

With the Name of Allah, Most Merciful, Most Gracious

STATE OF SOUTH CAROLINA )

IN THE COURT OF APPEALS

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Revised

Dec 07 2021

SC Court of Appeals

Regina M. Hunter El )  
1165 Broad St. #16 )  
Sumter, S.C. 29150 )

MOTION FOR LEAVE TO FILE AN  
AMENDED MOTION AND AFFIDAVIT  
TO PROCEED WITHOUT  
PREPAYMENT OF COSTS

Appellant(s) )

Appeal from  
Court of Common Pleas, Sumter County  
Case No. 2021-CP-43-1534  
Hon. Ferrell R. Cothran

v. )

Elijah Hunter )  
3400 Hwy. 261 North )  
Rembert, S.C. 29128 )

Appeal from  
Summary Court, Sumter County  
Case No. 2021CV4310102733  
Fred H. Gordon, Jr., Magistrate

Respondent (s) )

**MOTION FOR LEAVE TO FILE AN AMENDED MOTION AND AFFIDIVAT  
TO PROCEED WITHOUT PREPAYMENT OF COSTS**

1. On 17 November 2021, Chief Judge James E. Lockemy signed an order denying Appellant’s [motion] to proceed without prepayment of costs pursuant to *Ex [p]arte Martin v. the State* 321 S.C. 533, 471 S.E.2d 134 decided by the South Carolina Supreme Court 5 May 1995. Then, Chief Justice Ernest [A.] Finney’s order read that “*In the future...the clerk of court must submit the motion to a judge for a ruling as to whether the complaint does fit within one of the statutory exceptions or whether the cause of action concerns a fundamental right that requires waiver of the filing fee.*” The Appellant requests leave to file an amended motion since she neither identified a statutory exception nor explicitly held that her appeal concerned a fundamental right that requires a fee waiver. The initial pleading was defective because it only relied upon financial data and failed to state [a] fundamental right recognized by the Supreme Court.

2. The filing was also defective because the Appellant relied upon an appellate form search on the South Carolina Judicial Branch website which only returned form templates for the Court of Common Pleas (SCCA405CP), Family (SCCA405F), Probate (SCCA405PC) and Magistrate Courts (SCCA741). Although the order was made more than 26 years, none of the forms the search returned enumerated or contain checkboxes [for] specific fee waivers allowed under applicable S.C. Code of Laws at [or] cited in *Ex parte Martin v. the State*.
3. In addition, Rule 15(b), SCRCP, provides amendment to the pleading to conform to the evidence and “*may be made upon motion of any party at any time*”.

WHEREFORE, the Appellant prays the Court will grant her leave to file the attached *Amended Motion and Affidavit to Proceed Without Prepayment of Costs*.

Respectfully,



I Am: Regina M. Hunter El  
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A Natural Person, In Full Life, In Propria Persona, Sui Juris