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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM DORCHESTER COUNTY  
IN THE COURT OF COMMON PLEAS  
Case No. 2013-CP-18-1297

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RECEIVED  
SEP 06 2016  
SC Court of Appeals

Edgar Dickson, Circuit Judge

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RIVERS V. BERKLEY AND DORCHESTER COUNTY  
SHERIFF'S DEPT.

MOTION FOR A BELATED APPEAL

Comes now the Appellant, by his unalienable rights and moves this Court to grant a belated appeal pursuant to SCRCP 6(b)(2) wherefore, the undersigned prays for such order and for that which is just and proper under the law of the land.

Appellant did indeed motion the Court to appeal the circuit judges decision to deny the appellant's motion to proceed In Forma Pauperis, dated September 12th, 2013; within the Court 30 day statute of limitations pursuant to SCACR Rule 203(b)(1)

The Dorchester County Clerk of Court failed to forward motion to appeal dated September 25th, 2013 to this Court of Appeals in a timely manner. Pursuant to SCRCP Rule 82(b). For the above said reasons, Appellant asks this Court to grant this motion for a belated appeal.

CC: Dorchester County Sheriff's Dept.  
212 Deming Way  
Summerville SC 29483

Respectfully,

Maurio Daetrel Rivers  
SCDC No. 232669  
386 Redemption Way  
McCormick SC 29899

CC: Dorchester County  
Court of Common Pleas  
5200 East Jim Bilton Blvd.  
St. George SC 29477

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM DORCHESTER COUNTY  
IN THE COURT OF COMMON PLEAS  
Case No. 2013-CP-18-1297

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RIVERS V. BERKLEY AND DORCHESTER COUNTY  
SHERIFF'S DEPT.

MEMORANDUM IN SUPPORT OF  
MOTION FOR A BELATED APPEAL

1. Appellant is housed in a SCDC facility and receives no state income.
2. Appellant did provide the Court with proof of his inability to pay the Court's filing fees and costs.
3. Appellant did file a motion to appeal pursuant to SCACR Rule 203 within the 30 day statute of limitations; the motion was received by the B.R.C.I. Mail Room on Sept. 26, 2013.
4. Appellant mailed the Motion to Appeal erroneously to the Dorchester County Court house instead of the South Carolina Court of Appeals and the filings should have been forwarded pursuant to SCRCP Rule 82(b) by the Dorchester County Clerk of Court.
5. SCRCP Rule 241(a) clearly states as a general rule the service of a notice of Appeal in a civil matter acts to automatically stay matters decided in the order...  
And this stay continues in effect for the duration of the appeal...
6. SCRCP Rule 6(b) (~~Time-ENLARGEMENT~~)...states for good cause shown the Court may exercise discretion to enlarge statute of limitations.

## CONCLUSION

For the above mentioned reasons appellant requests this SC Court of Appeals grant this Motion for A Belated Appeal appealing the District Court Judge's order dated Sept. 12th, 2013 dismissing his Motion to Proceed In Forma Pauperis dated August 28th, 2013.

Respectfully,

Maurio Rivers  
SCDC No. 232669

---

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Dorchester County  
Edgar Dickson, Circuit Court Judge

CASE NO: 2013-CP-18-1297

---

MAURIO DAETREL RIVERS,

APPELLANT,

v.

BERKLEY AND  
DORCHESTER COUNTY  
SHERIFF'S DEPT.

RESPONDENT,

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SC Court of Appeals

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CERTIFICATE OF SERVICE

---

I, Maurio D. Rivers, certify that I have served the Motion For Belated Appeal and the Designation of Matter on Respondent by depositing two copies of the same in the United States Mail, postage prepaid, addressed to:

Dorchester County Sheriff's Dept.  
212 Deming Way  
Summerville SC 29483

Berkley County Sheriff's Dept.  
223 N. Live Oak Dr.  
Moncks Corner SC 29461

I further certify that all parties by Rule to be served have been served.  
This 31st day of August 2016.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Dorchester County  
Edgar Dickson, Circuit Court Judge

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SEP 06 2016  
SC Court of Appeals

MAURIO DAETREL RIVERS,

PLAINTIFF,

v.

