

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT
The Honorable H.W. Funderburk, Jr., Administrative Law Judge
Case No. 18-ALJ-15-0032-AP
Appellate Case No. 2019-000553

Gregory Mackey, #136609.....Appellant,

v.

S.C. Department of Probation,
Parole and Pardon Services.....Respondent

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MAY 15 2019
SC Court of Appeals

MOTION TO PROCEED IN FORMA PAUPERIS

Appellant, Gregory Mackey, #136609, hereby apply for leave to proceed in Forma Pauperis in the South Carolina Court of Appeals without prepayment of fees or security thereof. In support of my Motion, I declare under penalty of perjury that the following facts are true to the best of my knowledge and understanding.

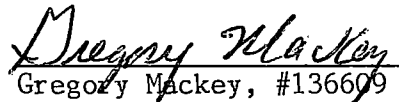
1. I'm the Appellant, and I do not have sufficient funds to pay the cost of said proceedings in full at this time, and I'm entitled to redress.
2. Pursuant to S.C. Const. Art. I, § 22 Appellant has a constitutional right to "judicial review", and "shall not be finally bound by a judicial or quasi judicial decision of an Administrative Agency affecting private rights".
3. Pursuant to S.C. Code Ann. § 1-23-380 & 610(B) (2008 Supp.) "Appeal in this matter is by right".
4. Appellant intends to raise the following issue:
 - A. Appellant was denied a substantial right to statutorily correct parole review by use of the current version of the statute instead of the statute that was in effect at the time Appellant committed his offense, in violation of the Ex Post Facto Clause as applied retroactively..
5. This Court has the right and obligation to determine whether an inmate is being deprived of a "State created right" or "Liberty Interest" granted to him by rule, or statute of regulation promulgated by the government. Meachum v. Fano, 96 S.Ct. 2532 (1976).

The parole procedures that the SCPPP'S has established create such liberty interest which cannot be "arbitrarily abrogated". An agency's failure to afford an individual procedural safeguards required under its own regulations may result in the invalidation of the ultimate administrative determination. U.S. v. Morgan, 193 F.3d 252, 256 (4th Cir. 1999).

CONCLUSION

Appellant moves the Court to take judicial notice that to interpose any financial consideration between an indigent prisoner of the State and his exercise of a State right to [Appeal] ... is to deny that prisoner the equal protection of the law. Smith v. Bennett, 81 S.Ct. 895 (1961). When ... right is granted by a State; financial hurdles must not be permitted to condition its exercise]. Id. 898. 1. ALCD Rules.

Respectfully submitted,


Gregory Mackey, #136609
Appellant

This 9, day of May 2019,
at Enoree, South Carolina.

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v.

S.C. Department of Probation,
Parole and Pardon Services.....Respondent.

CERTIFICATE OF SERVICE

I, Gregory Mackey, #136609, (The Appellant) being duly sworn upon my oath, depose and state that, I have served upon Tommy Evans, Jr., Assistant General Counsel of the S.C. Dep't of Prob., Parole and Pardon Services, located at 2221 Devine St., Suite 600, P.O. Box 50666, Columbia, S.C. 29250, a copy of Appellant's Motion to Proceed In Forma Pauperis, along with proof of service and a copy of same to the Honorable H.W. Funderburk, Jr., Judge of the Administrative Law Court, 1205 Pendleton St., Suite 224, Columbia, S.C. 29201, by depositing same in the U.S. mail postage prepaid, May 9, 2019, as addressed above.

Respectfully submitted,

Gregory Mackey
Gregory L. Mackey
Appellant

200 Prison Road
Enoree, S.C. 29335

This 9, Day of May 2019
at Enoree, South Carolina.

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Gregory Mackey, #136609
Tyger River Correctional
Institution Unit 1 A118
200 Prison Road
Enoree, S.C. 29335

May 9, 2019

V. Claire Allen
Deputy Clerk
P.O. Box 11629
Columbia, S.C. 29211

RE: Gregory Mackey v. SCDPPPS
Appellate Case No. 2019-00053

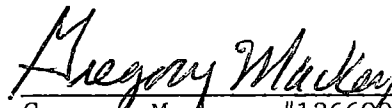
Honorable Allen:

Enclosed is seven (7) copies of Appellant's Motion to accept filing of Appellant's Initial Brief and Designation of Matter Out-of-Time, along with Motion to Proceed in Forma Pauperis and Certificate(s) of service.

If any deficiency have occurred in the matter of the filing of these documents please advise and allow for correction under SCACR rules.

Please return to me a clock-stamped copy of the pleadings for my personal file. Thank you in advance for your invaluable time in this matter.

Sincerely,


Gregory Mackey, #136609
Appellant

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SC Court of Appeals

Gregory Mackey, #136609
Tyger River Correctional
Institution Unit 1 A118
200 Prison Road
Enoree, S.C. 29569



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