

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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DEC 18 2020

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, Administrative Law Court Judge

SC Court of Appeals

Appellate Case #: 2020 - DD1476

Kenneth Cole, #377835

Appellant,

SCDPPPS

v.

Respondent


THE APPELLANT'S MOTION TO PROCEED WITHOUT PAYMENT OF
COSTS AND FEES

The appellant Kenneth Cole, #377835 pursuant to SCACP Rule, 3 moves the court for an order permitting him to proceed in this action without payment of fees or costs on account of his poverty. In support of the motion, the appellant would show unto the court that, "the cause of action concerns a fundamental right that requires waiver of the filing fee." — Martin v. State, 321 S. C. at 536, 471 S. E. 2d at 135)."; The appellant also submits the attached affidavit and financial statement.

The appellant Kenneth Cole, #377835 appeals the permanent denial of parole eligibility by the Department. See Records. In Furtick v. SCDPPPS, the Supreme Court of South Carolina held, "In our opinion, the permanent denial of parole eligibility implicates a liberty interest sufficient to require at least minimal due process." Due process is a fundamental right, it's the primary issue raised by appellant in this cause of action.

WHEREFORE, the appellant respectfully requests the court to allow him to proceed without costs or fees in this action and for such other and further relief in favor of appellant that the court deems just and appropriate.

This 14 day of December, 2020.

61 
Kenneth Cole, #377835 Pro se
McDougall Correctional Institution
1516 Old Gilliam Road
Ridgeville, South Carolina 29472

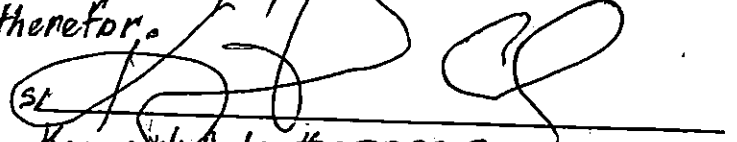
AFFIDAVIT IN SUPPORT OF THE APPELLANT'S MOTION
TO PROCEED WITHOUT PAYMENT OF COSTS AND FEES

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SC Court of Appeals

Re: Kenneth Cole, #377835 v. SCDPPPS
Appellate Case #: 2020-001476


I, Kenneth Cole, #377835, hereby apply for leave to proceed in this action without prepayment of fees on costs or security therefor. In support of my motion I declare under penalty of perjury that the following facts are true:

1. I am the appellant in this action and I believe I am entitled to redress.
2. I am a prisoner appealing the decision of my permanent ineligibility for parole decision of the SCDPPPS.
3. Because of my poverty I am unable to pay the costs of said proceeding or give security therefor.



Kenneth Cole, #377835
McDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville, South Carolina 29472

Sworn to and subscribed before
me this 14th day of December, 2020.



(NOTARY PUBLIC OF SOUTH CAROLINA)

My commission expires: 3/4/2024

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

E.H. COOPER

ACCOUNT STATEMENT

DATE: 11/01/20 TO 11/30/20

ACCOUNT NO. 00377835

COLE JR, KENNETH TURNER

CURR BAL AS OF 12/03/20: 39.47

TRANS. DATE	TRANS. TYPE	DEPOSIT	WITHDRAWAL	BALANCE
11/30/20	MONEY ORDER	50.00	0.00	51.97
11/19/20	CANTEEN PURC	0.00	27.38	1.97
11/19/20	DNA PROCESSI	0.00	1.50	29.35
11/18/20	MONEY ORDER	30.00	0.00	30.85
11/18/20	CANTEEN PURC	0.00	17.89	0.85
11/18/20	MEDICAL CO-P	0.00	5.00	18.74
11/18/20	RX COPAY	0.00	5.00	23.74
11/18/20	DNA PROCESSI	0.00	1.50	28.74
11/17/20	MONEY ORDER	30.00	0.00	30.24
11/16/20	INTEREST	0.02	0.00	0.24
11/06/20	CANTEEN PURC	0.00	18.14	0.22
11/05/20	CANTEEN PURC	0.00	17.04	18.36
11/04/20	INTEREST	0.08	0.00	35.40
11/04/20	DNA PROCESSI	0.00	1.75	35.32
11/03/20	MONEY ORDER	35.00	0.00	37.07

11/01/20

THE STATE OF SOUTH CAROLINA
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APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Administrative Law Court Judge

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SC Court of Appeals

Appellate Case # 12D20 - 001476

Kenneth Cole, # 377835

Appellant,


v.

SCOPPAS

Respondent.

PROOF OF SERVICE

I certify that I have served the appellant's motion to proceed without payment of costs or fees, affidavit and financial statement in support thereof on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on 9, addressed to: Matthew C. Buchanan, General Counsel, S. C. Dept. of Probation, Parole and Pardon Services, 293 Greystone Boulevard, Post Office Box 207, Columbia, South Carolina 29250.
This 14th day of December, 2020.


Kenneth Cole, # 377835 Pro se
McDougal Correctional Institution
1516 Old Gilliam Road
Ridgeville, South Carolina 29472

December 14, 2020

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
DEC 18 2020
SC Court of Appeals

Re: Kenneth Cole, #377835 v. SCOPPPS
Appellate Case # 2020-001476

Dear Ms. Kitchings:

I'm in receipt of a letter from you advising me of the denial of my request to proceed in forma pauperis in the above case, and the requirement I pay a filing fee in full or face dismissal of the case by a certain date.

Please be advised that my case concerns a fundamental right that requires waiver of the filing fee. It involves due-process issues under our state and federal constitutions, namely: the permanent denial of parole eligibility. Before dismissing my cause of action please submit the enclosed motion to proceed in forma pauperis (IFP) to a judge for a determination of my eligibility to proceed IFP in this case.

I'm enclosing the original motion to proceed IFP and proof of service on the respondent.

Please file the enclosed and return file-stamped copies to me of everything in the enclosed self-addressed stamped envelope.

With best wishes, I remain
Very truly yours,



Kenneth Cole, #377835
McDougall Correctional Institution
1516 Old Gilliard Road
Ridgeway, South Carolina 29472

Kenneth Cole, #377835
McDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville, South Carolina 29472

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SC Court of Appeals

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, South Carolina 29211

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