

STATE OF SOUTH CAROLINA  
In The Supreme Court

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Appeal From Administrative Law Court  
Deborah Durden Administrative Law Judge

JAN 07 2013

S.C. SUPREME COURT

Unpublish Opinion No.  
Appellate Case No. 2012-213204

George Lee Tomlin

Petitioner

v.

South Carolina Department of Probation,  
Parole and Pardon Services (SCDPPPS),

Respondent.

NOTICE AND MOTION FOR  
RECONSIDERATION AND REHEARING ON  
PAUPER STATUS APPLICATION  
UNDER SCACR 240(i) & (j)

You will please take notice that on December 31, 2012 the undersigned will move before the Supreme Court of South Carolina for an order granting Pauper Status by the review and reconsideration of the (entire) Court according to the rules set forth above herein on the ground(s):

1. Tomlin has received 12-6-12 order which suggests in order to obtain full judicial review; he must "pay the \$100 filing fee";

2. Howard v SCDC, 733 SE2d 215 (2012) decision of this Court held, "The Supreme Court's standard of review of a decision by the Administrative Law Court derives from the Administrative Procedure Act"

3. The dissent in Howard at 221 points, "Indeed, Article I, § 22 of the South Carolina Constitution explicitly guarantees the right to judicial review of a final agency decision, that affect private rights or liberty or property interests";

4. Section 1-23-610 of S.C. Code Ann ( ) points to judicial review, as statutory authority of decision of ALC;

5. More, § 1-23-390 of S.C. Code Ann. (1977) stresses "Supreme Court review" of disposition of ALC which is defined as "Agency" see § 1-23-500 of S.C. Code Ann. (2004)

6. Petitioner raised the issue of a timely parole release hearing was denied as claim for relief. Tilley v. State, 511 SE2d 689, 690, 692 (1999). In Furtick v. SCDPPPS, 526 SE2d 146, 149, n.4 (2003), this court wrote, "Although this provision creates a liberty interest in parole eligibility, it does not create a liberty interest in parole."

7. The Supreme Court denied Tomlin's motion to proceed in forma pauperis on 12-6-12 under SCACR 240 (i) but granted him "thirty days" to pay \$100 filing fee which he does not have funds available.

8. So he seek reconsideration and rehearing on pauper status application under SCACR 240 (j)

Wherefore, Tomlin urges the Court to grant his motion(s) herein This 31 day of December 2012.

s/ George Lee Tomlin  
George Lee Tomlin  
RCI GB-22, PO Box 2039  
Ridgeland, S.C. 29936

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused true and correct copies of the "Notice and Motion for Reconsideration", and attachment(s) to be mailed, postage prepaid, to respondent(s) attorney, Tommy Evans, Jr., POB 50666, Columbia S.C. 29250 This 13 day of December 2012.

s/ George Lee Tomlin  
George Lee Tomlin

George Tomlin 166361  
P.O. Box 2039  
RCT GB-22  
Ridgeland, S.C. 29936

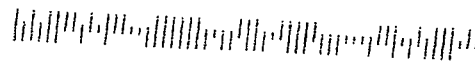


The Supreme Court of South CAROLINA  
Daniel E. Shearouse, Clerk of Court  
Post Office Box 11330  
Columbia, S.C. 29211

RIDGELAND CORRECTIONAL  
INSTITUTION

JAN 02 2013

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