

The South Carolina Court of Appeals

Kenneth Whitmore, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-001659

ORDER

Appellant has filed a notice of appeal from the circuit court's order denying his motion to proceed *in forma pauperis* below. Appellant has now filed a letter explaining that he does not have the means to pay the notice of appeal filing fee.¹ We construe the letter as a motion to proceed *in forma pauperis*. After careful consideration, the motion is denied because Appellant has failed to show that he entitled to proceed *in forma pauperis* 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

FILED

November 4, 2016

¹ Although Appellant does not cite to the statute, it appears that Appellant is arguing that he should be able to file his action in the circuit court and on appeal pursuant to section 24-27-100 of the South Carolina Code (2007). Initially, we note that section 24-27-100 does not apply to appeals. However, we agree that if Appellant files a certified copy of his trust account statement with the circuit court that shows Appellant's trust account has insufficient funds to pay the filing fee, Appellant will be entitled to file his action and make payments in accordance with section 24-27-100 of the South Carolina Code (2007).

cc:

Kenneth Whitmore, 227057

Karen Christine Ratigan, Esquire