



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

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March 12, 2014

Ms. Michele Rowell
5133 Highway 76
Nichols, SC 29581

Re: The State v. Talmadge Rowell
Appellate Case No. 2013-002398

Dear Ms. Rowell:

This responds to your letter with attachments dated March 10, 2014. Please be advised that the Chief Justice Court cannot consider this *ex parte* communication about your husband's criminal convictions that are currently pending before the South Carolina Court of Appeals.

Very truly yours,

CLERK

cc: Salley W. Elliott, Esquire (with copy of letter)
Robert Michael Dudek, Esquire (with copy of letter)
✓ The Honorable Jenny Abbot Kitchings (with copy of letter)

RECEIVED

MAR 13 2014

SC Court of Appeals

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S.C. SUPREME COURT

Honorable Jean Hoffer Toal,

My name is Michele Rowell. On November 4 and 5, 2013 my husband was on trial for a crime he did not do he was framed by his ex-wife. I sent you a package about a months ago with proof that my husband was and is innocent. This letter has a little more information that I hope will prove that my husband is innocent. You will also find inclosed with this letter an affidavit from Staci Eaker and a letter from Lynn Strickland.

As we were waiting for the trial to start, I overheard the solicitor Martin Spratlin tell my husband's ex-wife Nicole Herring, Breanna Eaker and Loni Eaker what to say and how to say it and also how to act when they got up on the stand to testify.

There are other things about this case that don't add up. My husband wanted to testify on his own behalf but his public defender Thomas Floyd talked him out of it and said that Judge Cottingham did not want my husband to testify, and Thomas Floyd would not call any witnesses to testify on my husband's behalf. We had and still have evidence and proof that my husband is innocent but Mr. Floyd did not and would not use it (all the proof and evidence was in the package I sent you). And at the end of the trial Judge Cottingham asked my husband if he had anything to say and when my husband started to talk Judge Cottingham stopped him and you wouldn't let him make a statement for the record. My husband had a right to state his case for the record but no one would let him.

With what happened at the trial, only hearing the states side of the story, Mr. Floyd resting his case and not letting anyone testify for my husband and not letting my husband state his side for the record, not using the proof and evidence we had and what I overheard the solicitor tell Nicole, Breanna and Loni what to say and how to say it, there is something not right about this case. We (my husband's family and I) are not accusing anyone but with the way the case was handled, we (my husband's family and I) think someone took a bribe to send an innocent man to jail. Like I said we are not accusing anyone but with the way the solicitor and public defender Thomas Floyd acted at the trial something just isn't right about this case.

My husband said that the night he was arrested (July 27, 2011) that on the ride to Conway the detective said to him "This is how it's going to go, I am going to tell you what you need to say and how to say it and if you do what I say I will help you get out of jail. That's why on the tape my husband keep saying "is that what you said" "is that what you said".

Your Honor I am asking you to please go back over the package I sent you and these letters and you will see my husband is an innocent man and please overturn the sentence. My husband has never been in trouble with the law his whole life. My husband's ex-wife framed him and took him for everything he had. She lies to get what she wants.

Please your Honor find it in your heart to set an innocent man free. Thank You for your time and understanding.

Sincerely,
Michele Rowell
5133 Highway 76
Nichols, SC 29581
843-504-8550

March 10, 2014

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MAR 13 2014

SC Court of Appeals

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MAR 11 2014

OFFICE OF
CHIEF JUSTICE

To whom it may concern,

My name is Michele Rowell. On November 4 and 5, 2013 my husband Talmadge Rowell was on trial for a crime he did not do. Here is a little more information I hope will help prove that my husband is innocent. As we were waiting for the trial to start, I overheard the solicitor Martin Spratlin tell my husband's ex-wife and her 2 girls what to say, what to say it and how to say it when they got up on the stand to testify, I also heard him tell all 3 of them how to act on the stand and when to do it, how to do it, and what to do.

My husband said that the night he was arrested (July 27, 2011) that on the ride to Conway the detective said to him "This is how it's going to work, I am going to tell you what to say and how to say it and if you do what I (the detective) say I will help to get you get out of jail.

