

THE SOUTH CAROLINA COURT OF APPEALS

Michael A. McKeown # 272023

Appellant

RECEIVED

DEC 20 2012

V.

James L. Goldsmith, J.

Respondent

SC Court of Appeals

Appellate Case No. 2012-212449

---

The Honorable G. Edward Welmaker  
Greenville County

Trial Court Case No. 2010-CP-23-03371

The Appellant in the above action received an order on December 7, 2012, dismissing this Appeal. This order was issued by the Honorable Clerk of Court, Jenny A. Kitchings. The Appellant now files the following Motion.

The above-captioned Appeal was dismissed due to the Appellant's failure to file the Notice of Appeal Filing Fee. Appellant petitions to reinstate and moves to proceed in forma pauperis. Because the underlying appeal involves the Appellant being deprived of his Liberty Interest, he is entitled to proceed in forma pauperis, and this Appeal should be reinstated. See Wicker v. SC. Dep't of Corr., 369 S.C. 421, 424, 602 S.E.2d 56, 58 (2004), (inmates held past the Statutory codes of Law creates such an interest encompassed by the Fourteenth Amendment's protection of Liberty); Ex parte Martin, 321 S.C. 533, 535, 471 S.E.2d 134, 134-35 (1995) (Motions to proceed in forma pauperis may be granted only when authorized by Statute or required by Constitutional provisions<sup>33</sup>).

[ " A Fourteenth Amendment procedural due process claim depends upon the existence of a constitutionally cognizable Liberty or property interest with which the state has interfered ];  
cf MEACHUM V. FANO, 427 U.S. 215, 216, 226, 96 S.Ct. 2532, 49 L.Ed. 2d 451 (1976).

3. Constitutional Law - 255 (i) 277 (i) - Property Interest protected by procedural due process extend well beyond actual ownership of real estate, chattels or money, and due process protections is required for deprivations of Liberty beyond the sort of formal constraints imposed by the criminal process - U.S.C.A. Const. Amend. 14.

BOARD OF REGENTS OF STATE COLLEGES V. ROTH, 92 S.Ct. 2701 (1972)

### CONCLUSION

To not allow the Appellant to Appeal this case would mean that at any time a prisoner is held past the Statutory Punishment of Law he could do nothing about it due to an inability to pay a Filing Fee for a Notice of Appeal, for a Directed Verdict that should have never been directed, would violate all Constitutional Rights - for these reasons the Clerk of Courts order of dismissal filed on 12/6/12, be dismissed and the Appellants Motion to proceed in Forma pauperis granted.

Respectfully Submitted

Mike McKean

Michael A. McKean #272023

Kershaw C.I. SB - 15

4848 Goldmine Hwy

Kershaw, SC 29067

December 17, 2012  
Kershaw, SC

THE SOUTH CAROLINA COURT OF APPEALS

Michael A. McKeown # 272023

Appellant

V.

James L. Goldsmith, Jr.,

Respondent

Appellate Case No. 2012-212449

---

The Honorable G. Edward Welmaker  
Greenville County

---

Trial Court Case NO. 2010-CP-23-03371

---

PROOF OF SERVICE

I the above Appellant do hereby certify that upon this 17<sup>th</sup> day of, December 2012, I have placed in the U.S. Postal Service that the Kershaw C.I., provides a Motion to Proceed in forma pauperis to the below address and Respondent.

James L. Goldsmith, Jr.  
P.O. Box 92  
Zirconia, NC 28790

Mike McKeown  
Michael A. McKeown  
Kershaw C.I. SB-15  
4848 Goldmine Hwy  
Kershaw, SC 29067

SOUTH CAROLINA COURT OF APPEALS

TO: CLERK OF COURT, JENNY A. KITCHINGS

RE: McKeown V. Goldsmith, Appellate Case NO. #  
2012-212449

Dear Ms. Kitchings

Please find enclosed for your convenience and filing a Motion To Proceed in Forma Pauperis and reinstatement of my Appeal. Along with a Financial Statement shall you need one.

Thank You so very Much  
Sincerely  
Mike McKeown

December 17, 2012  
Kershaw, SC

RECEIVED

DEC 20 2012

SC Court of Appeals

INMATE TRUST FUND ACCOUNT REPORT  
for SOUTH CAROLINA COURT FILING FEES

Kershaw

**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.

MA-22

INMATE NAME (print): Michael Anthony McKeeown

SCDC# 272023 INMATE SIGNATURE: Mike McKeeown

I plan to file this action in the SC County of APPEAL From Greenville.

The section below is for SCDC - Financial Accounting Branch's use ONLY.

RECEIVED

(1) Total deposits to inmate's account for preceding six months' period\* ..... \$ 0

JUL 03 2012

KerCI MAILROOM

(2) Twenty percent (20%) of line 1 ..... \$ 0

(3) Account balance - current date ..... \$ 0.03

(4) PAYMENT AMOUNT \*\*  
(lesser of line 2 or line 3)  
Enclosed check # ..... \$ 0

RECEIVED

DEC 20 2012

SC Court of Appeals

\*\*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

RECEIVED

JUL 02 2012

KerCI

\*Admission date is noted here if inmate incarcerated less than six months \_\_\_\_\_

[Signature]  
Prepared by Financial Accounting Branch - SCDC

6/29/12  
Date file\strust\prepared 797