

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 30 2014

SC Court of Appeals

CARMICHAEL T. FLOWERS Appellant

-VS-

WILLIAM K. BOONE, CAPT. J. BRANSON
LEAH HARRIS, JOSEPH D. THOMPSON
AND ANNI AND/OR JOHN DOE RESPONDENT(S)

REPLY TO RESPONDENT(S) RETURN

Appellant responds to Respondent's Return
pursuant to S.C.A.C.R. Rule 240(F).

A petition for rehearing must show points
supposedly "overlooked" or "unapprehended" by the court.
Its purpose is NOT to present points. Lawyers of
losing parties overlooked or have the case tried in the
supreme court for a second time. SEE KENNEDY V. SOUTH
CAROLINA RETIREMENT SYSTEM, 564 SE2d 322.

FIRST AND FORMOST Appellant's Appeal WAS NEVER PERFECTED AND THE DECISION TO DISMISS WAS NOT BEFORE THE FULL COURT.

HOWEVER ITS MY CONTENTION TO DEMONSTRATE THAT THE COURT DID IN FACT OVERLOOKED, MISAPPREHEND, RELIED UPON SIMULATED FACTS INTENDED TO MISLEAD.

WHEN THE COURT CHOOSE TO FIND FACTS IN ACCORDANCE WITH ITS OWN VIEW OF THE EVIDENCE, IT RELIED UPON INSUFFICIENT EVIDENCE.

(1) THE COURT STATED THAT APPELLANT NEVER FURNISHED THE COURT REPORTER WITH THE DATE OF THE HEARING.

(2) THE COURT STATED THAT APPELLANT "FAILED" TO RESPOND TO COURT REPORTER'S REQUEST FOR THE DATE OF THE HEARING.

(3) THE COURT STATED THAT APPELLANT DID NOT INCLUDE PROOF HE HAS MADE ARRANGEMENTS FOR PAYMENT OF THE TRANSCRIPT.

(4) THE COURT STATED THAT APPELLANT DID IN FACT ORDER THE TRANSCRIPT.

ON SEPT. 19, 2013, APPELLANT DID IN FACT ORDER THE TRANSCRIPT AND REQUEST A "PRICE" AND MOST IMPORTANTLY APPELLANT PROVIDED THE COURT REPORTER WITH THE MARCH 21, 2013 HEARING DATE. SEE ENCLOSED 1

SECONDLY, AS STATED IN MY AFFIDAVIT THE COURT REPORTER MS. HOLMES NEVER COMMUNICATED WITH ME UNTIL I RECEIVED AN UNSIGNED LETTER IN AN ENVELOPE FROM . . .

COURT REPORTER "MANAGER", MS DESIREE R. ALLEN. THIS LETTER ARRIVES 9 MONTHS AFTER I WROTE HER ON SEPT. 19, 2013. IN COURT REPORTER'S LETTER SHE REQUESTS THE DATE OF THE HEARING AND STATES THAT SHE WILL BE ABLE TO GIVE ME AN ESTIMATE ONCE SHE RECEIVES THE INFORMATION REGARDING THE HEARING DATE. SEE ENCLOSED # 2

IN THIS MY SECOND LETTER TO MS. HOLMES SENT OUT IN THE MONTH OF MAY (2014), I MAY HAVE SENT HER THE APPELLATE CASE NO. # 2013-000823, PURSUANT TO CORRESPONDENCE WHICH STATED AND REQUESTED THAT I USE THE ABOVE NUMBER ON ALL FUTURE CORRESPONDENCE RELATING TO THIS MATTER, SEE ENCLOSED # 3

IT SHOULD BE NOTED THAT NONE OF MY REQUESTS FOR A "CLOCK STAMPED COPY" OF MY COMMUNICATIONS WITH THE COURT OF APPEALS AND THE COURT OF ADMINISTRATION HAS BEEN RESPONDED TO.

THIRDLY, THE COURT USED THE EXCUSE THAT APPELLANT DID NOT MAKE ARRANGEMENTS FOR PAYMENT OF THE TRANSCRIPT. APPELLANT COULDN'T MAKE ANY ARRANGEMENTS WITHOUT A PRICE, AND THE COURT STATES I NEVER GAVE COURT REPORTER THE DATE OF THE HEARING. WITHOUT THE COURT REPORTER HAVING THE DATE OF THE HEARING, MAKING ARRANGEMENT WOULD BE MOOT, SEE LETTER FROM COURT REPORTER ENCLOSED

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When an Appellate Court chooses to find facts in accordance with its own view of the evidence the court must state "distinctly" its finding of fact and the reason for its decision, DEATYBURY V. DEATYBURY (S.C. 2002) 351 S.C. 278, 569 SE2d 367.

THE COURT AND COURT ADMINISTRATION BOTH HAD COPIES OF MY SEPT. 19.13 LETTER TO COURT REPORTER BUT FAILED TO MENTION THE DATE OF MAR. 21.13 WHICH WAS THE HEARING DATE INCLUDED IN THAT LETTER.

