

SOUTH CAROLINA COURT OF APPEALS

RECEIVED
DEC 10 2019
SC Court of Appeals

King Grant-Davis,)
Plaintiff-)
Appellant,)
)
-versus-)
)
Jason Mikell, Esquire, Stephen)
Harris, Esquire, and City of)
Charleston,)
Defendants-)
Respondents.)

MOTION TO PROCEED IN FORMA
PAUPERIS ON APPEAL, AND
APPOINTMENT OF COUNSEL

1. Appellant, King Grant-Davis, hereby moves the Court for the permission to proceed In Forma Pauperis and related reliefs on this appeal, based upon his financial inability to fulfill the requirements of the South Carolina Appellate Court Rules which necessitate the financial means and expenditures to produce and submit the appeal to this Court.
2. This action was brought in the Court of Common Pleas seeking damages for the Respondents' denial of Appellant's United States Constitution Sixth Amendment (applicable through Fourteenth Amendment) right to have the assistance of counsel for his defense in Charleston Municipal Court.
3. On March 08, 2016, the Appellant first appeared in Municipal Court on a Uniform Traffic Ticket charge of Threats, before Honorable Alelia Rico Flores, Presiding Judge. It was deemed that he was eligible for assignment of counsel. At that time, Judge Flores appointed Respondent Stephen Harris to represent him (Transcript of Record, Municipal Court, on March 8, 2016, pages 4 and 5). Mr. Harris requested a continuance in the case (Transcript of Record,

Municipal Court, on March 8, 2016, page 16). Harris never appeared in court again to represent Appellant, despite the fact that the court notified Harris of continuances for his presence on April 12, May 3, and June 14, 2016 in the case.

4. As stated above, Harris did not appear in court on 6-14-2016, however, Respondent Jason Mikell appeared under his contract with City of Charleston, as City Public Defender, to represent Appellant on 6-14-2016. Plaintiff's 6-14-2016 proceeding was simply for the purpose of obtaining assigned counsel to get acquainted with the case, and start preparing for a jury trial requested by Appellant. Before the Appellant could arrive at the court on that date, Mikell moved the court to relieve him from representing Appellant.

5. Both Harris and Mikell gave the court absolutely no reason for abandoning plaintiff's defense. Nor did they ever notify the Appellant of their actions or the reasons for them. A bench trial in absentia was immediately held after presiding Judge Thomas P. Morrison relieved Mikell. Judge Morrison convicted the Appellant verbal simple assault, sentenced him to 30 days jailtime, and issued a bench warrant for his arrest. The Appellant did arrive at the court moments later, and the court security officer escorted him to the Police Department to be transferred to the Detention Center.

6. After a hearing on October 31, 2019 in the Court of Common Pleas to consider each of the Respondents' dispositive motions (as well as Appellant's Motion to Take Judicial Notice), within a

week, through communication with Judge Price and his Clerk, each of the Respondents were allowed to to submit to the Judge proposed Orders (without the wording "proposed" on its face) dismissing the claims in the Verified Amended Complaint.

7. The Appellant believes that his claims and legal grounds proffered to Circuit Court are meritorious, and he wishes to perfect his appeal to this Court.

8. Accompanying this Motion are copies of the Orders/Judgments to be challenged on appeal.

9. Accompanying this document as part of this Motion, is the "Financial Statement In Support Of Motion By Appellant To Proceed In Forma Pauperis On Appeal, And Appointment Of Counsel."

10. Due to the Appellant's financial inability to produce and submit the appeal in substantial compliance with SCACR, Rules 207 Transcript of Proceeding, Rule 210 Record on Appeal, Rule 211 Final Briefs, Rule 212 Supplemental Record, Rule 218 Oral Argument, and Rule 222 Costs on Appeal. Therefore, Appellant would need the Court to dispense with automatic compliance to such Rules by an indigent pro se appellant, or for the Court to appoint assistance of counsel on the appeal for Appellant.

WHEREFORE, the Appellant prays for the issuance of an Order of the Court granting the reliefs sought herein, and granting to Appellant any other and further relief as to the Court seems just and proper.

Dated: December 06, 2019

Respectfully submitted,

King Grant-Davis

King Grant-Davis
3210A Meeting Street
North Charleston, S.C. 29405
(843) 746-9543

SOUTH CAROLINA COURT OF APPEALS

RECEIVED
DEC 10 2019
SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
_____)
King Grant-Davis,)
Plaintiff-)
Appellant,)
-versus-)
Jason Mikell, Esquire, Stephen)
Harris, Esquire, and City of)
Charleston,)
Defendants-)
Respondents.)

FINANCIAL STATEMENT IN SUPPORT
OF MOTION BY APPELLANT FOR
PERMISSION TO PROCEED IN FORMA
PAUPERIS ON APPEAL

)
ss:
)

I, King Grant-Davis, first being duly sworn according to law
, deposes and say:

I am a financially indigent person.

I am a person with disabilities (i.e. glaucoma, blindness of
left eye, visual impairment of right eye, spinal nerve im-
pairment).

I am unemployed.

I am unmarried, and a homemaker.

I receive Supplemental Security Income of \$771.00 monthly
from the United States Social Security Administration into
a checking account. It is my sole means of financial support.

I do not have any dependents.

My residence is: 3210-A Meeting Street, North Charleston, S.
C.

I pay \$600 per month rent with the S.S.I. benefits.

