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**May 20 2022**

**SC Court of Appeals**

**MOTION TO FILE IN FORMA PAUPERIS**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

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Case No. 22021-001527

Tina Patton,

Appellant,

v.

Linda Doty,

Respondent.

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**MOTION TO FILE IN FORMA PAUPERIS**

Attorney Thornwell Simons, on behalf of Ms. Tina Patton, Appellant, files this Motion in the above-captioned matter.

Counsel is in receipt of a letter from the Clerk of Court requesting a filing fee on a prior submitted motion. As this matter is an appeal from a criminal conviction in a county magistrate court, Counsel believes no filing fees are required in this matter; to the extent filing fees may be required, Counsel hereby requests to file in forma pauperis, and requests this Motion be applied to all filings in this matter, prior and subsequent. See SCACR 203 (d)(B)(iii); S.C.Code Ann. §§ 8-21-310(11) (listing no fee which must be paid to appeal from a conviction in magistrate's or municipal court).

Counsel would also refer the Court to *Martin v. State*, 471 S.E.2d 134, 321 S.C. 533 (S.C. 1995), which states, in pertinent part, that "Among the statutory provisions allowing or requiring waiver of filing fees are S.C.Code Ann. §§ 8-21-310(11)

(Supp.1994) (no fee must be paid to appeal from a conviction in magistrate's or municipal court) . . . Further, where certain fundamental rights are involved, the Constitution requires that an indigent be allowed access to the courts." *Martin v. State*, 471 S.E.2d 134, 321 S.C. 533 (S.C. 1995).

This matter is an appeal from a criminal conviction in magistrate's court, and alleges the abrogation of fundamental Constitutional rights, including the right to jury trial (as detailed more fully in Appellant's previously submitted Initial Brief). Permission to file in forma pauperis is therefore appropriate.<sup>1</sup>

A check for the requested filing fee of \$50 will be submitted by mail to South Carolina Court of Appeals, PO Box 11629, Columbia, SC, 29211; a photocopy is attached.

05/20/ 2022

s/  
Thornwell Simons  
S.C. Bar # 73719  
Richland County Public Defender's Office  
1701 Main Street  
Columbia, SC 29201  
(803) 765-2592, xt 117  
Attorney for Appellant

Other Counsel of Record:

Mr. Charnell Glen Peake,  
9357 Two Notch Road,  
Columbia, SC 29223  
Attorney for Respondent

Attachments:

Attachment A: photocopy of submitted check for filing fee

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<sup>1</sup> The Court may take judicial notice of Appellant's indigent status as Appellant is represented by a judicially appointed public defender.

# Attachment A

SC 5TH JUDICIAL CIRCUIT  
PUBLIC DEFENDER OFFICE  
1701 MAIN ST. STE. 103  
COLUMBIA, SC 29201  
(803) 765-2592



67-604/539

5514

5/20/2022

PAY TO THE  
ORDER OF

South Carolina Court of Appeals

\$ \*\*50.00

Fifty and 00/100\*\*\*\*\*

DOLLARS

South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

AUTHORIZED SIGNATURE

MEMO

Filing Fee - Appellate Case No. 2021-001527

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SC 5TH JUDICIAL CIRCUIT  
PUBLIC DEFENDER OFFICE

South Carolina Court of Appeals

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50.00

First Citizens Bank

Filing Fee - Appellate Case No. 2021-001527

50.00

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**May 20 2022**

**SC Court of Appeals**

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a copy of the foregoing document to be served upon opposing counsel via electronic mail in the above captioned case.



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Thornwell Simons (SC Bar No. 0073719)  
Richland County Public Defender's Office  
1701 Main St., Suite #103  
Columbia, South Carolina 29201  
(803) 765-2592

This  day of May, 2022