

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Columbia, SC

Ralph King Anderson III, Chief Administrative Law Judge

Case No. 2004-ALJ-04-00612-A-AP

Larry Edward Hendricks, 254256,

Petitioner,

v.

South Carolina Dept. of Corrections,

Respondent.

**MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS**

The Petitioner, Larry Edward Hendricks, 254546, proceeding pro-se, is an incarcerated inmate, not compensated for his work, who brings before this Honorable Court this Motion for Leave to Proceed In Forma Pauperis, in the above reference appeal, pursuant to Rule 240, SCACR.

The matter that will be before the Court, involves a violation of Due Process, Equal Protection, and the Separation of Powers doctrine, protected by both the State and Federal Constitutions. Furtick v. SCDC, 649 SE2d 35 (SC 2007).

The Petitioner was granted in forma pauperis in the Court of Appeals, see attached document, on April 1, 2010. The reasoning was, and the Petitioner does not wish to argue the merits of his Writ at this juncture nor would it be appropriate, but its decision was based upon both Furtick, and Ex-Parte: Martin v. State, 471 SE2d 134, 134-135 (1995), which allowed the granting of in forma pauperis "when authorized by statute or required by constitutional provisions," which that Court concluded the issue of the lost of the opportunity to earn sentence-related credits, he is entitled to, allowed him to proceed in forma pauperis.

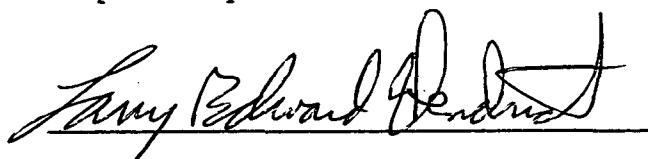
The issue should also be looked at in conjunction to the Court's inherent power to act based upon Lane v. Brown, 372 U.S. 477, 484-85 (1963), where it had been determined that if a State chooses to have a system to review issues, then Equal Protection of the Law requires that it may not foreclose indigents from access to any phase of those procedures because of their poverty.

In conclusion for the reasons presented, utilizing court precedent, and constitutional considerations, this Motion for Leave to Proceed in forma pauperis should be Granted. There is no justice in denying access to the Court to one who is indigent, where it is available to others not so unfortunate. Johnson v. Avery, 393 U.S. 483 (1969).

THIS THE PETITIONER HUMBL Y PRAYS!

This 19th day of March, 2013.

Respectfully submitted;



Larry Edward Hendricks, 254546

Petitioner, Pro-se

RCI, PO Box 2039, GB-13

Ridgeland, SC 29936-2039

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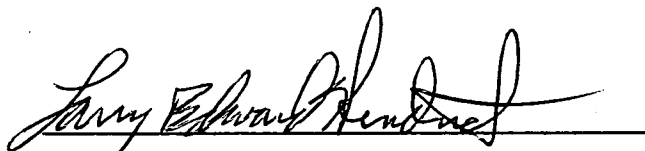
Respondent.

PROOF OF SERVICE BY MAIL

The above named Petitioner, proceeding pro-se, certify that he had served the above: PETITIONER'S PETITION FOR A WRIT OF CERTIORARI, MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and APPENDIX; on the Respondent by depositing a copy of the same with the Institution's Mailroom for delivery via either Inter-Agency Mail, or the U.S. Postal Service, addressed to: Christopher D. Florian, Office of General Counsel, SCDC, 4444 Broad River Road, Columbia, SC 29210.

A copy of the PETITION FOR A WRIT OF CERTIORARI only has been sent to the Clerk, Court of Appeals, PO Box 11629, Columbia, SC 29211-1629.

This 19th day of March, 2013.



Larry Edward Hendricks, 254256

Petitioner, Pro-se

RCI, PO Box 2039, GB-13

Ridgeland, SC 29936-2039

Larry E. Hendricks, 254256
RCF, PO Box 2039, GB-13
Ridgeland, SC 29936-2039



RIDGELAND CORRECTIONAL
INSTITUTION
MAR 19 2013
MAILROOM

The Supreme Court of South Carolina
Kenneth Richstad, Clerk
P.O. Box 11330
Columbia, SC 29211-1330

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