

South Carolina Court of Appeals

Kenneth Whitmore,
Petitioner,

vs.

State of South Carolina,
Respondent.

CASE # 2016-CP-23-03068

Notice of Appeal

RECEIVED

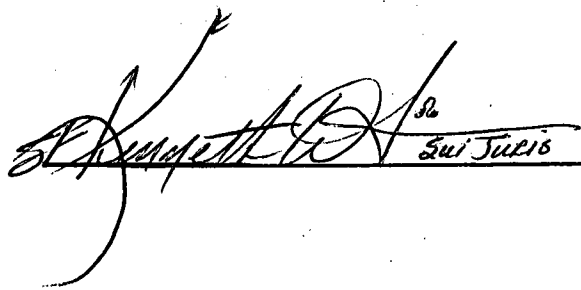
AUG 10 2016

SC Court of Appeals

I, Kenneth Whitmore, appeal the Judgment/Denial to Proceed in forma pauperis. The Judgment/Denial was imposed by the Honorable Robin B. Stilwell, on May 31, 2016

Petitioner mistakenly filed his Notice of Appeal with the Clerk of Court of Greenville County, Petitioner also filed a Default to that Clerk of Court, which was returned. Petitioner has shown this court excusable neglect on his part.

Date August 8, 2016



Sui Juris

ISSUE OF FACT

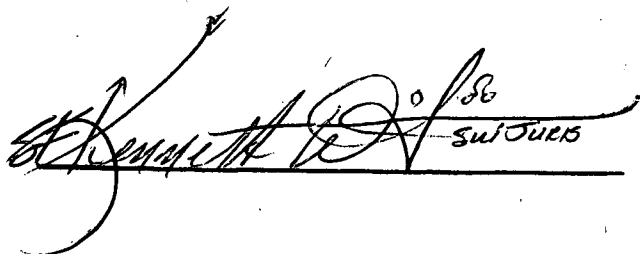
THE HONORABLE ROBIN B. STILWELL, ERRED IN DENYING PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS. THIS JUDGMENT WAS ENTERED ON MAY 31, 2016. THE ORDER WAS NEVER SIGNED BY THE HONORABLE ROBIN B. STILWELL, IN WHICH THE ORDER IS NOT A LEGAL BINDING DOCUMENT.

NONETHELESS, UNDER NO CIRCUMSTANCES CAN A PRISONER WITHOUT MEANS TO PAY THE INITIAL FILING FEE BE PREVENTED FROM FILING SUIT. IN LAKES 510 S.E. 2d 228, (INMATE WAS ENTITLED TO PROCEED IN FORMA PAUPERIS WITH PETITION FOR WRIT OF HABEAS CORPUS, DESPITE NUMEROUS PREVIOUS REQUEST FOR RELIEF, IN ABSENCE OF FACT-FINDING THAT REQUEST ROSE TO THE LEVEL OF REPETITIVE AND ABUSIVE FILING. CODE 1976 SECTION 17-27-60).

REQUESTED RELIEF

WHEREFORE, PETITIONER PRAY THAT THIS HONORABLE COURT, OVERTURN THE HONORABLE ROBIN B. STILWELL, JUDGMENT/DENIAL, SO PETITIONER CAN PROCEED IN FORMA PAUPERIS WITH HIS TRIAL, SO THAT THE STATE CAN CONSISTENTLY, WITH THE 14th AMENDMENT, PROVIDE FOR DIFFERENCES SO LONG AS THE RESULT DOES NOT AMOUNT TO DENIAL OF DUE PROCESS OR AN INVIDIOUS DISCRIMINATION.

DATE AUGUST 8, 2016


KENNETH A. DAVIS
SUI JURIS

South Carolina Court of Appeals

KENNETH WHITMORE,
PETITIONER,

vs.

State of South Carolina,
RESPONDENT.

CASE # 2016-CP-23-03068

Proof of Service

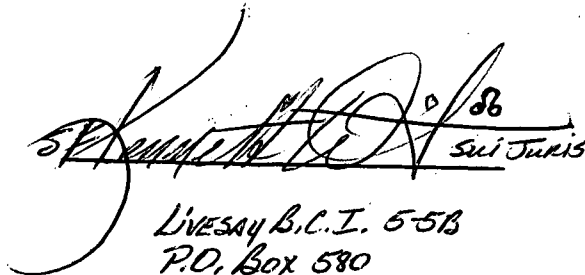
RECEIVED

AUG 10 2016

SC Court of Appeals

I, KENNETH WHITMORE, certify that I have served the Notice of Appeal with a summons on the State of South Carolina by first-class postage to the party in the matter on the 8th Day of August 2016 and asking for a return copy stamped - clocked dated and entered to the court on the record.

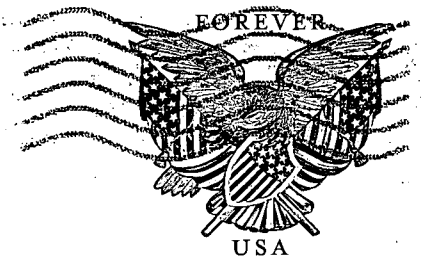
South Carolina Court of Appeals
Jenny Abbott Kitenings - Clerk
P.O. Box 11629
Columbia, S.C. 29211


KENNETH WHITMORE
SUI JURIS

LIVESAY B.C.I. 55B
P.O. Box 580
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KENNETH WHITMORE #227057
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AUG 10 2016
SC Court of Appeals

South Carolina Court of Appeals
Jenny Abbott Kitching - Clerk
P.O. Box 11629
COLUMBIA, S. CAROLINA 29211

"THE DEPARTMENT OF CORRECTIONS HAS NOT
CENSORED NOR INSPECTED THIS ITEM.
THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS WRITTEN
CONTENTS."

ROBERT H. MAUNEY, WARDEN
NORTHSIDE CORRECTIONAL INSTITUTION
SC DEPARTMENT OF CORRECTIONS

SCDC

AUG 08 2016

MAIL ROOM



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