

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
Court of Common Pleas

D. Craig Brown Circuit Judge

RECEIVED

MAR 17 2014

SC Court of Appeals

CASE NO. # 2011-CP-21-2095

CARMICHAEL T. FLOWERS Appellant

VS.

William K. Boone, Capt. J. Bronson,

Leah Harris, Joseph D. Thompson

AND Ann AND/OR John Doe Respondents

Objection to Motion to Dismiss

THE RESPONDENTS ARE ASKING THAT THE ABOVE appeal be dismissed pursuant to Appellate Court Rule 260, AND ARE Implying I (Appellant) failed to comply with THE Requirements of THESE Rules.

First AND foremost, both parties, (THE Appellant AND Respondents) HAVE submitted Initial briefs AND designation of MATTER prior TO THE ordering of THE TRANSCRIPT, IN THE ABOVE MATTER.

Secondly, I HAVE followed THE Appellate Court Rules fastidiously AND precisely.

On April 22, 13, I RECEIVED NOTICE THAT THE ABOVE CASE HAD BEEN ASSIGNED THE Appellate Case NO# 2013-000823

On Aug. 8TH 2013, I WROTE BOTH THE S. C. Court of Administration AND THE Clerk of Court in Florence Co. INQUIRING AS TO WHOM THE COURT REPORTER WAS AND HOW I COULD REACH THIS PERSON, A COPY OF THIS LETTER WAS ALSO FORWARDED TO Respondents' ATTY. OF RECORD, (SEE EXHIBITS 1 AND 2).

On Aug. 14, 2013, I RECEIVED AN ORDER FROM THE COURT OF APPEALS CERTIFYING THAT MY MOTION TO PROCEED ~~IN~~ *IN* FORMA PAUPERIS) HAD BEEN GRANTED.

Initially I WAS GIVEN THE WRONG INFORMATION REGARDING THE COURT REPORTER, (SEE EXHIBIT 2), AND ON AUG. 22, 2013 I WAS INFORMED BY THE CLERKS OFFICE TO SEE Rule 207, SCACR, FOR GUIDANCE ON HOW TO PROCEED IF I DID NOT WANT TO ORDER THE TRANSCRIPT.

On Aug. 29TH 2013, Court Reporter Krystal J. Smith INFORMED ME BY LETTER THAT SHE DID NOT WORK ON APRIL 1, 2013 AND PROVIDED ME WITH THE NAME OF Crystal Holmes, (SEE EXHIBIT #3).

On SEPT. 5, 2013, I AGAIN WROTE THE CLERKS OFFICE in Florence Co., ASKING FOR AN ADDRESS FOR COURT REPORTER Crystal Holmes AND AGAIN A COPY WAS SENT TO Respondents' ATTY. OF RECORD, (SEE EXHIBIT 4).

ON SEPT. 11, 2013, I WROTE RESPONDENTS' ATTY. OF RECORD AND ASKED IF HE WOULD AGREE TO NOT ORDERING THE TRANSCRIPT, ATTY. KOZACKI "KNOWING" AT THIS POINT, THAT APPELLANT HAD NO MONEY AND WAS IN A STATE OF PENURY, HE DECLINED MY OFFER (SEE EXHIBIT 5) STATING THAT THE RECORD WOULD NOT BE COMPLETE.

ON SEPT. 19TH 2013, I WROTE MS. CRYSTAL HOLMES, CIRCUIT COURT REPORTER, REQUESTING THE TRANSCRIPT PURSUANT TO SCACR, RULE 207, AS OF MARCH 5, 2014 AND THIS RESPONSE TO RESPONDENTS' MOTION TO DISMISS, MS. HOLMES HAS NOT RESPONDED TO APPELLANT'S REQUEST FOR THE TRANSCRIPT, A TOTAL OF 162 DAYS AND COUNTING, (SEE EXHIBIT 6).

THE RESPONDENTS' ATTORNEY'S (MR. KOZACKI) MOTION TO DISMISS IS MOOT, FRIVOLOUS, AND UNTIMELY.

FIRST AND FOREMOST THERE IS NO COURT RULE FOR THE INADVERTENCE OF FILING ONE'S INITIAL BRIEF AND DESIGNATION OF MATTER BEFORE THE TRANSCRIPT IS PRODUCED, HOWEVER IF THERE IS SUCH RULE, BOTH RESPONDENT AND APPELLANT ARE IN VIOLATION OF THIS RULE, THUS SCACR, RULE 269 WOULD APPLY IN REFERENCE TO THIS "MOTION TO DISMISS".

