

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Florence County  
Court of Common Pleas

**RECEIVED**

JUL 14 2014

**SC Court of Appeals**

D. Craig Brown Circuit Judge  
CASE NO. # 2011-CP-21-2095

Carmichael T. Flowers . . . . . Appellant

VS

William K. Boone, Capt. Bronson,  
Leah Harris, Joseph D. Thompson,  
AND ANN AND/OR JOHN DOE . . . . . Respondent

PETITION FOR REHEARING AND AFFIDAVIT

Appellant filed the notice of appeal on April 10, 2013, on Aug. 14, 2013 an order was endorsed on my motion to proceed in forma pauperis and my motion was granted.

On Sept. 19, 13 I wrote court reporter Crystal M. Holmes at P.O. Box 611, Columbia S.C. 29202, see Exhibit 1.

## FIRST ARGUMENT

THE APPELLATE COURT'S ORDER OF DISMISSAL DATED JUNE 30, 2014 COMES WITH AN IMPLIED BIAS, AND THE RULING MAKES TWO UNFOUNDED ALLEGATIONS THAT IT CANNOT SUBSTANTIATE.

THE COURT SUBMITS THAT APPELLANT "REQUESTS TO ORDER A TRANSCRIPT," "BUT IT DID NOT INCLUDE PROOF HE MADE ARRANGEMENTS FOR PAYMENT."

SECONDLY THE COURT CLAIMS THAT IT LEARNED FROM COURT ADMINISTRATION THAT APPELLANT NEVER FURNISHED THE COURT REPORTER WITH A DATE OF THE HEARING, AND THE COURT IMPLIES THAT ITS MY FAULT THAT ITS NOW OVER A YEAR.

## SECOND ARGUMENT

EXHIBIT 1, THE SEPT. 19, 13 LETTER TO COURT REPORTER CRYSTAL HOLMES, I BEGAN MY LETTER NAMING Florence Co. Court of Common Pleas AS THE COURT WHERE THE HEARING TOOK PLACE, SECONDLY I PROVIDED THE COURT "DATE", NEXT I PROVIDED THE CASE # (CA NO. # 2011-CP-21-2095), LASTLY I ASK FOR THE "COST".

FROM SEPT. 2013 TO PRESENT, NINE (9) MONTHS WITHOUT A RESPONSE.

THIS COURT ORDER ALLEGES THAT APPELLANT FAILED TO RESPOND TO THE COURT REPORTER'S REQUEST FOR THE "DATE", NOT ONLY CAN THE COURT SUBSTANTIATE THIS, MY 1<sup>ST</sup> LETTER TO MS. HOLMES REFLECTS A DATE OF MAR. 21. 13, SECONDLY ANY MAIL SENT TO THE INSTITUTION (LEGAL MAIL) IS RECORDED, I HAVE NOTHING FROM MS. HOLMES OR FROM THE COURT ADMINISTRATION.

COURT ADMINISTRATION HAS CHIMED IN ON THIS ISSUE BY STATING THAT I NEVER FURNISHED THE COURT REPORTER WITH THE DATE OF THE HEARING, ANOTHER ALLEGATION THAT THE COURT CAN'T SUBSTANTIATE, THESE ALLEGATIONS ARE UNFOUNDED.

### Third Argument

ON MAY 14. 2014, I WAS ORDERED BY THE COURT TO ORDER THE TRANSCRIPT AND MAKE ARRANGEMENT FOR PAYMENT, AGAIN I REPLIED AND NO RESPONSE.

I'M A PRO-SE LITIGANT AND I'M NOT SURE WHAT STANDARD I'M BEING HELD TO WHEN A COURT ASKS ME TO MAKE PAYMENT ARRANGEMENT WITH SOMEONE WHO WON'T RESPOND TO MY REQUEST FOR THE TRANSCRIPT OR GIVE ME THE COST. SEE EXHIBIT NO# 2, I WROTE THE CHIEF JUSTICE AND ASKED THE SAME QUESTION.

IN MY SECOND LETTER TO MS. HOLMES, I SPECIFICALLY  
ITERATE THAT "I AGREE TO PAY THE PER PAGE CHARGE  
FOR THE TRANSCRIPT." AS PROVIDED BY RULE 607 SCACR,  
AGAIN NO RESPONSE.

I AGAIN WRITE THE COURT ADMINISTRATION, THE  
RESPONDENTS AND MS. HOLMES A LETTER STATING THAT I  
HAVE NOT RECEIVED THE TRANSCRIPT IN A TIMELY MANNER  
THE COURT ADMINISTRATION HAS YET TO RESPOND, SEE  
EXHIBIT NO.#3.