DORCHESTER COUNTY  
SHERIFF'S DEPARTMENT,

DEFENDANT

CASE NO. 2013-CP-18-1297

---

MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS

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I, Maurio D. Rivers (plaintiff), hereby applies for leave to proceed in this cause of action without pre-payment of fees or costs or security thereof. In support of this motion I declare under the penalty of perjury that the following facts are true:

- (1) I am the plaintiff in this action and I believe I am entitled to redress.
- (2) Attached to this motion is a copy of my prison account for the past six months.
- (3) Because of my poverty I am unable to pay the cost of the proceedings or give security thereof.

---

Maurio D. Rivers  
SCDC# 232669  
386 Redemption Way  
McCormick SC 29899

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Dorchester County  
Edgar Dickson, Circuit Court Judge

---

THE BERKELEY AND  
DORCHESTER COUNTY  
SHERIFF'S DEPT.

RESPONDENT, SC Court of Appeals

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SEP 06 2016

v.

MAURIO DAETREL RIVERS,

APPELLANT,

CASE NO. 2013-CP-18-1297

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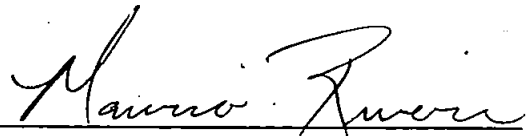
DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL

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Appellant proposes the following be included in the Record on Appeal:

- (1) Motion to Proceed In Forma Pauperis
- (2) Motion to Appeal
- (3) Inmate Trust Fund Account Report
- (4) Memorandum in support of Motion for Belated Appeal

I certify that this designation contains no matter of which is irrelevant to this appeal.



Maurio D. Rivers  
SCDC# 232669  
386 Redemption Way  
McCormick SC 29899

**LEGAL MAIL  
MAIL ROOM**

**INMATE TRUST FUND ACCOUNT REPORT  
for SOUTH CAROLINA COURT FILING FEES**

**RECEIVED**

*INSTRUCTIONS TO INMATE: Complete top portion then give to your mailroom. When returned from Accounting, you must mail this form with any payment to the Court.*

AUG 19 2016

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §§ 27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

**MCCI  
MAIL ROOM  
RECEIVED**

AUG 25 2016

INMATE NAME (print): MAURICE FIVES  
SCDC # 232669 INMATE SIGNATURE: Maurice Fives

F 2  
286  
**MCCI  
MAIL ROOM**

I plan to file this action in the SC County of DORCHESTER

*The section below is for SCDC - Financial Accounting Branch's use ONLY.*

- (1) Total deposits to inmate's account for preceding six months' period\* ..... \$ .01
- (2) Twenty percent (20%) of line 1 ..... \$ 0
- (3) Account balance - current date ..... \$ 9.77
- (4) PAYMENT AMOUNT \*\*  
(lesser of line 2 or line 3)  
Enclosed check # ..... \$ 0

**\*\*NOTE to COURT:** If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections  
Financial Accounting - Room 234  
PO Box 21787  
Columbia, SC-29221-1787

\*Admission date is noted here if inmate incarcerated less than six months     

M. Boykin  
Prepared by Financial Accounting Branch - SCDC

8/24/16  
Date etfilectrust2prepared 7/07

2016 AUG 22 PM 12:47  
SCDC-FINANCIAL ACCTG.

STATE OF SOUTH CAROLINA,

COUNTY OF

IN THE COURT OF COMMON PLEAS

JUDICIAL CIRCUIT

2013-CP-18-1297

MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS

Maurio Rivers # 232669  
Bronson Shelley # 353229

Plaintiff

vs.

Berkley and Dorchester  
County Sheriff's Dept.

Defendant.

FILE NO.

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SC Court of Appeals

I, ~~Shelley~~ Rivers, 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 17 day of July, 2013

Engene Keet  
Notary Public for South Carolina

My Commission expires

My Commission Expires April 4, 2016

)  
)  
) x Maurio Rivers # 232669  
) x Bronson Shelley # 353229  
) Signature of Plaintiff or  
) Person Filing Complaint on Behalf of  
) Plaintiff

CLERK OF COURT  
ORDER FILED  
2013 SEP 12 PM 12:58

CERTIFIED  
2013 SEP 12 PM 12:58

ORDER

Leave is granted to proceed in forma pauperis.