THE RESPONDENTS' ATTY. (MR. KOZACKI) FILED HIS REPLY TO MY INITIAL BRIEF, "KNOWINGLY" THAT THE TRANSCRIPT HAD YET TO BE PRODUCED, AND "SOMEHOW"

blames THE APPELLANT, THE CLERK OF COURT, EVERYONE BUT HIMSELF. ATTY. KOZACKI MAKE NO REFERENCE TO THE "TRANSCRIPT" IN HIS RESPONDENTS BRIEF, ONLY IN "FOOTNOTES", ATTY. KOZACKI IS USING THIS TRANSCRIPT AND RULE 207, SCACR, AS A PAWN, A PAWN HE HOPES I CAN'T AFFORD, AND ONE HE WILL HAVE WON ON A TECHNICALITY AND LOOPHOLE.

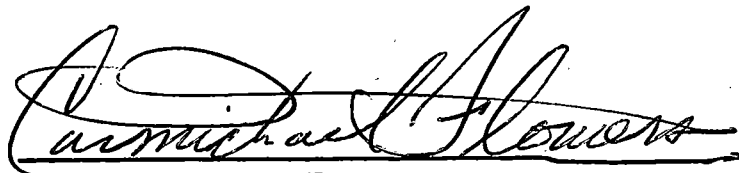
AT ONE POINT THE RESPONDENTS' ATTY. ACKNOWLEDGES THAT APPELLANT DID IN FACT ORDER THE TRANSCRIPT PURSUANT TO RULE 207, SCACR, AND SUBMITS APPELLANT'S LETTER AS PROOF, MARKED AS RESPONDENTS' EXHIBIT (C).

THIS MOTION TO DISMISS IS UNTIMELY AT BEST, THE COURT REPORTER HAS NOT RESPONDED TO MY REQUEST HOWEVER I HAVE FOLLOWED THE RULES IN REGARDS TO ORDERING THE TRANSCRIPTS, AND THE EXHIBITS SPEAK FOR THEMSELVES.

THE CLERK OF THE APPELLATE COURT SENT THE RESPONDENTS' ATTY. A LETTER THAT ALSO REFERENCE THE FACT THAT APPELLANT DID IN FACT ORDER THE TRANSCRIPT, (SEE LETTER DATED OCT 28, 2013, EXHIBIT 7).

THE LETTER (SUPRA) ALSO SET A TIME FOR RESPONDENTS ATTY. TO SERVE AND FILE AN AMENDED DESIGNATION OF MATTER REMOVING THE "TRANSCRIPT", HOWEVER RESPONDENTS ATTY. WAITS OVER 90 DAYS TO FILE A CLEARLY FRIVOLOUS MOTION.

I (APPELLANT) ASK THE COURT FOR SANCTIONS
IN THIS MATTER AND THAT RESPONDENTS' MOTION
TO DISMISS BE DENIED.



IN PRO - SE

CARMICHAEL T. FLOWERS
AGENCY # 335945, Ridgeland
P.O. BOX 2039, SB39
Ridgeland, SC 29936

MARCH 8 2014
Ridgeland, S.C.

Aug. 8 2013

MR. CARMICHAEL T. FLOWERS
AGENCY #335945, EVANS CI
610 HWY # 9 WEST, FI-B-141A
BENNETTSVILLE, S.C. 29512

South Carolina Court Administration
1015 Sumter St, STE 200
Columbia, S.C. 29201

RE: APPELLATE CASE NO. 2013-000023

DEAR Clerk,

PLEASE provide me with THE NAME AND CONTACT INFORMATION for THE COURT REPORTER for THE ABOVE CASE. I WOULD like TO REQUEST THE TRANSCRIPT FOR THIS CASE.

I THANK you in ADVANCE for your COOPERATION REGARDING THIS MATTER.

Kind Regards . . .

Carmichael Flowers

AUG. 8. 2013

Mr. Carmichael T. Flowers
Agency # 335945, EVANS CI.
610 HWY # 9 WEST, FI-B-141A
BENNETTSVILLE, S.C. 29812

FILED
2013 AUG 12 AM 10:01
CONNIE REEL-SHEARIN
CLERK OF COURT
FLORENCE COUNTY, SC

IN THE COURT OF COMMON PLEAS
THE HON. CONNIE REEL-SHEARIN
City-County Complex, MSC-E
180 N. Irby STREET
Florence, S.C. 29501

CERTIFIED: A TRUE COPY
Connie Reel Shearin
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

RE: SA NO. # 2011-CP-21-2095

DEAR Clerk,

An order was filed in the above reference case on April 1, 13. I need the name of the court reporter and where she can be reached, for obtaining a copy of the transcript.

