

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM UNION COUNTY  
Court of Common Pleas

John C. Hayes, Circuit Court Judge

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Case No: 2008-CP-44-81

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Elson McKanic, Jr., #182215 ..... Petitioner,

v.

State of South Carolina, ..... Respondent.

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**MOTION TO PROCEED WITHOUT  
PREPAYMENT OF COSTS**

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In support of his Motion, Petitioner submits that in addressing his financial inability to pay the cost of his appeal, the U.S. Supreme Court has held that fundamental fairness entitles indigent petitioners to an adequate opportunity to present their claims fairly within the adversary system. Ake v. Oklahoma, 470 U.S. 68 (1985).

In conjunction, the S.C. Supreme Court has held that any time criminal procedures discriminate against a petitioner by reason of their indigent status, such procedures violate the guarantee of equal protection. Where the indigent petitioner is subjected to a process which is not required of a non-indigent petitioner, then the process becomes invidiously discriminatory and violative of equal protection. Ex Parte Lexington County, 442 S.E.2d 589, 594 (S.C. 1994).

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S.C. SUPREME COURT

In reliance upon the above Court decisions, Petitioner moves this Honorable Court to grant him leave to proceed in this appeal without prepayment of cost to contest his illegal life sentence.

Respectfully submitted,

Date: 1-30-2017  
Greenville County

  
Elson McKanic, Jr., #182215  
Perry Correctional Institute  
430 Oaklawn Rd./Q1A-221  
Pelzer, SC 29669