Leave is denied to proceed in forma pauperis.

Dated: 8/28, 2013  
Orangeburg, South Carolina

JUDGE/CLERK OF COURT

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

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2013CP1801297

IN THE COURT OF COMMON PLEAS

Bronson Shelley	Maurio Rivers	Dorchester County Department of Corrections	Berkeley County Sheriff's Department
2013 SEP 12 PM 12:58			
Clerk of Court CLERK OF COURT DORCHESTER COUNTY			

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other: In Forma Pauperis Denied
- ACTION STRICKEN (CHECK REASON):
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

**For Clerk of Court Office Use Only**

This judgment was entered on 9/12/2013, and a copy mailed first class or placed in the appropriate attorney's box on 9/12/2013, to attorneys of record or to parties (when appearing pro se) as follows:

**Maurio Rivers** 4460 Broad River Road #232669 Columbia, SC 29210

**Bronson Shelley** 4460 Broad River Road #353229 Columbia, SC 29210

\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

*Cheryl Graham*

\_\_\_\_\_  
Cheryl Graham - Clerk of Court

**Court Reporter**

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

SC Court of Appeals

1ST CIRCUIT COURT

CASE No: 2013-CP-18-1297

MAURIO RIVERS; BRONSON  
# 232669  
SHELLEY,  
# 353229

PLAITIFFS,

V.  
BERKLEY 3

DORCHESTER COUNTY SHERIFF'S  
DEPARTMENT,  
DEFENDANTS,

MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS: PURSUANT  
TO CODE OF LAWS OF SOUTH CAROLINA  
TITLES: § 24-27-100, § 24-27-110,  
§ 24-27-150, § 24-27-400

2013 SEP 12 PM 12:58  
CERTIFIED  
CLERK OF COURTY  
DORCHESTER COUNTY

I, Maurio Rivers and Bronson Shelley (plaintiffs), hereby apply for leave to proceed in this cause of action without pre-payment of fees or costs or security thereof, in support of my motion I declare under the penalty of perjury that the following facts are true:

- (1) I am a plaintiff in this action and I believe I to redess..
- (2) Attach to this motion is a copy of my prison account within the past (30) days/ six months.
- (3) Because of my poverty I am unable to pay the cost of the proceedings or give security thereof.

s/ Maurio Rivers # 232669 s/ Bronson Shelley # 353229

**INMATE TRUST FUND ACCOUNT REPORT**  
for SOUTH CAROLINA COURT FILING FEES

*SRCC*  
*MU 1-73*

**2013-CP-18-1297**

**INSTRUCTIONS TO INMATE:** Complete top portion then give to your mailroom. When returned from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Maurio Rivers

SCDC# 232669

INMATE SIGNATURE: Maurio Rivers

I plan to file this action in the SC County of Dorchester

*The section below is for SCDC - Financial Accounting Branch's use ONLY.*

- |   |   |               |
|---|---|---------------|
| (1) Total deposits to inmate's account for preceding six months' period*  | s | <u>123.59</u> |
| (2) Twenty percent (20%) of line 1  | s | <u>24.72</u>  |
| (3) Account balance - current date  | s | <u>0</u>      |
| (4) PAYMENT AMOUNT **<br>(lesser of line 2 or line 3)<br>Enclosed check # | s | <u>0</u>      |

2013 SEP 12 PM 12:58  
 CLERK OF COURT  
 DORCHESTER COUNTY

**\*\*NOTE to COURT:** If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections  
 Financial Accounting - Room 234  
 PO Box 21737  
 Columbia, SC 29221-1737

\*Admission date is noted here if inmate incarcerated less than six months

*[Handwritten Signature]*

5/23/13

**INMATE TRUST FUND ACCOUNT REPORT  
for SOUTH CAROLINA COURT FILING FEES**

B2CC  
mu  
275

**2013-CP-18-1297275**

**INSTRUCTIONS TO INMATE:** Complete top portion then give to your mailroom. When returned from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Bronson Shelley