Please know any consideration regarding this request ~~will~~ will be greatly appreciated.

With Kind Regards

Carmichael Flowers

Exhibit 2

Address:

Krystal J. Smith
1509 Woods Drive
Florence, SC 29505

2 of 2



State of South Carolina
The Circuit Court of the Twelfth Judicial Circuit

Krystal J. Smith
Circuit Court Reporter

1509 Woods Drive
Florence, SC 29505
krsmith@sccourts.org

August 29, 2013

Carmichael T. Flowers
Agency #335945/Evans CI
610 Hwy #9 West. FI-B-141A
Bennettsville, SC 29512

Re: Carmichael T. Flowers v. William K. Boone
Case Number 2011-CP-21-2095

Dear Mr. Flowers:

I am in receipt of your letter dated August 20, 2013, regarding a transcript in the above referenced matter.

As I did not work on your indicated date of April 1, 2013, I referenced your case file at the Florence County courthouse. The hearing you are inquiring about appears to have taken place on March 21, 2013, and the court reporter was Crystal Holmes. The order was dated April 1, 2013.

Sincerely,

Krystal J. Smith
Krystal J. Smith

cc: S.C. Court Administration

SEPT. 5. 2013

Mr. Carmichael T. Flowers
Agency # 335945, EVANS CI
210 HWY # 9 WEST, FI-B-141A
Bennettsville, S.C. 29512

FILED
2013 SEP -9 PM 5:01
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

In THE Court of Common Pleas
THE Hon. Connie Reel-Shearin, Clerk
City-County Complex, msc-E
180 N. Try STREET
Florence, S.C. 29503

RE: % AND.# 2011-CP-21-2095

DEAR Clerk,
Please provide me with an address for Crystal Holmes
in order to obtain a transcript of a hearing held on
MAR. 21. 13 in THE ABOVE MATTER, (THANKS).

With kind regards.

Sincerely, F AM,
Carmichael Flowers

- cc Court Administration
- cc S Scott Kozacki, ESP
- cc Appeals Court

CERTIFIED: A TRUE COPY
Connie Reel-Shearin
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

Address:

Crystal M. Holmes
Post Office Box 611
Columbia, SC 29202

2 of 2

SEPT. 11. 13

Mr. Carmichael T. Flowers
Agency # 335945, EVANS CI
110 HWY # 9 WEST, FI-B-141A
Bennettsville, SC. 29512

J. Scott Kozacki, ESQ.
P.O. Box 1909
Florence, SC. 29503

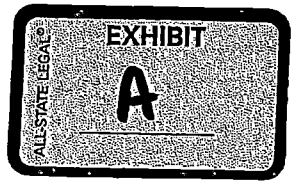
RE: TRANSCRIPT / CASE NO. # 2013-000823

Mr. Kozacki,

I've decided NOT TO ORDER THE TRANSCRIPT, PURSUANT TO RULE 207, (SCACR) I'M TO ASK IF YOU WOULD AGREE TO THE SAME?

Carmichael Flowers

cc Appellate Court
cc S.C. Court Administration



SEPT. 19.13

Mr. Carmichael T. Flowers
Agency # 335945 / EVANS C.I.
610 HWY # 9 WEST, FI-B-141A
Bennettsville, SC 29512

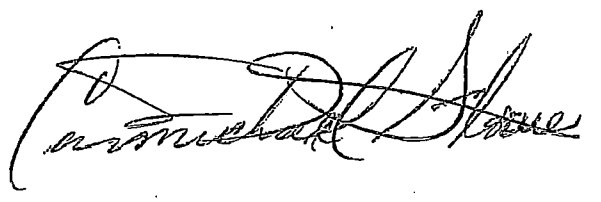
Ms. Crystal M. Holmes
P.O. Box 611
Columbia, S.C. 29202

RE: CA NO. # 2011-CP-21-2095

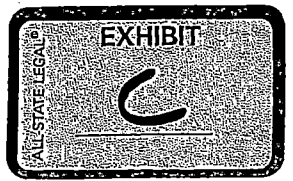
Ms. Holmes,

A HEARING WAS HELD in Florence County, IN THE COURT
OF Common Pleas ON MAR. 21.13 IN THE ABOVE MATTER, please
provide me with the "minimal cost" for this transcript, thanks

With Kind Regards...