THE COURT NEVER MENTION HOW IT GOT ERRONEOUS INFORMATION REGARDING ME (APPELLANT) FAILING TO RESPOND TO COURT REPORTER MRS. HOLMES, WHEN SHE NEVER CONTACTED ME UNTIL "AFTER THE FACT", SEE ENCLOSED ENVELOPE DATED JULY 7.14, WHICH I RECEIVED JULY 8.14. #4

THE COURT ALSO FAILED TO MENTION MY LETTER TO THE HON. ROSALYN W. FRIERSON, SEE ENCLOSED #5 WRITTEN A MONTH BEFORE THE LETTER FROM COURT REPORTER MANAGER, DESIREE R. ALLEN (COURT ADMIN.).

LASTLY, THE COURT AND RESPONDENTS MADE MENTION OF THE FACT THAT THIS CASE WAS FILED IN THE APPELLATE APRIL 10 2013, AND ITS NOW JULY 24 2014, I AGREE ITS OVER A YEAR, HOWEVER I'M NOT THE ONLY CONTRIBUTOR TO THAT FACT.

APPELLANT IS UNDER RESTRAINTS THAT THE RESPONDENTS ARE NOT.

APPELLANT WAS GRANTED "IN FORMA PAUPERIS" ON AUG. 14. 2013.

ON SEPT. 11.13, I WROTE THE RESPONDENTS AND ASKED IF THEY WOULD AGREE TO ORDERING LESS THAN THE WHOLE TRANSCRIPT OR NO TRANSCRIPT, THEY DECLINED.

I WAS THEN CONTACTED BY "KRYSTAL SMITH" A COURT REPORTER WHO GAVE ME THE NAME OF "CRYSTAL HOLMES", AT WHICH TIME I WROTE HER ON SEPT. 19.13 AND REQUESTED THE TRANSCRIPT, (NO RESPONSE).

APPARENTLY BOTH PARTIES SUBMITTED THEIR INITIAL BRIEFS IN OCT. ON OR ABOUT OCT. 22.13, THE CLERK OF COURT CONTACTED THE RESPONDENTS BY PHONE AND ASKED IF RESPONDENTS WANTED TO PROCEED WITHOUT THE TRANSCRIPT.

ON OCT. 28.13, THE CLERK OF COURT FORWARDED A LETTER TO RESPONDENTS THAT STATED THAT BOTH PARTIES HAD FILED THEIR BRIEFS, "THE COURT CAN ONLY ASSUME THAT THE TRANSCRIPT "PREVIOUSLY" ORDERED BY THE APPELLANT IS NO LONGER NEEDED".

APPELLANT IS STILL WAITING ON A RESPONSE FROM THE COURT REPORTER OR COURT ADMINISTRATION, ~~IN~~ THE INTERIM THE RESPONDENTS FILE FOR DISMISSAL OF THE APPEAL, JAN. 29.2014.

CONCLUSION

THE RECORD WAS THERE, APPARENTLY NO ONE BOTHERED TO READ IT.

THE EVIDENCE THE COURT RELIED UPON WAS MIS-APPREHENDED AND INSUFFICIENT AND THERE WAS FACTS THE COURT OBVIOUSLY "OVERLOOKED".

THE RESPONDENTS ON THE OTHER HAND WOULD HAVE THE COURT BELIEVE THAT I WOULD ABANDON MY APPEAL BY NOT ADHERING TO THE RULE OF COURT, PARTICULARLY SCACR Rule 207, NOT SO.

"IT HAS BEEN HELD, HOWEVER, THAT INACCURACY IN THE STATEMENT OF FACTS OF THE APPELLATE COURT WILL BE CORRECTED ON PETITION FOR REHEARING". CITE OMITTED.

FOR THE ABOVE REASONS, APPELLANT'S PETITION, AND AFFIDAVIT AND REPLY, FOR REHEARING SHOULD BE GRANTED.

DATE: July 24, 2014
Jasper County

Respectfully,
~~Carmichael Flowers~~
Appellant in Pro-SE
CARMICHAEL T. FLOWERS
Agency # 335945, RCI
P.O. Box 2039, SB 44
Ridgeland, S.C. 29934

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

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SC Court of Appeals

CAMMIEHAEL T. FLOWERS Appellant

- VS -

WILLIAM K. BOOLE, Capt. J. BRANSON,
LEAH HARRIS, JOSEPH D THOMPSON
AND ANN AND/OR JOHN DOE

RESPONDENTS

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED do hereby certify THAT I HAVE SERVED A COPY OF Appellants Reply UPON THE RESPONDENTS ATTY of Record by depositing THE SAME IN THE U.S. MAIL, postage prepaid Addressed AS follows:

J. SCOTT KOZACKI, ESQ
P.O. Box 1909, Florence, S.C. 29503-1909

Date: July 24, 14
Jasper Co.