### FOURTH ARGUMENT

I FILED THIS APPEAL "IN FORMA PAUPERIS," I HAVE TO  
DEPEND UPON A 78 YEAR OLD MOTHER FOR ENDOWMENTS OR  
A BROTHER THAT DRIVES A TRUCK AND ITS VERY HARD TO  
REACH HIM BY MAIL, THEY BOTH LIVE IN VIRGINIA, I HAVE  
NO WAY TO CALL THEM WITHOUT HAVING TO GO THRU THE  
CHAPLAIN OR SOMEONE ELSE, ASKING MS. HOLMES FOR THE  
COST IS JUST THE BEGINNING FOR ME.

HOWEVER I FIND IT AN ECCENTRICITY THAT MS.  
HOLMES AFTER NINE (9) MONTHS, WOULD COME FORWARD  
AT THIS TIME TO MISLEAD THE COURT INTO THINKING  
THAT SHE HAD SOMEHOW COMMUNICATED WITH ME, AND  
I SOMEHOW FAILED TO PROVIDE HER WITH THE DATE OF  
THE HEARING.

THE HON. JASPER CURETON, A.J., IS AN ARBITER OF FACTS, WHAT ARE FACTS? "THE ASPECT OF A CASE AT LAW COMPRISING EVENTS DETERMINED BY EVIDENCE, NOT LIES OR FABRICATIONS OR EMBARRASSING INFORMATION."

I'm appalled by THE IMPROPRIETY OF THE COURT OF ADMINISTRATION, AGAIN I ASK YOU THE FACT FINDER TO EXAMINE EXHIBIT #3, WHERE IS THE COURT'S OF ADMINISTRATION'S EVIDENCE THAT I FAILED TO PROVIDE MS. HOLMES WITH A DATE OF THE HEARING? IT'S SIMPLY NOT TRUE, AND THERE'S NO EVIDENCE.

### CONCLUSION

DUE TO MY RESTRAINTS, I AGAIN REQUEST THE COST OF THE TRANSCRIPT, I HAVE ALREADY AGREED THAT I WOULD PAY THE PER PAGE COST FOR THE TRANSCRIPT, AND I'VE PROVIDED MS. HOLMES WITH THE COURT DATE, CASE NO.#, AND LOCATION OF THE HEARING.

FOR THE STATED REASONS, THIS ORDER OF THE DISMISSAL FROM THE APPELLATE COURT SHOULD BE REVERSED.

Respectfully,  
*Carmichael T. Flowers*

in Pro - SE

CARMICHAEL T. FLOWERS  
AGENCY # 335945, RCI  
P.O. BOX 2039, SB 44  
RIDGELAND, SC 29936

SEPT. 19.13

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

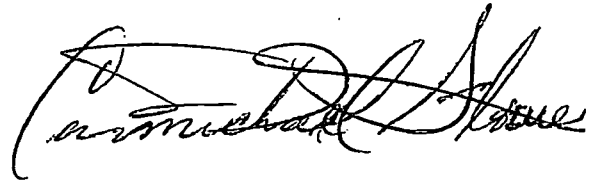
Ms. Crystal M. Holmes  
P.O. Box 611  
Columbia, SC 29202

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

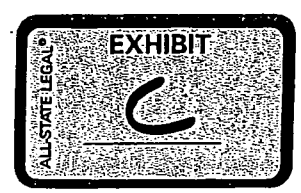
Ms. Holmes,

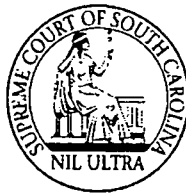
A HEARING WAS HELD in Florence County, IN THE COURT  
OF Common Pleas ON MAR. 21.13 IN THE ABOVE MATTER, please  
provide me with the "minimal cost" for this transcript, thanks

With Kind Regards...



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





# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499

June 3, 2014

Mr. Carmichael T. Flowers, #335945  
Ridgeland Correctional Institution  
P.O. Box 2039  
Ridgeland, SC 29936

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

Dear Mr. Flowers:

This responds to your letter to Chief Justice Toal dated May 26, 2014. Please be advised that the Chief Justice cannot respond to your *ex parte* communication about the above case that is pending before the South Carolina Court of Appeals.

If you have legal questions or need assistance, you may wish to consult with an attorney.