I do not receive any other financial aid or payments (in-
cluding gifts, inheritance, et cetera).

I do not own any valuable property (including real estate,
stocks, bonds, notes, etc.).

I am often in arrears for various expenses due to my finan-
cial situation.

I pay the costs for stationery, production and copying of

pleadings and documents, and postage costs.

Dated: December 06, 2019

Very truly,

King Grant-Davis

King Grant-Davis
3210-A Meeting Street
North Charleston, S.C. 29405-
7968

Sworn to before me this 6
day of December, 2019.

Trudy R. St. J.
NOTARY PUBLIC
20 Pa. 7/17/2024

SOUTH CAROLINA COURT OF APPEALS
STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

ON APPEAL FROM CIRCUIT COURT
IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No. 2019-CP-10-1388

King Grant-Davis,)
Plaintiff,)
-versus-)
Jason Mikell, Esquire,)
Stephen Harris, Esquire,)
and City of Charleston,)
Defendants.)

SERVICE UPON A PARTY REPRESENTED
BY AN ATTORNEY

See SCACR Rule 262(b)
SCRCR Rule 5(b)(1)

Plaintiff, King Grant-Davis has served Amanda K. Dudgeon
to this action with the Notice of Appeal, Motion by () mailing
it via the United States Postal Service Department or (X) deliver-
it, to the following named person(s) and address(es):

Amanda K. Dudgeon, Esquire
Chandler & Dudgeon LLC
145 King Street, Suite 100
Charleston, S.C. 29401
(843) 577-5420

Attorney for Respondent Jason Mikell

RECEIVED

DEC 10 2019

SC Court of Appeals

Date service effected: December 06, 2019.

I declare under penalty of perjury that the foregoing is true
and correct.

King Grant-Davis
King Grant Davis, Pro se

SOUTH CAROLINA COURT OF APPEALS ON APPEAL FROM CIRCUIT COURT
STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON NINTH JUDICIAL CIRCUIT

Case No. 2019-CP-10-1388

King Grant-Davis,)
Plaintiff,)
-versus-)
Jason Mikell, Esquire,)
Stephen Harris, Esquire,)
and City of Charleston,)
Defendants.)

SERVICE UPON A PARTY REPRESENTED
BY AN ATTORNEY

See SCACR Rule 262(b)
SCRCP Rule 5(b)(1)

Plaintiff, King Grant-Davis has served Brian L. Quisenberry
to this action with the Notice of Appeal, Motion by () mailing
it via the United States Postal Service Department or (X) deliver-
it, to the following named person(s) and address(es):

Brian L. Quisenberry, Esquire
25 Calhoun Street, Suite 400
Charleston, S.C. 29401
(843) 577-4000

Attorney for Respondent City of Charleston

RECEIVED
DEC 10 2019
SC Court of Appeals

Date service effected: December 06, 2019.

I declare under penalty of perjury that the foregoing is true
and correct.

King Grant-Davis
King Grant Davis, Pro se

SOUTH CAROLINA COURT OF APPEALS ON APPEAL FROM CIRCUIT COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No. 2019-CP-10-1388

King Grant-Davis,)
Plaintiff,)
-versus-)
Jason Mikell, Esquire,)
Stephen Harris, Esquire,)
and City of Charleston,)
Defendants.)

SERVICE UPON A PARTY REPRESENTED
BY AN ATTORNEY

See SCACR Rule 262(b)
SCRCP Rule 5(b)(1)

Plaintiff, King Grant-Davis has served Joshua H. Umbarger
to this action with the Notice of Appeal, Motion by mailing
it via the United States Postal Service Department or () deliver-
it, to the following named person(s) and address(es):

Joshua H. Umbarger, Esquire
Earhart Overstreet
878 Whipple Road, Suite 200
Mount Pleasant, S.C. 29464
(843) 972-9400

Attorney for Respondent Stephen Harris

RECEIVED
DEC 10 2019
SC Court of Appeals

Date service effected: December 06, 2019.

I declare under penalty of perjury that the foregoing is true
and correct.

King Grant-Davis
King Grant Davis, Pro se

Honorable Jenny Abbot Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

Date: December 06, 2019

RECEIVED
DEC 10 2019
SC Court of Appeals

RE: King Grant-Davis, Plaintiff-Appellant,
vs. Jason Mikell, Et Al., Defendants-
Respondents. Case No. 2019-CP-10-1388

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above case.

Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the Respondents.
- (2) A copy of the Orders which are to be challenged on appeal.
- (3) In Forma Pauperis Motion by Appellant.
- (4) This appeal is being filed with the Court of Appeals. See SCACR Rule 203(e)(1).

Very truly,

King Grant-Davis

King Grant-Davis
3210-A Meeting Street
North Charleston, S.C. 29405-7968
(843) 746-9543

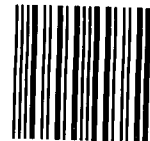
Appellant, Pro se

From: King Grant-Davis
3210-A Meeting Street
North Charleston, S.C.

29405



1000



29211

U.S. POSTAGE PAID
FCM LG ENV
CHARLESTON, SC
29401
DEC 06, 19
AMOUNT

\$2.05

R2305K141335-16

RECEIVED
DEC 10 2019
SC Court of Appeals

To: Hon. Jenny Abbot Kitchings
Clerk, SC Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

RECEIVED
DEC 10 2019
SC Court of Appeals