

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM AGENCY FINAL DECISION
S.C. DEPARTMENT OF CORRECTIONS

CASE NO.: 2020-000055

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MAR 19 2020
SC Court of Appeals

FRANKLIN BENJAMIN, #245407,, APPELLANT,

Vs.

S.C. DEPARTMENT OF CORRECTIONS,, RESPONDENT.

MOTION FOR COURT TO WITHDRAW ORDER TO PAY FILING FEES
ISSUED ON 3/12/2020, AND MOTION TO PERMIT APPELLANT TO
PROCEED IN FORMA PAUPERIS DUE TO THE COURT USING NON
APPLICABLE LAW AS EX PARTE MARTIN, supra.

THE APPELLANT FRANKLIN BENJAMIN, 245407, COMES NOW AND MAKE
FACTUAL CONTENTIONS THAT IS BY THE COURT RECORDS AND THE S.C.D.C.
RECORDS THAT HE IS INDIGENT AND IS NOT FINANCIALLY ABLE TO INCUR
THE FILING FEES ORDERED BY THE COURT BACK IN JANUARY WHEN THE
APPEAL WAS PROPERLY FILED TO THE COURT, AND HERE THE COURT
APPLIED EX PARTE MARTIN, 321 S.C. 533, 471 S.E.2d 134 (1995),
WHEREAS, THE CASE OF MARTIN IS NOT APPLICABLE TO APPELLANT'S CASE
MATTERS. THE APPELLANT HERE IS APPEALING THE FINAL DECISIONS OF

THE STATE OF SOUTH CAROLINA DEPARTMENT OR AGENCY AND IS NOT
REQUIRED TO PAY THE FILING FEES.

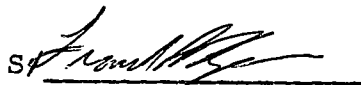
THE APPELLANT ALSO PROVIDED TO THE COURT AN INDIGENT FORM THAT
WAS COMPLETED AND THE APPELLANT PROVIDED ALL OF THE INFORMATION
THAT REGARDING HE IS INDIGENT AND CAN NOT PAY THE FILING FEES AS
AS REQUIRED FOR ANY INDIGENT APPELLANT TO DO.

THE APPELLANT REQUEST THAT THE COURT PERMIT HIM TO PROCEED IN
FORMA PAUPERIS SO THE END OF JUSTICE COULD BE MET IN HIS CASE.

IT THEREFORE RESPECTFULLY SUBMITTED ON THIS 17th DAY OF MARCH
2020.

ENCLOSURES:

RESPECTFULLY SUBMITTED,

 3/17/20

FRANKLIN BENJAMIN, #245407
990 WISACKY HWY.
BISHOPVILLE, SC 29010
APPELLANT

cc: CHISTINA C. BIGELOW, Esq.
FILES/fb

The South Carolina Court of Appeals

Franklin Benjamin, #245407, Appellant,

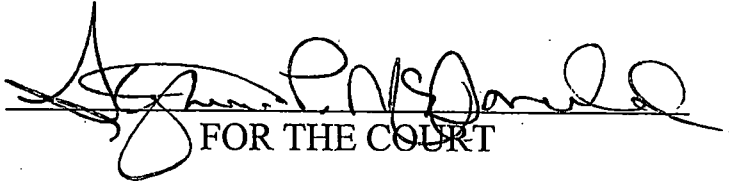
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2020-000055

ORDER

The motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.



FOR THE COURT

Columbia, South Carolina

cc:

Franklin A. Benjamin, 00245407
Christina Catoe Bigelow, Esquire

FILED

March 12, 2020

FRANKLIN BENJAMIN, 245407
LEE C.I./F4A2105
990 WISACKY HWY.
BISHOPVILLE, SC 29010

S.C. COURT OF APPEALS
PO BOX 11629
COLUMBIA, SC 29211

RE: FRANKLIN BENJAMIN, 245407, vs. S.C. DEPT. CORRECTIONS, C/A.
2020-000055.

ENCLOSURE, MOTION TO WITHDRAW ORDER ISSUED, AND MOTION TO
PROCEED IN FORMA PAUPERIS, etc.

DEAR HON. CLERK OF COURT,

PLEASE FIND ENCLOSED MY MOTIONS AS STATED ABOVE AND ENCLOSED COPY
OF THE ORDER THAT IS THE SUBJECT MATTER PLACE AS THE ISSUES.

I REQUEST THAT YOU PROVIDE TO ME A COPY OF MY MOTION CLOCKED
FILED TO THE COURT WITH YOUR OFFICE SEALS PLACED ON THEM.

THANKING YOU IN THE ADVANCE FOR YOUR TIME AND HELP GIVEN TO
ME IN THIS CRUX MATTERS AND I LOOK FORWARD IN HEARING FROM YOU IN
THIS VERY NEAR FUTURE.

RESPECTFULLY SUBMITTED,

FRANKLIN BENJAMIN, 245407
990 WISACKY HWY.
BISHOPVILLE, SC 29010
APPELLANT

Franklin Benjamin
S. Franklin Benjamin

3/17/20

cc: FILES/fb

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Proof of Service

I certify that I forwarded (1) one copy of my Motion to Proceed In Forma Pauperis in response to March 10, 2020 order. (1) one copy of the same was mailed to the Office of General Counsel of SCDC also, by deposit into the institutional mail system. South Carolina Court of Appeals, P.O. Box 11629, Columbia, SC 29211 and Office of General Counsel, P.O. Box 21787 Columbia, SC 29221 - 1787

3/17/20

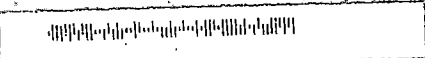
Franklin D. Deys

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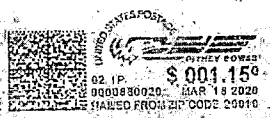
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SC Court of Appeals

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Lee Carr 7-4-14 2100
990 Wilsack Hwy
Bishopville S.C. 29010



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P.O. Box 11629
Columbia S.C. 29211