

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court

The Honorable S. Phillip Lenksi, Administrative Law Judge

Docket No. 19-ALJ-18-0047-AP

RECEIVED

APR 30 2020

SC Court of Appeals

Case No. 2019-001835

APPELLANT;

Alonzo Jeter, III,

South Carolina Department of Social Services, RESPONDENT.

MOTION FOR JUDICIAL NOTICE
OF INDIGENCE

Appellant, Alonzo Jeter, III, hereby motions this Honorable Court to take judicial notice of his indigency status.

Appellant seeks this Court's acknowledgment that he is in-fact a prisoner confined with the South Carolina Department of Corrections (SCDC), and is destitute.

Appellant informs this Court that he is in-fact employed, however he is unable to earn wages for his employment due to South Carolina Laws, South Carolina Department of Corrections' policy, and the Thirteenth Amendment of the United States Constitution.

SCDC Policy, OP-21.04, titled "Inmate Classification Plan", specifically states in section 37.10 of this policy:

37.10 Refusing to Work / Failure to Work / Refusing to Attend the Compulsory School Program: An inmate will not be

allowed to refuse any work or mandatory educational assignment or other mandatory program. Such refusal will subject the inmate to disciplinary action.

The Thirteenth Amendment of the United States Constitution provides authority for South Carolina's Department of Corrections' work without pay scheme as it states as follows:

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

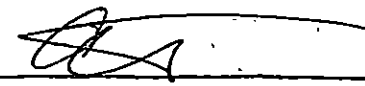
Appellant is destitute as he is without any financial gain or source. In South Carolina courts, income below the federal poverty guidelines creates a presumption of indigency. See Rule 602, SCACR; Bairefoot v City of Beaufort, South Carolina, 312 F. Supp. 3d 503 (2018).

See also the proposed regulation drafted by the South Carolina Commission on Indigent Defense, 2019 SC REG TEXT 527006, which states, "A presumption that a person is indigent is created if the person is incarcerated."

Appellant emphasizes, it is without question that an inmate who is without no income is presumed indigent.

CONCLUSION

WHEREFORE, Appellant prays this Court will take Judicial notice of his indigency status, acknowledge that he is a prisoner confined within the South Carolina Department of Corrections and is in fact employed but unable to earn wages for his employment, and would therefore consider his filings with equity in mind as Appellant is a pauper not by his own free will.

Respectfully submitted, 

Alonzo C. Jeter, III
APPELLANT/Pro se

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 28th day of April, 2020.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
The Honorable S. Phillip LenSKI, Administrative Law Judge

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Case No. 2019-001835

APR 30 2020

SC Court of Appeals
APPELLANT,

Alonzo Jeter, III,
South Carolina Department of
Social Services, RESPONDENT.

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion For Judicial Notice of Indigence on Respondent by depositing the same in the United States Mail, postage prepaid, by and through the interagency mail room at Tiger River Correctional Institution, by placing the same in the hands of Tiger River Correctional Institution mail room personnel on this 28th day of April, 2020, addressed as follows: Chad A. Mitchell, Esquire, SCDSS Office of General Counsel, P O Box 1520, 1535 Confederate Avenue, Columbia, South Carolina 29202.

SI [Signature]
Alonzo C. Jeter, III
APPELLANT/Prose

Tiger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

SWORN and Subscribed before me
this 28th day of April, 2020
[Signature]
Notary Public for South Carolina
My Commission Expires: Dec. 10, 2024

April 28, 2020

Alonzo C. Jeter, III
Tyger River Correctional Institution
U-7-101/#282902
200 Prison Road
Enoree, South Carolina 29335

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Alonzo C. Jeter, III, v South Carolina Department of Social
Services; Appellate Case No. 2019-001835

Dear Honorable Clerk:

Enclosed please find for filing, the Motion For Judicial Notice of Indigence, along with a Certificate of Service for the same.

Please also find enclosed, an additional copy of these documents along with a self-addressed stamped envelope.

Please return to me by way of this SASE, file-stamped copies of these said documents.

Thank you for your assistance in this matter.

Sincerely,



Alonzo C. Jeter, III
APPELLANT / Pro se

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APR 30 2020

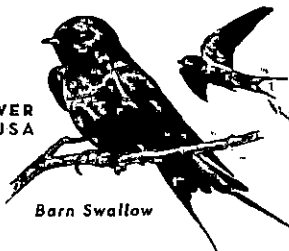
SC Court of Appeals

Alonso C. Jeter, III
Tiger River Correctional Institution
200 Prison Road
Enersee, South Carolina 29335

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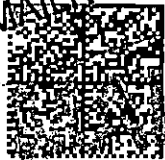
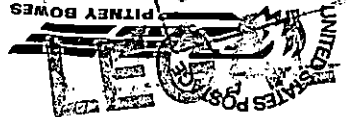
APR 27 2020

The Honorable ~~Jenny A. Rutchings~~
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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