There are other things about this case that needs to be looked into. My husband wanted to testify on his own behalf but my husband's public defender talked him out of it, the public defender wouldn't let any of the witnesses testify on my husband's behalf, and we had (and still have) evidence and proof that my husband is innocent but the public defender wouldn't use it. And at the end of the trial the judge asked my husband if he wanted to say anything, when my husband stood up and started to talk the judge stopped him and wouldn't let him make a statement for the record.

There are some other things that needs to be looked into as well. With what happened at the trial, only hearing to state's side of the story, the public defender resting his case before anyone could hear my husband's side of the story and the judge not letting my husband state his side for the record and what I overheard the solicitor tell my husband's ex-wife and the girls what to say, we (my husband's family and I) think that 1, 2, 3, or 4 people took bribes to send an innocent man to jail for something he didn't do. I have the names of the people who we think took bribes and the name of the person who might have paid the bribes. We are not accusing anyone but with the way the solicitor, public defender and the judge acted at the trial something just isn't right with this case, things just don't add up.

There is something else since November I've been calling and writing asking for the transcripts of my husband's case and still don't have them. Also the first time I called the Division of Appellate Defense they told me that the court has 30 days to send them the transcripts then when I called back they said the court had 60 days I called back again and they said the court had until February 1, 2014 to send them the transcripts as of today February 24, 2014 they still don't have the transcripts. What happens if the transcripts go missing? What will happen to my husband's case?

My husband has never been in trouble with the law in his whole life. My husband's ex-wife framed him and took him for everything he had. She lies to get what she wants.

Thank you for your time and hope to hear from you soon.

Sincerely,
Michele Rowell
5133 Highway 76
Nichols, SC 29581

843-504-8550

February 24, 2014

November 14, 2013

To whom it may concern,

My name is Talmadge Rowell I was tried in general sessions court in Conway SC of a crime that I am not guilty of. I hired a private investigator, had evidence and plenty of witnesses. The jury got to hear the states side then it came to the defense. As the Judge called for the defense to call his first witness my attorney Public Defender Thomas Floyd stood up and said Judge the Defense rest his case, I along with my family and witnesses was shocked I had no chance to defend myself of the charges that I was charged with. And that was not fair. Something has not been right from the night on July 27, 2011 that I was arrested. When Dect. Tod Cox arrested me he put me in cuffs and did not read me my miranda rights until I was in the jail booked and padded down 45 minutes to an hour later. And then I only got to talk with my attorney the week before trial to discuss my case, over 27 months I only met with him 3 or 4 times.

I was a Dist. Fire Chief with Horry Courty for 31 years, my first responder taught children all over the county about fire safty doing puppeteering as Sparky, I did arson investigations assisting SLED and Horry County PD, I was and am well known in this county.

At this time I am asking for your help. (We) My family and I want to know how do we go about having this case overturned, appealed and/or dismissed.

Who do we need to talk to, and what can be done about this unjustly situation. I would greatly appreciate it if you can help in this situation. At this time I am at Kirkland Reception and Evaluation Center in Columbia, SC. My S.C.D.C # is 357729. My wife and family is doing all they can for me but we still need your help. I did contact you on an earlier date in reference to my left injured ankle caused from a G.P.S monitor that I am sending you a copy of also so you can remember who I am. I did contact the law firm that you gave me and they are working on it at this time. I am honest and truthful. The saying The Truth Will Set You Free, well at this time and at my trial me and my family was denied the right to stand and let the truth be heard. I have a son that is an Horry County Police Officer and a cousin that works as an assistant in ProBate Court in Conway SC, and a cousin that is a private investigator and works with S.L.E.D in Beaufort County, SC.

at this time I want to Thank You for your time, consideration and understanding in this matter. Will be looking forward to hearing back from you.

Sincerely,
Talmadge Rowell

You may contact my wife Michele Rowell

834-504-8550

Michele Rowell
5133 Highway 76
Nichols, SC 29581

You enter a courtroom expecting that your case will receive a fair and impartial hearing, but sometimes the judge hearing your case is anything but fair and impartial. The mood of a courtroom changes quickly and you may have little notice that the person hearing your case is a bad judge. The "bad judge" often appears from out of no where surprising litigants on both sides or in extreme cases of judicial misconduct only your side.

