

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

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JUN 09 2020

Alex Kinlaw, Jr., Circuit Court Judge ^{SC} Court of Appeals

Case No. 2019 CP 2304659
Appellate Case No. 2020-000274

John Douglas Alexander, #194748,

Appellant,

vs.

John Doe, Director of Crafts-Farrow Hospital; and
The State,

Respondent.

MOTION FOR REHEARING AND RECONSIDERATION

COMES, John Alexander, Appellant above with a Motion For Rehearing And Reconsideration of Honorable James E. Lockemy's Order dated May 22, 2020 Denying the Motion To Proceed In Forma Pauperis and will show:

The Appellant by way and through his SCDC Cooper Trust Fund Account demonstrated that he is, and has been indigent for the past Thirteen (13) years. That as a result of SCDC not paying inmates for their labor, Applicant is unable to pay the costs and fees associated with the appeal due to his poverty.

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However, the Appellant contends that the Complaint does fit with the 14th Amendment of the United States Constitution as well as Article 1 Section 3 of the South Carolina Constitution. Due Process exception to the requirement of a filing fee and/or the cause of action concerns fundamental rights that requires waiver of the filing fee. See Fourteenth Amendment; Article One Section Three S.C. Constitution.

First, the Appellant asserts that in light of the fact that both the Respondent and Appellant have submitted an Initial Brief this Honorable Court can and should waive the filing fee and entertain the Appeal.

Second, the Appellant claims that he has presented prima facie evidence establishing that the Respondent unreasonable incurred court costs and motion fees upon the Appellant. And that the Respondent are liable for such costs and motion fees. As such, there exists a cause of action concerning a fundamental right that requires waiver of the filing fee in order that a decision may be rendered as to the extent of court costs and motion fees the Respondent are liable for.

Third, this High Court can and should take exception to the Due Process Clause of the 14th Amendment of the United States Constitution and concede along with the Appellant that the Complaint does fit within the Fourteenth Amendment exception

to the requirement of a filing fee because there exists genuine issue of material fact and a bona fide cause of action for which the Appellant can be granted relief in the Amended Complaint.

Fourth, the Appellant's poverty should not be used as a tool to deny and deprive him of due process to have the lower court's erroneous, bias and prejudice decision review by the Court of Appeals.

Wherefore, it is respectfully requested that this Court of Appeals Reverse its May 22, 2020 Order. Grant the Motion For Rehearing and Reconsideration. And grant Appellant permission to proceed in Forma Pauperis.

Dated 6/5/20.

Respectfully Submitted,
John D. Alexander

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PROOF OF SERVICE

I, John Alexander, certify this 5 day of June, 2020 I sent the Motion For Rehearing And Reconsideration United States Postal Services, prepaid, to Logan Young Royals, Staff-Counsel, South Carolina Department of Mental Health, 2414 Bull Street, Columbia, SC 29201.

Respectfully Submitted
John D. Alexander

Sworn and Subscribed

this 5 day of June, 2020

Jamara Conwell

Notary Public

My Commission Expires

My Commission Expires
September 25, 2023

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P.C.I. MAILROOM

John Alexander, 174 / 78
Perry Correctional Inst.
430 Oaklawn Rd., 1B121
Pelzer, SC 29669

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SC Court of Appeals

The South Carolina Court of Appeals
Clerk's Office
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