

9

STATE OF SOUTH CAROLINA  
IN THE COURT OF COMMON PLEAS

RECEIVED

JAN 14 2019

SC Court of Appeals

TIMOTHY DALE CROCKETT, )  
Appellant/Plaintiff, )  
vs. )  
SA & LK PROPERTIES, et. al., )  
Appellees/Defendants. )

On Appeal From the  
Spartanburg County Court of  
Common Pleas Hon. Keith  
Kelly, Judge  
Case #2018-CP-42-03979

NOTICE OF APPEAL

PLEASE TAKE NOTICE that the Plaintiff/Appellant, Timothy Dale Crockett, hereby appeals to the South Carolina Court of Appeals the Common Pleas Court order denying Plaintiff's "Motion and Affidavit to Proceed In Forma Pauperis" on December 18, 2018, by Honorable Judge R. Keith Kelly. Such Order attached herewith.

Plaintiff argues that he has a U.S. Constitutional and State Constitutional Right to access the courts and cannot do so while incarcerated without funds to pay filing fees.

Plaintiff has simultaneously filed with this Notice of Appeal a renewed "Motion and Affidavit to Proceed in Forma Pauperis" on appeal because Plaintiff does not have funds to pay court costs for notice of appeal.

Respectfully done this 27<sup>th</sup> day of December, 2018.

Timothy Dale Crockett  
Timothy Dale Crockett  
Appellant/Plaintiff, Pro Se

Timothy D Crockett  
Fed. Reg. #95028-071  
Edgfield Federal Correction Institution  
P.O. Box #725  
Edgefield, SC 29824  
United States

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JAN 14 2019

Mailed via legal mail  
6-7-18

June 4, 2018

SC Court of Appeals

Timothy Dale Crockett #95028-071  
Butner Federal Medical Center  
P.O. Box #1600  
Butner, NC 27509

Did follow-up 7-2-18  
w/copy of this.

The Honorable James F. Fraley, Jr.  
Chief Administrative Judge  
7th Judicial Circuit Court  
Common Pleas Division  
180 Magnolia Street, 2nd Floor  
Spartanburg, SC 29304

#2 Follow-up 9-14-18

Re: CROCKETT vs. SA&LK PROPERTIES, et.al.,

Dear Honorable Judge Fraley:

My mother, Jane E. Copeland, Campobello, SC, passed-away on February 3, 2018, while I was incarcerated. Before she died (approx. a month or so) someone used a POA and sold property that was in my mom's name to SA&LK Properties, LLC. I believe this transaction was improper and therefore have sought to bring a civil action in the Spbtg. Common Pleas Court.

The reason I am writing this letter and sending my documents to your Chambers, as the Chief Administrative Judge, is because I am unable to access the Common Pleas Court by mailing my documents to the Clerks Office. I began this adjudicatory odyssey back in February 2018. The Clerk wouldn't file my "Complaint" in absence of certain forms, however, the Clerk refused to mail me the forms. I don't have access to internet and can't copy form off County website. After finally getting some forms from a 3rd party my "complaint" has been rejected four (4) times. Once because I checked 3 boxes on "Cover Sheet". Once because I didn't have \$20 motion fee. Once because I didn't have \$150 filing fee. And the last time for no filing fee again, despite my sending "Motion To Proceed in forma pauperis" from the very beginning. The Clerk--who has never signed name on rejection form--alluded to IFP documents in #3 rejection form so she can't claim "mistake" when same clerk demanded I pay \$150 filing fee in the subsequent #4 rejection. Something is amiss and I don't have the luxury of unlimited postage, so I have, as a last resort, mailed my documents for filing to your Chambers, Your Honor, and trust that your staff can review my papers and see that they are in proper order for filing.

Thank you very much for your time and concern in this matter.

