

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland^{Co.} Court of Common Pleas
The Hon. Robert E. Hood
2018 - CP - 40 - 3812
2019 - 000049

Bennie Mitchell

Appellant

vs

Dir. of S.C.D.C.
Bryan P. Stirling et. al

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MAY 22 2019

SC Court of Appeals

INITIAL BRIEF OF APPELLANT

BENNIE MITCHELL # 278318
FAIRFIELD CO. JAIL
#10 FAITH LANE
WINNSBORO, SC 29180

Other counsel on record
Atty: Caleb Riser
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STATUTE

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CONST.

1st _____ 4
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STATEMENT OF ISSUES ON APPEAL

WHETHER THE COURT ERRORED IN DENYING APPELLANT HIS CONSTITUTIONAL RIGHTS TO THE COURT, WHERE HIS PLEADINGS INDICATED A FUNDAMENTAL RIGHT FOR HIM TO PROCEED IN FORMA PAUPERIS AND WHERE APPELLANT WAS INDIGENT AND COULD NOT PAY ANY FILING FEES.

STATEMENT OF THE CASE

On July 20, 18 The Richland Co. Clerk of Ct. filed Appellant's action, alone w/ his motion to proceed in forma pauperis, assigning case # 2018-CP-40-3812. On July 23, 18 his action was dismissed, which the Clerk of Ct. entered judgment on 10.5.18. Which Appellant rec'd on 10.12.18 and filed a timely 59(c) motion on 10.15.18. Which the judge denied 11.29.18. Which Appellant appeal to this Ct. on Jan 8, 19
Appellant's brief follow

ARGUMENT

I argue that the court errored in denying me my constitutional rights to the court.

Where my pleadings indicated a fundamental right for me to proceed in forma pauperis

SEE: EA Also see Martin v State 471 S.E.2d 134

And where I was indigent and could not pay any filing fees SEE: Ex. B. Also see

Ex. C and Ex. D as the court required

SEE: Ex. E

I further argue that my action should have remained filed per S.C. Code Ann § 24-27.10

and 24-27-100 since my action was in fact assigned a case number. And, where

I had a constitutional RIGHT "access

to the court SEE: the 1st, 5th and 14th amend.

to the U.S. Const. also see Smith v Bennett

81 S.Ct. 895; Lakes v State 510 SE2d 228;
Williams v State 583 SE2d 52; Ex parte Rice
415 SE2d 819; Harrison v Harrison 646 SE2d
180

CONCLUSION

WHEREFORE: Base upon the above arguments
this court find that the lower court erred
in not allowing me to proceed in forma
pauperis. Where my pleading had indicated
a fundamental RIGHT to do so. Especially,
after my case had been assigned a case number
per statute 24-27-10 and 24-27-100.

Date May 20, 19

Bennie Mitchell

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Respondent

PROOF OF SERVICE

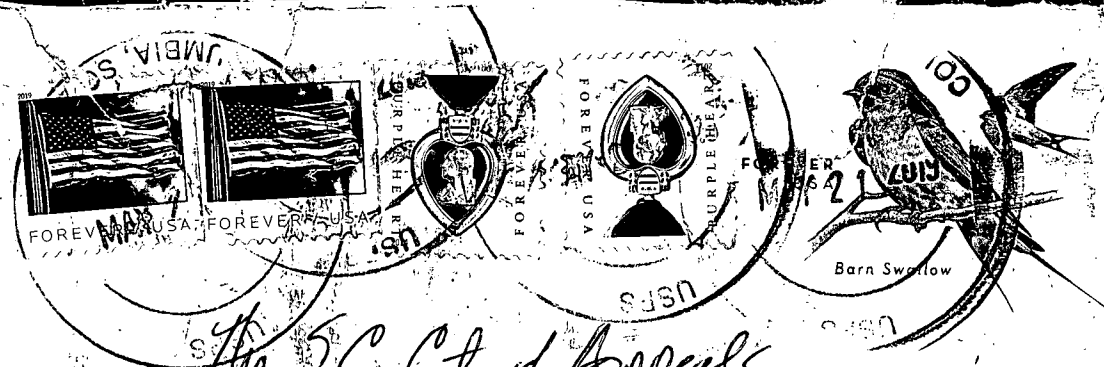
I, Bennie Mitchell hereby certify that I have served the below persons my initial brief. By placing the above said into the hands of a Fairfield Co. jailer hands, w/ postage prepaid, to be placed in the U.S. mail this day of

Bennie Mitchell

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