Very truly yours,

CLERK

cc: Jerome Scott Kozacki, Esquire  
The Honorable Jenny Abbott Kitchings (with copy of letter)

JUNE 19, 2014

Exhibit #3

THE HON. ROSALYN W. FRIERSON  
Dir. SOUTH CAROLINA COURT ADMIN.  
1015 SUMNER STREET, STE. 200  
COLUMBIA, S.C. 29201

RECEIVED

JUL 14 2014

SC Court of Appeals

RE: CARMICHAEL T. FLOWERS  
Appellant

VS

WILLIAM K. BOONE, ET AL.  
Respondents

CASE NO# 2013-000823

DEAR MS. FRIERSON,

I SENT THE COURT ADMIN. A COPY OF MY SECOND LETTER TO COURT REPORTER CRYSTAL M. HOLMES, REQUESTING THE TRANSCRIPT, HOWEVER I HAVE NOT RECEIVED A STAMPED CONFIRMATION.

Secondly, I HAVE NOT RECEIVED THE TRANSCRIPT IN A TIMELY MANNER.

With the kindest of regards . . . I AM,

cc COURT ADMIN  
Court of Appeals  
Court Reporter Crystal Holmes  
J. SCOTT KOZACKI, ESP.

Sincerely,  
*Carmichael T. Flowers*

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Florence County  
Court of Common Pleas

D. Craig Brown, Circuit Court Judge

CASE NO. 2014-CP-21-2095

Carmichael T. Flowers . . . . . Appellant

VS.

William K. Boone, Capt. J. Bronson, . . . . . Respondents  
Leah Harris, Joseph D. Thompson  
AND ANN AND/OR JOHN DOE

**RECEIVED**

JUL 14 2014

Certificate of Service

**SC Court of Appeals**

I, THE UNDERSIGNED HEREBY CERTIFY THAT I HAVE SERVED  
A COPY OF APPELLANT'S PETITION FOR RE-HEARING AND AFFIDAVIT  
UPON RESPONDENT'S ATTY. OF RECORD BY DEPOSITING THE SAME  
IN THE U.S. MAIL, POSTAGE PREPAID, ADDRESSED AS FOLLOWS:

J. SCOTT Kozacki, ESO.  
P.O. BOX 1909  
Florence, S.C. 29503

DATE: July 7. 14

*Carmichael Flowers*  
P.O. BOX 2039 RCI  
Ridgeland S.C 29936

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM FLORENCE COUNTY  
COURT OF COMMON PLEAS

D. CRAIG BROWN, Circuit Judge

CASE NO. 2011-CP-21-2095

RECEIVED

JUL 14 2014

SC Court of Appeals

CAMMICHAEI T. FLOWERS . . . . . APPELLANT

VS

WILLIAM K. BOONE, Capt. J. BRUNSON,  
LEAH HARRIS, JOSEPH D. THOMPSON  
AND AUN AUN/OF JOHN DOE . . . . . RESPONDENTS

Affidavit of Appellant

PERSONALLY APPEARED before me, CAMMICHAEI T. FLOWERS  
Agency # 335945, THE APPELLANT, WHO BEING duly SWORN, UNDER  
PENALTY OF PERJURY, DEPOSES AND STATES:

(1) I AM CAMMICHAEI T. FLOWERS, Agency # 335945,  
(HEREIN AFTER AFFIANT), THE PRO-SE APPELLANT TO THIS  
AFFIDAVIT AND PETITION FOR REHEARING.

(2) AFFIANT IS BEFORE THE COURT OF APPEALS, WHERE HE HAS INITIATED A PETITION FOR RE-HEARING FOLLOWING AN ORDER OF DISMISSAL.

(3) AFFIANT FILED NOTICE OF APPEAL IN THIS CASE ON APRIL 10, 2013. ON APRIL 22, 2013 AFFIANT WAS ASSIGNED CASE NO. 2013-000823. ON AUG 14, 2013 AN ORDER WAS ENDORSED GRANTING MY MOTION TO PROCEED "IN FORMA PAUPERIS".

ON AUG. 14, 2013 OR SOMETIME THEREAFTER I BEGAN TO ENQUIRE AS TO WHO THE COURT REPORTER WAS, I WAS GIVEN THE WRONG NAME, HOWEVER COURT REPORTER KRISTAL S. SMITH INFORMED ME THAT THE COURT REPORTER WAS CRYSTAL HOLMES. ON SEPT. 19, 2013 I WROTE COURT REPORTER MS. CRYSTAL HOLMES AND PROVIDED MS. HOLMES WITH "DATE OF HEARING", "PLACE OF HEARING" AND A CASE NO. # 2011-CP-21-2095. AGAIN I ASK THAT YOU SEE EXHIBIT 1.

(4) AFFIANT STATES FOR THE RECORD, AND BEING DULY SWORN THAT AT NO TIME DID MS. HOLMES RESPOND IN ANY WAY TO MY LETTERS AS THE ORDER OF DISMISSAL IMPLIES.