The trial judge in many such cases is the finder of fact and law. Therefore a "bad judge's" determination can be critical to the case. When you find yourself suddenly confronted with a bad judge emotions can run high. Litigants have a personal interest in the outcome of a court proceeding. A ruling from a bad judge has deep and personal implications on the litigants that are subject to such judicial mistreatment.

Put your case on record. In a case where the judge was clearly a biased or "bad judge" that won't listen to your side of the case it is important to state your case for the record. Say something like "Excuse me, your honor, but I can see that you have already made up your mind in this matter, however I would like to state my case for the court record" stating your case for the record will preserve your arguments for an appeal and also help support any allegations of judicial misconduct. Most judges, even a "bad judge" will allow you to make your case for the record. Even most bad judges will realize that failure to allow you to make your case for the record will reflect negatively upon them if the case is appealed. Articulate your case clearly and concisely, including all relevant points of law and fact to make a complete court record of your case.

In cases where it is clear that the "bad judge" Committed professional violations, such judges should be reported to your state's judicial ethics committee. Each state has its own judicial review boards. Be advised these judicial review boards are established to handle acts of judicial misconduct; not just "sour grapes" from disgruntled litigants. In most cases the appellate review will be conducted as to whether the judge "clearly abused their discretion". This can be a tough standard for an abused litigant to overcome. You must show proof that the decision and rulings of the judge were clearly abusive and or beyond the scope of the judges judicial authority. Licensed attorneys must tread softly when dealing with "bad judges". You must be prepared to provide real evidence of judicial misconduct or face the resulting sanctions from the state bar association if you are wrong.

Don't give the "bad judge" an opportunity to legally sanction you. The legal process can easily work in favor of the bad judge. File any complaints and appeals that are necessary. Remember, you must clearly make a case that a judge abused their discretion or engaged in some other judicial misconduct to have a judicial decision reversed or overturned. Remember, you can't deal with a bad judge within their own courtroom. In their courtroom they rule supreme. You must seek appellate lever or extra judicial relief such as a judicial review boards to get rid of a bad judge. The news media can also be an essential ally in exposing a bad judge. Contact both the radio and television stations in your area in cases of extreme judicial abuses of power.

Most local judges are elected and a bad or corrupt judge can be exposed to the voting public fairly quickly. You must be steadfast in presenting facts that support charges of judicial abuse from a bad judge to make your case to the public. Only with clear proof of judicial misconduct will a bad judge be removed from office.

I'm sorry with me.

This letter I want you to share with everybody get every one that will help you to help, that means with call

Contracting Gene and Mama talking to Susan. As everyone of you know I didn't get a fair trial, Tom Floyd told me that all my family was there to testify and the witnesses please all the evidence that you had in the Brown envelope.

He thought that it would be in my best interest if I didn't testify and that's why I agreed no to. I didn't know until we was in front of the judge that he decided not to use his defense and tested his case for closing arguments. I was so mad and hurt that

he all of a sudden decided to not let me and my witness defend my case. I am not guilty of what I am charged with. There is some things that I had not told anyone about what happened on the night I was arrested with the detective. I did not have a fair trial and this case

can be over turned and or dropped is what I was told after I explained to those people what happened but you and my family is the only ones that can do any thing out there for me I am doing all I can in here. I have been so hurt these past few days because

I think I have let you all down. I don't care what nobody says or thinks what you heard in that court room in Monday was a bunch of lies. What I need for all if you'll to do is find out what can be done to have his over turned, appealed or dropped. I shouldn't have

even tried in Henry County any way because every one know who I am and who I represented.

1

I, Staci Eaker, state the following as facts. I have witnessed the following statements concerning Nicole Jean Herring, Bre'anna Michelle Eaker, Lori Nicole Eaker. On the night the Talmadge Leroy Rowell was arrested, Nicole went alone to pick up Lori & Bre'anna there was no one with Nicole. Prior to going to get Lori & Bre'anna she gave Talmadge a pain pill, one that was prescribed to her for pain. My daughter Lexi, has stayed many, many nights at Nicole's Home with my niece Angel Rowell. She also slept in the same room and bed as Angel and has never said anything about Talmadge coming in and messing with Touching or anything to Angel. Prior to Talmadge going to jail, Lori and Bre'anna was dating African American boys, putting a night stand at the bedroom door and cut the screen at their bedroom window and was sneaking out to meet the boys down the road. Talmadge never approved of the girls, Lori and Bre'anna dating any boys. Said that they were too young to date. After Talmadge was arrested and was in G. Rubson Long I went over to Nicole's Jean Herring's House