- cc. J. SCOTT KOZACKI, ESD.
- cc S.C. Court of Administration
- cc Appellate Court





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 28, 2013

Carmichael Flowers, 335945
Evans Correctional Institution
610 Highway #9, West
Bennettsville SC 29512

Mr. Jerome Scott Kozacki
PO Box 1909
Florence SC 29503

Re: Carmichael Flowers v. William K. Boone
Appellate Case No. 2013-000823

Dear Counsel and Mr. Flowers:

This will confirm receipt of the appellant's initial brief and designation of matter and the respondents' initial brief and designation of matter in the above pending appeal. In as much as both parties have served and filed their respective briefs and designations of matter, the Court can only presume that the transcript previously ordered by the appellant is no longer needed.

Therefore, appellant's initial brief and designation of matter are accepted as filed. The respondents' initial brief and designation of matter have been received. Counsel for the respondents is requested to serve and file an amended designation of matter removing the transcript of record within ten days of the date of this letter. If the appellant wishes to serve and file an appellant's initial reply brief, then it may be served and filed no more than ten days from the date of service of the

respondents' amended designation of matter. Otherwise, the record on appeal must be served and filed no more than thirty days from the date of service of the respondents' amended designation of matter.

All parties are reminded to use the correct caption on all future filings in this matter. The correct caption for this appeal is:

Carmichael T. Flowers, Appellant,

v.

William K. Boone, Captain J. Bronson, Leah Harris, Joseph D. Thompson and Ann and/or John Doe, Respondents.

Very truly yours,

V. Claire Allen, Deputy

CLERK

THE STATE OF SOUTH CAROLINA
IN THE Court of Appeals

Appeal from Florence County
Court of Common Pleas

D. Craig Brown, Circuit Judge

RECORDED
MAR 17 2014
SC Court of Appeals

Case No. 2011-CP-21-2095

Carmichael T. Flowers Appellant

vs.

William K. Boone, Capt. J. Branson,
LEAH Harris, Joseph D. Thompson
AND ANN AND/OR JOHN DOE


Respondents

Certificate of Service

I, Carmichael T. Flowers hereby certify THAT I
~~served Appellants~~ "Objection TO MOTION TO Dismiss," ON
Respondents by depositing a copy in THE U.S. MAIL
POSTAGE prepaid, TO:

J. SCOTT KOZACKI, ESQ.
P.O. BOX 1909
Florence, SC 29503-1909

Date of Mailing
MARCH. 2014

By: 
Agency # 335945, Ridgeland CI
P.O. Box 2039. 8B39
Ridgeland, S.C. 29936

MAR. 8. 2014

MR. CARMICHAEL T. FLOWERS
Agency # 335945, Ridgeland CI
P.O. BOX 2039, SB39
Ridgeland, SC 29930

RECEIVED

MAR 17 2014

SC Court of Appeals

S.C. Court of Appeals
THE HON. JENNY ABOFF KITCHINGS, Clerk
1015 SumpterST STREET
Columbia, S.C. 29201
ATTN: MS. Elizabeth Carter, Case Analyst

Dear Ms. Carter,

Please find enclosed a copy of my objection to the motion to dismiss. I apologize for any inconvenience I may have caused the court, I was out to court w/ PCR., stuck in snow, locked in a "quarantined" bldg., served cold food, no clean clothes, an earth quake etc. I was able to write Chief Justice Tol and complain. I needed to show due diligence in meeting the Feb. 28.14 deadline and my captors would not allow me a phone call, THANKS
Carmichael Flowers

MR. CAMMIE MICHAEL T. FLOWERS
AGENCY # 335945, Ridgeland CI.
P.O. Box 2039, SB39
Ridgeland, SC 29936

~~RETURNED FOR
UNDELIVERABLE
REMAILING OFFICE
NOTICE ON THE STAMPS OVER IT~~



UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$ 00.69⁰
0008003003 MAR 10 2014
MAILED FROM ZIP CODE 29936

RIDGELAND CORRECTIONAL
INSTITUTION

MAR 10 2014

THE SOUTH CAROLINA Court of Appeals
THE HON. JENNY KITCHINGS, Clerk
1015 SUMNER STREET
Columbia, SC 29201
ATTN: MS. ELIZABETH CARTER, CASE ANALYST

UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$ 00.22⁰
0008003003 MAR 12 2014
MAILED FROM ZIP CODE 29936

MAR 20 2014
CHARLESTON