Respectfully,

*Timothy Dale Crockett*  
.....  
Timothy Dale Crockett

Enclosures

cc: Hope Blackley, Clerk ✓  
Retained ✓

2018 DEC 14 AM 11:33  
M. HOPE BLACKLEY  
CLERK  
SPARTANBURG COUNTY  
CLERK OF COURT

~~MAY 7 2018~~

[date]

Timothy Dale Crockett #95028-071  
Butner Medical Center  
P.O. Box #1600  
Butner, NC 27509

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JAN 14 2019

SC Court of Appeals

Court of Common Pleas  
Spartanburg County  
Office of the Clerk of Court  
180 Magnolia Street  
Sptbg., SC 29304

Re: Crockett v. SA & LK Properties, et.,al.,

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2018 DEC 14 AM 11:33  
M. HOPE BLACKLEY

Dear Honorable Clerk of Court:

Please find for filing and consideration by the Court:

1. Pro Se "Complaint and Lis Pendens" (Original) ✓
2. Summons (original) ✓
3. Civil Action Cover Sheet (Original) ✓
4. Motion and Application to Proceed In Forma Pauperis (original) ✓
5. Financial Declaration of Timothy D. Crockett (original) ✓

I trust everything is in proper order to be filed and heard by the Court. Please be kind enough to acknowledge receipt of this material by returning a clock-filed copy of cover sheet in the SASE provided for your convenience.

Thank you for your time and concern in this important matter.

Respectfully submitted,

*Timothy Dale Crockett*  
.....  
Timothy Dale Crockett  
Plaintiff, Pro Se

Enclosures

cc: Retained

Hon. James F. Fratey, JR  
Chief Administrative Judge  
180 Magnolia St. 2nd Floor  
Spartanburg, SC 29304  
864-573-7732



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JAN 14 2019

SC Court of Appeals

State of South Carolina  
The Circuit Court of the Seventh Judicial Circuit

R. Keith Kelly  
Judge

125 E. Floyd Baker Boulevard  
Gaffney, SC 29340  
Phone: (864) 487-2581  
Fax: (864) 487-2772  
kkellysc@sccourts.org

September 5, 2018

Mr. Timothy Dale Crockett  
c/o Spartanburg County Jail  
950 California Avenue  
Spartanburg, South Carolina 29304

Re: Letter dated August 20, 2018

Dear Mr. Crockett:

The Court has received your letter dated August 20, 2018, regarding your documents. The Clerk of Court's office receives and files documents in all common pleas cases. While Judge Kelly, in his capacity as Chief Administrative Judge of Common Pleas for the Seventh Circuit, would have considered and ruled on any Motion to Proceed In Forma Pauperis submitted in 2018, he would not have retained either your original or a copy of your motion. If the Court was presented with such a motion, Judge Kelly would have reviewed it, ruled on it, and returned the motion to the Clerk of Court's office. The Clerk of Court is the Court's only record keeper. Judge Kelly would not have retained any paperwork regarding your case.

The Court is not your advocate, so I cannot provide you with any legal advice. However, the Court always advises individuals to seek legal counsel if at all possible concerning legal proceedings.

I apologize for the confusion, and wish you the best of luck in this matter.

Respectfully,

Law Clerk to the Honorable R. Keith Kelly

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2018 DEC 14 AM 11:33  
M. HOPE BLANCHARD



State of South Carolina  
The Circuit Court of the Seventh Judicial Circuit

J. Derham Cole  
Judge

180 Magnolia Street, 2nd Floor  
Spartanburg, SC 29306

June 7, 2018

Mr. Timothy Dale Crockett  
Fed. Reg. #95028-071  
Butner Federal Medical Center  
PO Box 1600  
Butner, NC 27509

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JAN 14 2019

SC Court of Appeals

CLERK OF COURT  
SPARTANBURG COUNTY  
2018 DEC 14 AM 11:13  
M. HOPE BLACKBURN

Dear Mr. Crockett:

This letter is to inform you that our office is in receipt of your letter. We have forwarded your letter to Judge R. Keith Kelly who is the Administrative Judge in the 7<sup>th</sup> Circuit for Common Pleas. Judge Cole is not serving in that capacity in 2018.