October 3, 2011

To whom it may concern,

I Princess Lynn Strickland went to court with Nicole Herring Rowell, Talmadge Rowell and I where made to go to court and bring our divorce papers to Drowning Creek Drive in Nichols, S

After the hearing I presented the papers and Nicole. Mrs. Pratt made a copy of the letter that Talmadge wrote asking that I bring to court the divorce papers to live on said property.

After court was over Nicole Rowell contacted me wanting to talk and was needing my help. I agreed to do so. What I have learned since is very shocking and disturbing when it comes to a persons life.

Nicole asked if I would help her and her girls take Talmadge down then she began to fill me in on what they where doing and what she wanted of me.

Nicole stated that with her first two husbands she failed to get what she wanted from them. That her first husband Jason Eaker his father got him cleared. With her second husband Lance Lee which had Barbara Pratt as his attorney then also she lost because when she was made to move from their mobile home she had her neighbors to break into the house and destroy it beyond repair. Nicole told me that now her girls was older and would do as she told them to.

Nicole told me that once they had bought their new home and the Talmadge got his Social Security and disability checks started and thing was going as she had planned that she and her two daughters put their plan into motion and that so far she has the lawyers, solicitors, the police dept., and the Judges all fooled. Nicole said that she has started arguments with Talmadge several times and packed their things and told him she was done that she was going to take him for everything he had, but he would never argue back or do anything giving her reason to call the police so she stayed. Nicole stated to me that she knew the only way to get what she wanted and to get Talmadge out of their lives and have everything was to have the girls start telling their friends at school and confiding in them as witnesses that their step daddy was messing with them and touching them in the wrong way. Nicole said she knew that once school was out that she would put their plan in full motion.

Nicole said that she knew that the girls was having affair with boys at school and at birthday parties, she said that if they was to do this then there would be evidence ther if they was to be checked. Nicole also told me that she knew her son Jorden

I received this letter in the mail with no return address on it

in family
family matter.
to come to
at 3500

Barbara Pratt
Pratt has a
Center
right to

was caught in the bedroom with Angel naked and he was messing with her. She said that Talmadge tried to tell her and she told him to shut up that all he was trying to do was get him in trouble but Nicole said she already knew because her daughter Breana had also caught Jordan messing with Angel and told her, that's why she told Talmadge to shut up because she wanted that to use against him also.

I asked her why was she telling me all this and she stated that she wanted me to take her side and say that Talmadge was a bad person and was mean to me and my daughter Sierra when we were married and that he deserved to go to jail for the rest of his sorry life. I never gave her an answer but I will give you my answer.

I Lynn Strickland have known Talmadge Rowell and his family for several years and yes we were married we never had any children together but he helped me raise my daughter as it was his own child. He has never hurt me or my child in any way he was a good father and a loving husband we eventually went our separate ways on a good friendship Talmadge has always worked hard to provide for his family and give to them what ever they needed if he could. Through the fire dept. he has touched and saved many lives. But the ones that hurt him the most was a five year old little boy that was hit by a car and died in his arms and a 15 year old girl that was in a car wreck that he tried tirelessly to save and watched her take her last breath. Talmadge loved to teach kids to not play with fire he did so for 17 years from K-5 grades. He bonded with kids and their parents at schools, churches, libraries and conventions. He did this when we were married and continued to do so even after we were divorced. Do I think Talmadge would hurt a child in any way, No I do not and if you would ask the people in the community the church and the teachers and principals at the schools would tell you he has the heart of an angel and would and could not hurt a child.

These lies and accusations that Nicole and her daughters have told to the authorities are all false, the wrong person or persons is being charged and punished here. I think Nichole and her family needs to be looked into especially her brother Troy that thinks he is K.K.K. and wanting to kill somebody.

I am sending copies to several different agencies and departments so this matter can be further investigated you have my story and I hope that you will look into this matter.

Princess Lynn Strickland