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The State of South Carolina  
In The Court of Appeals

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SC Court of Appeals

Appeal from the Adm. Law Court  
Adm. Law Judge: S. Phillip Lensta  
Case #: 16-ALT-04-0513-AP

S.C.D.C. ... Respondent

v.

Dion O. Taylor ... Appellant

Motion To Proceed In Forma Pauperis &  
Waiver of Filing Fee For Motion

Appellant, an indigent prisoner moves this Court to grant motion to proceed in forma pauperis, & waiver of motion filing fee, as he is appealing the final decision of the S.C. Adm. Law Court. This motion has merit due to the indigency of the said Appellant, & the right of access to the Courts & as the aggrieved party after the ALT final decision, wherein it deals w/ the challenging of calculation of sentence related credits & validity of Appellant's sentence. Martin v. State, 321 S.C. 533, 471 S.E. 2d 134 (1995) states: " ... we conclude motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by const provisions. See Tahminen v. Superior Court, Pinal County, 130 Ariz. 513, 637 P. 2d 723 (1981). Martin further states: "where certain fundamental rights are involved, The Const. requires an indigent be allowed access to the courts." Appellants' case before the Court

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would address jail credit time, which if not allotted, Appellant will exceed the amount of time he should spend in prison.

Al-Shabazz v. State, 527 S.E.2d 742 (2000), "An inmate brings a contested case for purposes of judicial review when he challenges ... calculation of sentence related credits ... " S.C. Code Ann § 1-23-310(3)(Supp. 1999) " To obtain review of the "ALJ's final decision" " A petition by ... party must be filed w/ the Cir. Court ... after the party receives the final decision ... of the Adm. Law Judge. " Appeal in these matters is by right. " S.C. Code Ann. § 1-23-610(B), Accord, S.C. Code Ann § 1-23-380(A)(1). The hopeful Appellants case is an appeal from the Adm.-law court contested case variety. Furthermore, the S.Ct of the U.S. has long since established prisoners rights to access to the Courts despite indigency. See Lewis v. Casey, 518 U.S. 343, 355, 116 S.Ct 2174, 2182, 135 L.Ed 2d 606, 620 (1996) (reaffirming 'ms basic right to access to the courts ... ') " Appellant has drafted a declaration of indigency for the courts perusal in conjunction w/ this motion. He prayerfully seeks leave to proceed in forma pauperis that the fee for filing motion be waived due to the reasons set forth in this motion, Appellant does so in earnest.

Dated:  
4-27-17

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