Cammiehael Flowers
Appellant in Pro-se

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 25 DAY OF July 2014

Virginia Robinson

Notary Public for South Carolina

My Commission Expires May 20, 2021

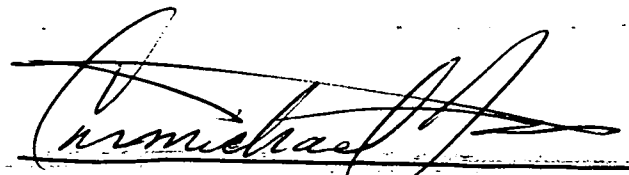
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JUL 30 2014

SC Court of Appeals

DATE: 7/24/14

JASPER CO.



CARMICHAEL T. FLOWERS

Agency # 335945, RCI

P.O. Box 2039, SB44

Ridgeland, S.C. 29936

SEPT. 19.13

1

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

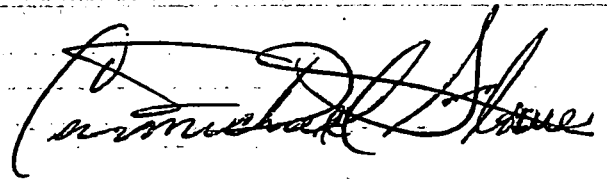
Ms. Crystal M. Holmes
P.O. Box 611
Columbia, S.C. 29202

RE: C/A 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, ESO.

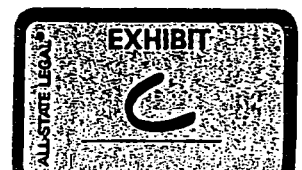
cc. S.C. Court of Administration

cc. Appellate Court

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JUL 30 2014

SC Court of Appeals



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CRYSTAL M. HOLMES
P.O. BOX 611, COLUMBIA,
SOUTH CAROLINA 29202-0611

May 29th, 2014

Carmichael T. Flowers
Agency # 3359445, RCI
PO Box 2039, SB44
Ridgeland, SC 29936

Case Number: 2011-CP-21-2095

Dear Mr. Flowers,

I have received your request for a transcript in the above-referenced matter. The cost of a transcript is \$3.25 per page plus shipping and handling. After reviewing your request I did not see where you included the date of the hearing. Your letter indicated the hearing was held in Florence Co. before Honorable D. Craig Brown in Common Pleas.

If you would tell me the date the hearing took place I will be able to locate the hearing and give an estimate on the transcript.

If you have any further questions, please contact me at the above address. Thank you.

Sincerely,

Crystal M. Holmes



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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

April 22, 2013

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

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

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

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1 of 2

South Carolina Court Administration
1015 Sumter Street, Suite 200
Columbia, South Carolina 29201-3739

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SB 44

Carmichael Flowers #335945
RCI
P. O. Box 2039
Ridgeland, SC 29936

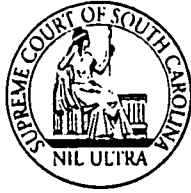
RIDGELAND CORRECTIONAL
INSTITUTION

JUL 07 2014

MAILROOM

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South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

4

2 of 2

ROSALYN FRIERSON
DIRECTOR

1015 SUMTER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-0269

July 1, 2014

Carmichael Flowers #335945
RCI
P. O. Box 2039
Ridgeland, SC 29936

Dear Mr. Flowers:

This is in response to your letter received dated June 25, 2014, which was forwarded to the Court Reporter Section for response. Our records reflect and we have attached the letter that Ms. Holmes has sent in response to your request.

Please follow the instructions outlined in her letter and provide the date of the hearing for the transcript you are requesting.

Sincerely,

Desiree R. Allen
Court Reporter Manager

Enclosure: Unsigned copy of letter
CC: Crystal-M. Holmes, Court Reporter

JUNE 19, 2014

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

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 2ND 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.

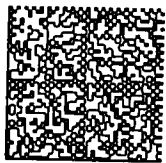
With the kindest of regards. . . I Am,

cc Court Admin.
cc JEROME SCOTT KOZACKI, ESP
cc S.C. Appellate Court
cc Court Reporter Crystal M. Holmes

Sincerely,
Carmichael Flowers

Mr. CAROL MICHAEL T. Flowers
Agency # 335945, RCI
P.O. Box 2039, SB44
Ridgeland, S.C. 29934

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MAILED FROM ZIP CODE 29936

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JUL 30 2014

SC Court of Appeals

THE SOUTH CAROLINA Court of Appeals

1015 SUMNER STREET

Columbia, S.C. 29201

C/O MS. ELIZABETH CARTER, CASE ANALYST

RIDGELAND CORRECTIONAL INSTITUTION

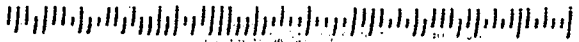
JUL 28 2014

MAIL ROOM

335945

LEGAL MAIL

29201 90719



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