 29335