

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

D. Craig Brown, Circuit Court Judge

**RECEIVED**

JUL 18 2014

---

CASE NO. 2011-CP-21-2095

**SC Court of Appeals**

---

CARMICHAEL T. FLOWERS .....Appellant

vs.

WILLIAM K. BOONE, CAPTAIN J. BRONSON,  
LEAH HARRIS, JOSEPH D. THOMPSON  
AND ANN AND/OR JOHN DOE .....Respondents

---

**RETURN TO PETITION AND/OR MOTION FOR REHEARING**

---

Respondents, by and through the undersigned attorney, do hereby respond in opposition to Appellant's recently filed Petition(s) and/or Motion(s) for Rehearing pursuant to SCACR, Rule 240(e). In particular, Respondents assert that this Court neither overlooked and/or misapprehended any of Appellant's prior contentions. Accordingly, Appellant's recently filed Petition(s) and/or Motion(s) for Rehearing in this case should be denied.

In order to prevail on a petition for rehearing, the Appellant must demonstrate that the Court overlooked or misapprehended his prior argument(s). Rule 221(a), SCACR. The purpose of a petition for rehearing is not to present points which the losing party may have overlooked or misapprehended, nor is it the purpose of the petition for rehearing to have the

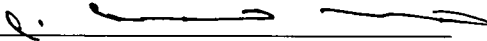
case tried in the appellate court a second time.” Jean H. Toal, Shahin Vafai & Robert Muckenfuss, Appellate Practice in South Carolina 309 (1999) (citing Arnold v. Carolina Power & Light Co., 168 S.C. 163, 167 S.E. 234 (1933)). Appellant had the opportunity to present his argument(s) and evidence when this case was originally heard by the trial court.

Moreover, Appellant undeniably filed his notice of appeal in this matter on April 10, 2013. Thereafter, on May 14, 2014, over a year later, this Court issued an Order clearly and succinctly explaining that the Respondents had filed a motion to dismiss based upon Appellant’s failure to order the transcript and requiring Appellant to provide proof that he made arrangements for the payment of the transcript with twenty (20) days. Plaintiff responded to that Court Order, but his response did not include proof that he made arrangements for the payment of the transcript, as required.

Undeniably, over a year has now passed, Appellant has not satisfactorily ordered the transcript and has still failed to comply with this Court’s prior Order. Indeed, Respondents still have not received a copy of the transcript as required by Rule 207 SCACR from the Appellant. The record remains incomplete and judicial review remains impossible. As such, this Court properly granted the Respondents’ previously filed Motion to Dismiss the appeal. Appellant has not demonstrated that this Court overlooked or misapprehended his prior argument(s). For this reason, Appellant’s Petition(s) and/or Motion(s) for Rehearing should be denied.

(Signature on separate page)

WILLCOX, BUYCK & WILLIAMS, P.A.

By:   
J. Scott Kozacki  
S.C. Bar No. 64137  
PO Box 1909  
Florence, SC 29503-1909  
(843) 662-3258 Telephone  
ATTORNEY FOR RESPONDENTS

July 17, 2014  
Florence, South Carolina

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. 2011-CP-21-2095

---

CARMICHAEL T. FLOWERS .....Appellant

vs.

WILLIAM K. BOONE, CAPTAIN J. BRONSON,  
LEAH HARRIS, JOSEPH D. THOMPSON  
AND ANN AND/OR JOHN DOE .....Respondents

---

**CERTIFICATE OF SERVICE**

---

PERSONALLY appeared before me, Melisa Hargrove, who being duly sworn, deposes and says that she has served the **Respondents' Return to Petition and/o Motion for Rehearing** on the Appellant, by depositing a copy of same in the United States Mail, postage prepaid, to:

Carmichael T. Flowers #335945  
Ridgeland Correctional Institution  
Post Office Box 2039, SB36  
Ridgeland, SC 29936


**RECEIVED**

JUL 18 2014

DATE OF MAILING: July 17, 2014

**SC Court of Appeals**

By: \_\_\_\_\_

  
Melisa Hargrove, Paralegal to J. Scott Kozacki  
WILLCOX, BUYCK & WILLIAMS, P.A.  
PO Box 1909  
Florence, SC 29503-1909  
(843) 662-3258 Telephone

Mark W. Buyck, Jr.  
Hugh L. Willcox, Jr.  
Wm. Reynolds Williams♦  
Mark W. Buyck, III  
E. Lloyd Willcox, II  
John H. Muench † GA & KY  
Tracy L. Wright  
J. Scott Kozacki  
Walker H. Willcox

† Additionally Licensed  
♦ Certified Mediator

LAW OFFICES  
**WILLCOX, BUYCK, & WILLIAMS**  
PROFESSIONAL ASSOCIATION  
[www.WillcoxLaw.com](http://www.WillcoxLaw.com)  
248 West Evans Street (29501)  
Post Office Box 1909  
Florence, South Carolina 29503-1909

ESTABLISHED 1895

Telephone (843) 662-3258

Fax (843) 662-1342

2050 Corporate Centre Dr  
Suite 230  
Myrtle Beach, SC 29577  
Telephone (843) 650-6777  
Fax (843) 650-6767

Reply To: Florence

July 17, 2014

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: IRF Claim No. 76999; C/A No. 2011-CP-21-00000  
*Carmichael T. Flowers v. William K. Boone, et al*  
Our File 10197.15448

Dear Sir or Madame:

Kindly find enclosed the original and six copies of the Return to Petition and/or Motion for Rehearing in connection with the above referenced matter. Please return the filed copy to my attention in the self-addressed pre-stamped envelope.

Should you have any questions or concerns, please feel free to contact me at (843) 664-3350 or Scott at (843) 664-3364. I appreciate your assistance.

With kindest regards,



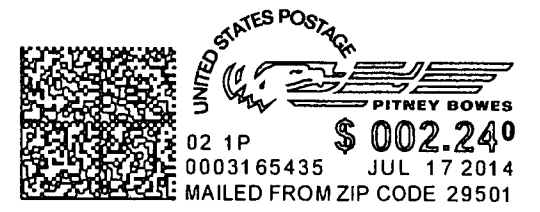
Melisa Hargrove  
Paralegal to J. Scott Kozacki  
Email: [mhargrove@WillcoxLaw.com](mailto:mhargrove@WillcoxLaw.com)

mkh  
Enclosures  
Cc: Carmichael T. Flowers, Pro Se Appellant

**RECEIVED**

JUL 18 2014

**SC Court of Appeals**



Willcox, Buyck &  
Williams, P.A. Since 1895

Post Office Box 1909  
Florence, SC 29503

TO: The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

10197.15448

**RECEIVED**  
JUL 18 2014  
SC Court of Appeals