

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County
Edgar Dickson, Circuit Court Judge

RECEIVED
NOV 15 2016
SC Court of Appeals

MAURIO DAETREL RIVERS,

APPELLANT,

v.

DORCHESTER COUNTY
SHERIFF'S DEPT. AND
BERKELEY COUNTY
SHERIFF'S DEPT.,

RESPONDENT,

Appellate Case No. 2016-001856

Case No: 2013-CP-18-1297

MOTION FOR REHEARING

Comes now Appellant, and Petitions this Court for a rehearing pursuant to SCACR 221.

Respectfully,

Maurio D. Rivers
SCDC No. 232669
386 Redemption Way
McCormick, S.C. 29899
Pro'Se

November 10th, 2016

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RESPONDENT,

Appellate Case No. 2016-001856

Case No: 2013-CP-18-1297

CERTIFICATE OF SERVICE

I, Maurio D. Rivers, certify that I have served the Motion For Rehearing upon the Respondent by depositing a copy of the same in the United States Mail, postage prepaid, addressed to:

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

Berkeley 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 10th day of November 2016.

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RESPONDENT,

Appellate Case No. 2016-001856

Case No: 2013-CP-18-1297

PETITION FOR REHEARING

Maurio D. Rivers
SCDC No. 23669
386 Redemption Way
McCormick, S.C. 29899
Pro'Se

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QUESTIONS PRESENTED

1. Did the Court of Appeals err in denying the Appellant's Motion For A Belated Appeal?

ARGUMENT

1. According to the Clerk of S.C. Court of Appeals, this Court notes that if Appellant files a certified copy of his trust account with the Circuit Court and it shows Appellant 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 S.C. Code of laws (2007).

According to the Clerk of S.C. Court of Appeals, this Court's file does not indicate whether Appellant has filed the certified copy of his trust account with the Circuit Court. Therefore, for the Court's convenience Appellant has now re-submitted to this S.C. Court of Appeals the certified copy of his trust account, which was submitted to the Dorchester County Clerk of Court at the time the Motion To Proceed Informa Pauperis was submitted.

Appellant now respectfully requests that this Court reconsider its decision to deny the Motion For Belated Appeal based upon Appellant's compliance with Section 24-27-100 at the time the Motion To Proceed Informa Pauperis was submitted, which should have entitled Appellant to file his action.

- (a) Appellant pursuant to SCACR Rule 203(b)(1) filed a Motion to Appeal (Notice of Appeal) within the thirty (30) day statute of limitations appealing the Circuit Judge's Sept. 12th, 2013 decision denying Appellant's Motion To Proceed In Forma Pauperis.
- (b) The Motion To Appeal was received and date clock-stamped by the Broad River Institution Mail Room on Sept. 26th, 2013.
- (c) Pursuant to SCRCF 82(b) Appellant's filings should have been forwarded to the SC Court of Appeals by the Clerk of the Dorchester County Court-house.

CONCLUSION

For the forementioned reasons, Appellant requests this Court grant this Petition For Rehearing. Appellant also requests this Court issue an order granting Appellant's Motion For A Belated Appeal.

Respectfully submitted,

November 10th, 2016.

Maurio D. Rivers
SCDC No. 232669
386 Redemption Way
McCormick, S.C. 29899

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RESPONDENT,

Appellate Case No. 2016-001856

Case No: 2013-CP-18-1297

DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON
PETITION FOR REHEARING

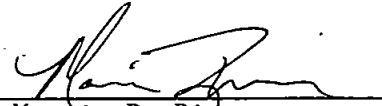
Appellant proposes that the following be included in the Record on Petition For Rehearing:

- (1) Denied Motion To Proceed In Forma Pauperis date clock-stamped Sept. 12th, 2013 by Dorchester County Clerk of Court.
- (2) Motion To Appeal date clock-stamped (Received) by B.R.C.I. Mail Room Sept. 26th, 2013.
- (3) Trust Fund Account Report date clock-stamped Sept. 12th, 2013 by Dorchester County Clerk of Court.

(4) Trust Fund Account Report date clock-stamped August 22nd, 2016
by SCDC-Financial Accounting.

I certify that this Designation contains no matter irrelevant to this Petition
For Rehearing.