Sincerely,

Admin. Asst. to Judge

/sp

cc: Honorable R. Keith Kelly

*Wmk Judge Kelly 6-11-18*



State of South Carolina  
The Circuit Court of the Seventh Judicial Circuit

R. Keith Kelly  
Judge

125 E. Floyd Baker Boulevard  
Gaffney, SC 29340  
Phone: (864) 487-2581  
Fax: (864) 487-2772  
kkellysc@sccourts.org

June 11, 2018

Mr. Timothy Dale Crockett  
Fed Reg #95028-071  
Butner Federal Medical Center  
P.O. Box 1600  
Butner, NC 27509

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JAN 14 2019

SC Court of Appeals

Dear Mr. Crockett:

I recently reviewed your letter addressed to the court. Upon review of your file, it appears that you wish to proceed pro se as a plaintiff *in forma pauperis*. Please see *State v. Martin*, 322 S.C. 533 (1995) as it appears that your request does not fit into a statutory or constitutional exception, the court declines to waive the filing fee. If you wish to proceed with your suit, you will need to pay the appropriate filing fee and submit the correct pleadings and coversheets in order to have your case filed. Thank you for understanding.

I wish you the best of luck.

Sincerely,

Law Clerk to the Honorable R. Keith Kelly

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2018 DEC 13 PM 11:33  
MELISSA SCKLEY

8-19-18  
Letter to Kelly w/ clerks letters and  
papers about Kelly getting  
papers.

January 10, 2019

Timothy Dale Crockett #95028-071  
FCI Edgefield P.O. Box 725  
Edgefield, SC 29824

S.C. Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

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JAN 14 2019

SC Court of Appeals

Re: Crockett v. SA & LK Properties, LLC, 2018-CP-42-03979  
Appeal from Spartanburg County Common Pleas

Dear Honorable Appeals Court:

Please find enclosed my "Notice of Appeal" and "Motion To Proceed On Appeal IFP" that was rejected by the Court of Common Pleas, Spartanburg County. The Clerk's return letter states that Judge Kelly "denied" my papers, but the Judge did not sign the IFP motion??

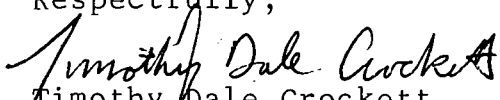
I'm being denied access to the Spartanburg County Common Pleas Court. My mother was dieing of cancer and in hospic when I was arrested for a federal parole violation. While I was in jail family members stole property, illegally sold property, fraudulently abused power of attorneys and took everything my mother and I worked our entire lives for. I should be able to bring these people into court and have my day in court despite my inability to pay court fees.

Spartanburg County Clerk's Office prevented me from filing the original complaint for almost a year. (See letters attached from Judges Chambers for 2018).

In any event, I am requesting that the Court of Appeals consider my "Motion to Proceed In Forma Pauperis" or do something so that I can access the Courts of this State as guaranteed by the State and Federal Constitutions.

Thank you for your time & concern in this matter.

Respectfully,

  
Timothy Dale Crockett  
Appellant, Pro SE

Attachments

Cc: Honorable Hope Blackley, Clerk  
Spartanburg County Court  
P.O. Box 3483  
Spartanburg, SC 29304-3483  
Retained

# Spartanburg County

Spartanburg County Court House  
180 Magnolia Street  
P. O Box 3483  
Spartanburg, SC 29304-3483



Phone (864) 596-2591  
Fax (864) 596-2259

Clerk of Court

Gail Moffitt  
Assistant Clerk of Court

**RECEIVED**

JAN 14 2019

SC Court of Appeals

1/7/2019

Timothy Dale Crockett #95028-071  
Edgefield FCI  
PO Box #725  
Edgefield SC 29824

Dear Mr. Crockett,

Your filing was sent to Judge Kelly for review and was denied.

