

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appellate Case NO.2019-000932

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JUN 19 2019

SC Court of Appeals

Mark Hamilton)	
Appellant,)	MOTION TO WAIVE FILING FEE AND
-vs-)	PROCEED IN FORMA PAUPERIS
SCDPPS)	
Respondent,)	
_____)	

COMES NOW, above captioned Appellant Mark Hamilton, pro-se, respectfully moving this Court to waive the filing fee and allow the Appellant to proceed in forma pauperis in this action.

IN support of this motion and request the Appellant would show unto this Court the following:

- (1). Appellant is incarcerated in the South Carolina Department of Corrections serving a life sentence.
- (2). Appellant has been incarcerated since the age of sixteen (juvenile). Appellant proceeded to trial by jury on June 14, 1993 and was convicted as indicted. (92-GS-10-1680).
- (3). Appellant's life sentence is life with the possibility of parole, which is in part the substance of the issue on appeal.
- (4). Appellant was denied Parole on January 24, 2019. Appellant filed a pro-se Notice of Appeal, thus appealing the Parole Board's denial. However, Appellant was never provided with

the Agencies Notice of Appeal form, as stated supra Appellant filed a pro-se Notice of Appeal.

(5). Subsequently thereafter the Clerk for the Administrative Law Court provided Appellant with the proper forms and advised Appellant to fill them out and resubmit the Notice. Appellant timely complied.

(6). Thereafter the Administrative Law Court denied the appeal as "untimely" as the Court considered the proper form provided by the Clerk as the date of actual filing.

(7). Appellant filed a timely Motion to Reinstate the Appeal with sufficient evidence the pro-se Notice of Appeal should be counted as the actual filing date. Thereafter the ALJ issued an order finding that [if] Appellant had made additional allegations on the pro-se Notice of Appeal the ALJ "might consider the appeal timely filed" and still denied reinstating the appeal.

(8). Appellant has appealed to this Court and on June 6, 2016; received by Appellant via Institutional Legal Mail the Appellate Court Clerk informed Appellant there is a \$250.00 dollar filing fee.

(9). Appellant is pro-se, indigent, and has been incarcerated since he was 16-years old. Appellant's denial for parole is appealable and invokes constitutional concerns where his due process rights are at stake. Appellant is informed and believes that where certain fundamental rights are at stake, such as in the instant matter the U.S. Constitution requires that an indigent be allowed access to the courts.

CONCLUSION

Based on the foregoing, Appellant respectfully prays this Court will grant waiving the filing fee and allow Appellant to proceed in forma pauperis.

Respectfully Submitted,

/s/ Mark Hamilton

Mark Hamilton, pro-se

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPELLATE CASE NO. 2019-000932

Mark Hamilton -- Appellant,

-vs-

SCDPPS -- Respondents,

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SC Court of Appeals

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a true and correct copy of the enclosed Motion to proceed In Forma Pauperis on the persons whose names and addresses appear below. This was done by placing the aforesaid in properly addressed, first-class postage affixed envelopes and placed in the U.S. Mail this day of June 2019.

Those Served:

Jenny Abbott Kitchings, Clerk
SC. Court of Appeals
P.O. Box 11629
Columbia, SC. 29211

Tommy Evans, Jr.
SCDPPS
2221 Devine St, Suite 600
P.O. Box 50666
Columbia, SC. 29250

Respectfully Submitted,

/s/ Mark Hamilton ✓
Mark Hamilton, pro-se

Sworn to and Subscribed Before Me

This 17th day of June, 2019

Nancy C. Merchant
NOTARY PUBLIC

My COMM. EXPIRES 1-23-2023

Mark Hamilton # 196804

Perry Correctional Institution

430 Oaklawn Rd

Pelzer Sc. 29669

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P.C.I. MAILROOM

Jenny Abbot Kitchens, clerk

Sc. Court of Appeals

P.O. Box 11629

Columbia, sc. 29211

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SC Court of Appeals