November 10th, 2016



Maurio D. Rivers
SCDC# 232669
386 Redemption Way
McCormick, S.C. 29899

STATE OF SOUTH CAROLINA
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Appeal from Dorchester County
Edgar Dickson, Circuit Court Judge

MAURIO DAETREL RIVERS,

APPELLANT,

v.

DORCHESTER COUNTY
SHERIFF'S DEPT. AND
BERKELEY COUNTY
SHERIFF'S DEPT.,

RESPONDENT,

Appellate Case No. 2016-001856

Case No: 2013-CP-18-1297

CERTIFICATE OF SERVICE

I, Maurio D. Rivers, certify that I have served the Petition For Rehearing and Designation Of Matter To Be Included In Record On Petition For Rehearing upon the Respondent by depositing a copy of the same in the United States Mail, postage prepaid, addressed to:

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

Berkeley 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 10th day of November 2016.

RECEIVED

INMATE TRUST FUND ACCOUNT REPORT
for SOUTH CAROLINA COURT FILING FEES

SRCC
MAY 17 11:33

NOV 15 2016

2013-CP-18-1297

SC Court of Appeals

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* \$ 123.59
- (2) Twenty percent (20%) of line 1 \$ 24.72
- (3) Account balance - current date \$ 0
- (4) PAYMENT AMOUNT **
(lesser of line 2 or line 3)
Enclosed check # \$ 0

2013 SEP 12 PM 12:58
RECEIVED
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

[Signature]

5/25/13

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): MARKEE FIVERS

P 286

MCCI MAIL ROOM

SCDC # 232669

INMATE SIGNATURE: Markee Fivers

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 1 1

M. Boykin

8/24/16

Prepared by Financial Accounting Branch - SCDC

Date cell/abstract/prepare/7/97

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

STATE OF SOUTH CAROLINA,

COUNTY OF

Manrio Rivers # 232669
Bronson Shelley # 353229

Plaintiff

vs.

Berkley and Dorchester
County Sheriff's Dept.

Defendant.

IN THE COURT OF COMMON PLEAS

JUDICIAL CIRCUIT

2013-CP-18-1297

MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS

RECEIVED

NOV-15 2016

SC Court of Appeals

FILE NO.

I, ^{Rivers} ~~Shelley~~, 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 Manrio Rivers # 232669
x Bronson Shelley # 353229
Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

2013 SEP 12 PM 12:58
CLERK OF COURT
ORDERED BY CLERK

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.

STATE OF SOUTH CAROLINA
 COUNTY OF DORCHESTER
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2013CP1801297

Bronson Shelley

Maurio Rivers

2013 SEP 12 PM 12:58

Dorchester County
 Department of
 Corrections

Berkeley County
 Sheriff's Department

RECEIVED

NOV 15 2016

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 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 43(k), SCRPC (Settled);
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Other: In Forma Pauperis Denied
- ACTION STRICKEN (CHECK REASON):
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - 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.

Maurio Rivers # 232669
4460 Broad River Rd.
Columbia, S.C. 29210
September 25, 2013

RECEIVED

SEP 26 2013

BRCI
MAILROOM

Cherly Graham
Clerk of Court
Dorchester County
St. George, S.C. 29477

Re: Rivers; Shelly v. Beckley; Dorchester County
Sheriff's Department, # 2013-CP-18-1297

Dear Clerk:

Enclosed you will find a copy of a motion to Appeal order
Dismissing Plaintiff's Motion for Affidavit to Proceed IN FORMA PAUPERIS.
Please file.

Thank you for your assistance.

Yours Truly,

Maurio Rivers
232669
MAURIO RIVERS # 232669

STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER)

Maurio Rivers # 232669;)

Bronson Shelly # 353229,)

Plaintiffs,)

v.)

~~Berkley & Dorchester~~)

County Sherriff's Department,)

Defendants,)

IN THE COURT OF COMMON PLEAS

1st CIRCUIT COURT

CASE NO. 2013-CP-18-1297

APPEAL OF ORDER OF MOTION AND

AFFIDAVIT TO PROCEED IN FORMA

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 Inmate 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 # 23266?
Plaintiffs

s/ Bruce Shelly # 353,229
Plaintiffs