SCDC# 353229

INMATE SIGNATURE: Bronson Shelley

I plan to file this action in the SC County of Dorchester

*The section below is for SCDC - Financial Accounting Branch's use ONLY.*

(1) Total deposits to inmate's account for preceding six months' period*	\$	0	2013 SEP 12 PM 12:58
(2) Twenty percent (20%) of line 1	\$	0	
(3) Account balance - current date	\$	0	
(4) PAYMENT AMOUNT ** (lesser of line 2 or line 3) Enclosed check # _____	\$	0	

**\*\*NOTE to COURT:** If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections  
Financial Accounting - Room 234  
PO Box 21737  
Columbia, SC 29221-1737

\*Admission date is noted here if inmate incarcerated less than six months \_\_\_\_\_

[Signature]

5/17/13

Maurio Rivers # 232669

4460 Broad River Rd.

Columbia, S.C. 29210

September 25, 2013

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SEP 26 2013

BRCI  
MAILROOM

Cherly Graham

Clerk of Court

Dorchester County

St. George, S.C. 29477

Re: Rivers; Snelly v. Beckley; Dorchester County

Sheriff's Department, # 2013-CP-12-1297

Dear Clerk:

Enclosed you will find a copy of a motion to Appeal order  
Dismissing Plaintiff's motion and Affidavit to Proceed IN FORMA PAUPERIS.  
cc: me.

Thank you for your assistance.

Yours Truly,

*Maurio Rivers*  
# 232669

Maurio Rivers # 232669

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

**RECEIVED**

SEP 06 2016

IN THE COURT OF COMMON PLEAS

SC Court of Appeals

Maurio Rivers # 232669;  
Bronson Shelly # 353229,  
Plaintiffs,

1st CIRCUIT COURT

CASE No. 2013-CP-18-1297

v.

APPEAL OF ORDER OF MOTION AND

AFFIDAVIT TO PROCEED IN FORMA

~~Berkley & Dorchester~~  
County Sheriff's Department,  
Defendants,

PAUPERIS

This is a motion appealing the decision by Judge Edgar Dickson to deny the plaintiff's motion and affidavit to proceed in forma pauperis on an order dated August 28, 2013.

GROUNDS

Plaintiffs filed this action on June 5, 2013 against the above named Defendants. Plaintiffs submitted Taxate Trust Fund Account Report for South Carolina Court filing fees to proceed without payment. Both form's clearly indicate that the plaintiffs are without sufficient fees and should be allow to proceed without payment in accordance with SC Code of Laws § 24-27-100 and 150. (See Attach Documents).

The Judge in this case (Mr. Edgar Dickson) gave no reason why the motion were denied. The Plaintiffs in this case have been wronged and feel

that they have been discriminated against by not being allowed to proceed forward with their action. Being denied their Due Process rights to the Fourteenth Amendment, which guarantees every United State Citizen equal protection of the law.

CONCLUSION

Therefore, Plaintiffs hereby ask the Court to honor their motions to proceed without payment, reverse the Judge's decision and schedule this case for trial.

Respectfully Submitted,

s/ Maurice Rivers  
# 232669  
Plaintiffs

s/ Brosor Shelly # 353,229  
Plaintiffs

Maurio Rivers #232669  
368 Redemption Way  
McCormick SC 29899  
August 31, 2016

SC Court of Appeals  
P.O. Box 11629  
Columbia SC 29211

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SEP 06 2016  
SC Court of Appeals

Re: Rivers v. Dorchester County Sheriff's Department

Case No. 2013-CP-18-1297

Dear Clerk,

Please find enclosed for filing a Motion For A Belated Appeal, also a copy of the original Motion to Appeal (Notice of Appeal) dated September 25, 2013 and a copy of the original Motion to Proceed In Forma Pauperis along with the District Court Judge's order dismissing the motion dated September 12th, 2013. Please file and return to me at your earliest convenience a clock stamped copy of these filings. Thank you.

Respectfully,

Maurio Rivers