(5) AFFIANT WAS ORDERED BY THE COURT TO CONTACT MS. HOLMES, ON OR ABOUT MAY 14, 2014, AFFIANT WROTE MS. HOLMES (APPENDIX PAGE 76 (FORM 11) SCACR) PURSUANT TO THE LETTER SHOWN IN THE RULES OF COURT'S 2012 EDITION. I AGAIN PROVIDED MS. HOLMES WITH THE DATE OF THE HEARING, PLACE OF HEARING AND CASE NO. 2011-CP-21-2095

IN THE LETTER TO MS. HOLMES I WROTE THAT "I AGREE TO PAY THE PER PAGE CHARGE FOR THIS TRANSCRIPT AS PROVIDED BY SCACR RULE 607" I ALSO SENT CARBON COPIES (HAND WRITTEN) TO RESPONDENTS, CLERK OF APPELLATE COURT (CARE OF) MS. ELIZABETH CARTER, AND THE COURT OF ADMINISTRATION. AGAIN, MS. HOLMES NEVER RESPONDED.

HAD MS. HOLMES AS THE ALLEGATION STATES, HAD RESPONDED TO ANY OF MY LETTERS, THERE WOULD HAVE BEEN A RECORD HERE AT THE INSTITUTION OF "LEGAL MAIL" FROM COURT REPORTER MS. HOLMES WITH MY SIGNATURE SHOWING RECEIPT.

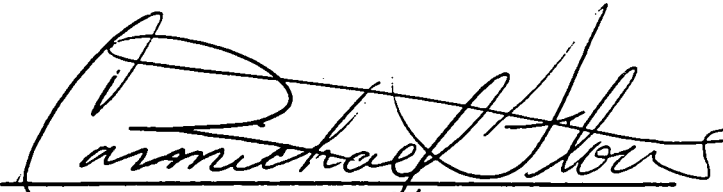
(6) THE ORDER OF DISMISSAL FURTHER ALLEGES THAT THE COURT ADMINISTRATION FURNISHED THIS ERRONEOUS INFORMATION TO THE COURT, FOR THE RECORD, I HAVE FOLLOWED THE SCACR AND PROVIDED THE COURT OF ADMINISTRATION WITH COPIES OF MY CORRESPONDENCE WITH COURT REPORTER ~~CRYSTAL~~ HOLMES, AT NO TIME HAS THE COURT OF ADMINISTRATION CONTACTED ME IN ANY WAY OR REGARDS TO ME NOT PROVIDING A DATE, OR ANY OTHER INFORMATION NECESSARY TO FULFILL MY REQUEST FOR THE TRANSCRIPT; AGAIN THE INFORMATION FURNISHED BY THE COURT OF ADMINISTRATION IS A LIE AND CAN NOT BE SUBSTANTIATED.

(7) AFFIANT BELIEVES THAT THIS TESTIMONY IS GIVEN UNDER PENALTY OF PERJURY, OFFERS THIS ATTESTMENT CONSISTANT WITH RULE 11, OF THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE; RULE 43(D), OF THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE; AND RULE 603, OF THE SOUTH CAROLINA RULES OF EVIDENCE.

AFFIANT SAYETH NO FURTHER:

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 7 DAY OF July 2014  
Virginia Robinson  
Notary Public for South Carolina  
MY COMMISSION EXPIRES May 20, 2014 ~~2021~~

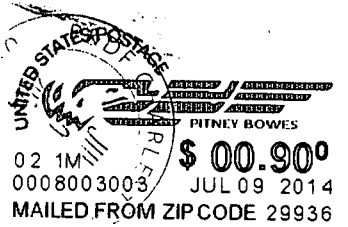
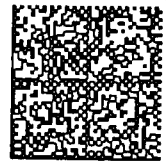
DATE: 7/7/14  
Jasper Co.

  
Carmichael T. Flowers  
CARMICHAEL T. FLOWERS, 335945  
Ridgeland Corr. Inst.  
P.O. Box 2039, SB44  
Ridgeland, SC. 29936

MR. CARMICHAEL T. FLOWERS  
Agency #335945, RCI  
P.O. Box 2039, SB44  
Ridgeland, S.C. 29936

RECEIVED

JUL 14 2014



RIDGELAND CORRECTIONAL  
INSTITUTION

JUL 09 2014

MAIL ROOM

~~SC Court of Appeals~~ A Court of Appeals  
THE HON. SENNY ABBOTT KITCHINGS, Clerk  
Post Office Box 11629  
Columbia, S.C. 29211  
C/O MS. ELIZABETH CARTER, CASE ANALYST

LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS HAS NEITHER  
CENSORED NOR INSPECTED THIS ITEM. THEREFORE  
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENTS.

RIIDGELAND CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS