

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

D. Craig Brown, Circuit Court Judge

Case No. 2006-CP-40-01252

Ronald Coulter, #300410,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

MOTION TO PROCEED IN FORMA PAUPERIS

The appellant respectfully moves this Court for leave to proceed in forma pauperis in this appellate action. The appellant believes that he is entitled to redress and is unable to pay the costs associated with this appellate proceeding. The lower court had previously granted leave to proceed in forma pauperis in the proceeding below.

In Ex Parte: Martin v. State, 471 S.E.2d 134, 135 (1995), the Supreme Court of South Carolina noted that "where certain fundamental rights are involved, the Constitution requires that an indigent be allowed access to the courts".

The right to hold and enjoy lawful property - which is protected by the Fifth Amendment of the U.S. Constitution from abridgment by Congress - is among the fundamental personal rights protected by the Due Process Clause of the Fourteenth Amendment from impairment by the States. Article 1, Section 13, of the S.C. Constitution protects the due process right because it prohibits private property from being taken without the consent of the owner, or without just compensation.

This appeal arises from the appellant's claims that the South Carolina Department of Corrections: 1) violated the Takings

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Clauses of both the Fifth Amendment of the U.S. Constitution and Article 1, Section 13, of the S.C. Constitution, by withholding funds from the appellant's prison bank account without the appellant's consent; and, 2) exceeded its statutory authority under S.C. Code Ann. Section 23-3-670 by garnishing unearned money deposited into the appellant's prison bank account in order to collect a DNA processing fee.

The appellant believes that he has a protected property interest in his prison bank account, and this case involves the fundamental right to hold property. Therefore, the appellant respectfully asks this Court to grant leave to proceed in forma pauperis.

April 14, 2017.

Respectfully submitted,



Ronald Coulter, #300410
Ridgeland CI, CA-25
P.O. Box 2039
Ridgeland, SC 29936

Appellant, Pro Se

April 14, 2017

Jenny A. Kitchings
Clerk, SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211-1629

Dear Clerk:

Please find the enclosed documents associated with the lower court case no. 2006-CP-40-01252, Ronald Coulter, #300410 v. South Carolina Department of Corrections:

1. Notice of Appeal;
2. Copy of final order;
3. Motion to Proceed In Forma Pauperis; and,
4. Proof of Service.

Thank you for your attention.

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Sincerely,



Ronald Coulter, #300410
Ridgeland CI, CA-25
P.O. Box 2039
Ridgeland, SC 29936

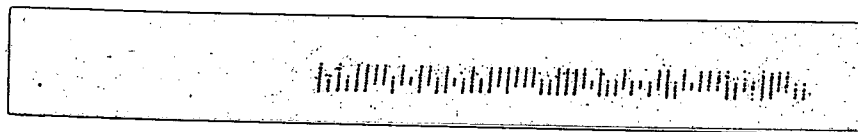
Appellant, Pro Se

RONALD COULTER #300410
RIDGELAND CORR. INST., CA-25
P.O. Box 2039
RIDGELAND, SC 29936



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**RIDGELAND CORRECTIONAL
INSTITUTION**

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CLERK OF COURT
SC COURT OF APPEALS
P.O. BOX 11629
COLUMBIA, S.C.

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