Please let us know if we can be of further assistance to you.

Sincerely,

MF

STATE OF SOUTH CAROLINA,  
COUNTY OF SPARTANBURG

TIMOTHY DALE CROCKETT,  
VS. Plaintiff

SA & LK PROPERTIES, LLC;  
ESTATE OF JANE COPELAND;  
JULIA ALSIRT: and CHARLENE  
ALEXANDER,  
Defendant.

IN THE COURT OF COMMON PLEAS  
7TH JUDICIAL CIRCUIT

MOTION AND AFFIDAVIT TO  
PROCEED IN FORMA PAUPERIS  
ON APPEAL

FILE NO. 2018-CP-42-3979

I, TIMOTHY DALE CROCKETT being duly sworn, state that I am the Plaintiff and that  
I do not have the funds available to pay the costs of filing and <sup>appeal</sup> service in the present matter. I  
hereby request that the ~~complaint be filed and service made without costs.~~  
notice of appeal be filed without cost at this time.

Sworn to and Subscribed before me  
this 6<sup>th</sup> day of November 2018  
Notary Public  
My Commission expires 10-01-2023

Timothy Dale Crockett  
Signature of Plaintiff or  
Person Filing Complaint on Behalf of  
Plaintiff  
Timothy Dale Crockett

WESLEY A. GLENN  
Notary Public, South Carolina  
My Commission Expires  
October 01, 2023

ORDER

- Leave is granted to proceed in forma pauperis without payment of the filing fee.
- Leave is granted to proceed in forma pauperis without payment of the service cost.
- Leave is denied to proceed in forma pauperis.

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JAN 14 2019

Dated: \_\_\_\_\_, 2\_\_\_\_  
\_\_\_\_\_, South Carolina

JUDGE/CLERK OF COURT SC Court of Appeals

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

December 27, 2018

TO:

⇔95028-071⇔

Hope Blakely  
Common Pleas Division  
108 Magnolia ST  
Clerk Of Court, Sptbg. Co  
Spartanburg, SC 29303  
United States

Timothy Dale Crockett #95028-071  
Edgefield FCI  
P.O. Box #725  
Edgefield, SC 29824

Re: Crockett v. SA & LK Properties, LLC, et. al.

Case # 2018-cp-42-03979

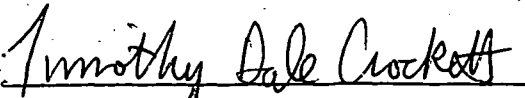
Dear Honorable Clerk:

Please find for filing and consideration my pro se "Notice of Appeal" and "Motion and Affidavit to Proceed IFP" in the above case.

I have mailed copies of this cover letter and documents to the Clerk of SC Court of Appeals. If the Common Pleas Judge denies my IFP motion the Court of Appeals may grant such thereafter.

Please return a "clock-filed" copy of my "Notice of Appeal". Thank you for your time & concern in this matter.

Respectfully,

  
Timothy Dale Crockett

**RECEIVED**

JAN 14 2019

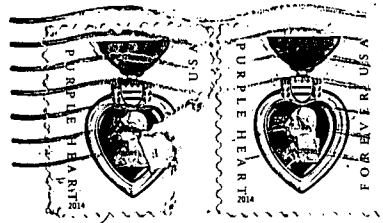
**SC Court of Appeals**

attachments

cc: Clerk, SC Court of Appeals ✓  
1015 Sumter Street  
Columbia, SC 29201

Retained

Timothy Dale Crockett 95028-071  
Edgefield Federal Correctional Institution  
P.O. Box 725  
Edgefield, SC 29824



**RECEIVED**

**JAN 14 2019**

**SC Court of Appeals**

↔ 95028-071 ↔

Court Of Appeals S C  
State of South Carolina  
1015 Sumter Street  
Honorable Clerk of Court  
Columbia, SC 29201  
United States

29201\$3749 0076

