

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Florence County
Court of Common Pleas

D. Craig Brown, Circuit Judge

RECEIVED

CASE NO. # 2011-CP-262095

NOV 24 2014

S.C. Supreme Court

CARMICHAEL T. FLOWERS PETITIONER

-VS-

WILLIAM K. BOONE, ET AL RESPONDENTS

APPENDIX

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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.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Jerome Scott Kozacki

APP 16

Exhibit 1

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. 2013-000823

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

App 16

Exhibit 2

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

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

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

SEPT. 5. 2013

App 16

Exhibit 4

Mr. Carmichael T. Flowers
Agency # 335945, EVANS CI
610 Hwy # 9 West, FI-B-141A
Bennettsville, S.C. 29512

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

FILED

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: %A NO.# 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,
Carmichael Flowers

cc Court Administration

cc J 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

App 17



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
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www.sccourts.org

August 14, 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:

The following order has been endorsed on your Motion to Proceed In Forma Pauperis in the above matter.

"Granted.

s/ H. Bruce Williams J.
For the Court

August 14, 2013."

Please be advised that you are to provide a copy of your letter to the Court Reporter showing that you have ordered the transcript no more than ten (10) days from the date of this order, or in the event that there was no Court Reporter present for your hearing and there is no transcript, the Appellant's Initial Brief and Designation of Matter must be served and filed no more than thirty (30) days from the date of this order.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Jerome Scott Kozacki

FILED
LG 8-14-13

APP 18



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@cc12courts.org

August 29, 2013

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

RECEIVED
MAY 07 2014
SC Court of Appeals

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

cc: SC Court Administration

APP 19

SEPT. 11. 13

Mr. CARMICHAEL T. FLOWERS
AGENCY # 335945, EVANS CT
610 HWY # 9 WEST, FIBERIA
Bennettsville, SC 29512

J. SCOTT KOZACKI, ESO.
P.O. Box 1909
Florence, S.C. 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 SC Court Administration

RECEIVED

SEP 12 2013

SC Court of Appeals

APP 20

Exhibit 6

SEPT. 19. 13

1

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

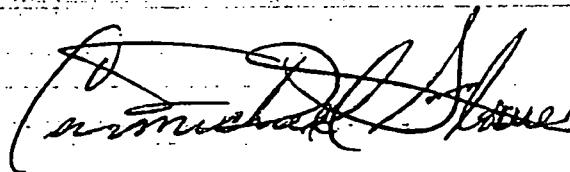
Ms. Crystal M. Holmes
P.O. Box 611
Columbia, S.C. 29202

RE: 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

RECEIVED

JUL 30 2014

SC Court of Appeals





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
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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

11146

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

RECEIVED

D. Craig Brown, Circuit Court Judge

JAN 31 2014

SC Court of Appeals

CASE NO. 2011-CP-21-2095

CARMICHAEL T. FLOWERSAppellant

vs.

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

MOTION TO DISMISS

Respondents, by and through the undersigned attorney, hereby move that the instant Appeal be dismissed pursuant to SCACR, Rule 260.

On or about September 11, 2013, Appellant informed Respondents that he "decided not to order the transcript, pursuant to Rule 207 (SCACR)" and asked Respondents to agree to same (Exhibit A). Rather than awaiting for a response from Respondents, the Appellant instead chose to file his Initial Brief on or about the same date, without the transcript.

On or about September 16, 2013, Respondents informed Appellant that they were unable to consent because "without the requested transcript ... the Record on Appeal [would] not be complete" (Exhibit B). Respondent sent a copy of same to the Clerk of Court. In

response, Appellant requested the transcript (Exhibit C).

Without an Order from the Court and since the Clerk of Court improperly accepted, filed and/or did not return Appellant's Initial Brief, Respondents were required to file their Initial Brief within thirty (30) days after the Appellant's Initial Brief pursuant to Rule 208 SCACR, which they did on or about October 11, 2013, albeit without the transcript having been filed. Respondents asserted in their Brief and continue to assert that the record in this case is incomplete, judicial review is impossible, and the instant Appeal must be dismissed, due to Appellant's continued failure to comply with Rule 207 SCACR.

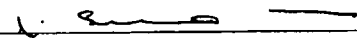
On or about October 22, 2013, the Clerk of Court contacted Respondents' office via telephone and asked if Respondents wanted to proceed without the transcript (Hargrove Aff. ¶ 3). Respondents' office again informed the Clerk of Court that it was Respondents' position that the transcript was necessary and the record was incomplete (Hargrove Aff. ¶ 4). Respondents' referred to their Brief and stated that the filing of the Brief in no way implied agreement that the record was complete and the appeal was ready to be heard (Hargrove Aff. ¶ 6). To the contrary, Respondents' Initial Brief even stated that the record was incomplete. The Clerk of Court's office then stated that they would return all briefs with letters stating that the briefs were premature because the transcript had not been received (Hargrove Aff. ¶ 7).

However, on October 28, 2013, the Clerk of Court forwarded a letter that stated that even though the transcript had not been received, both parties had filed their brief and "the Court can only presume that the transcript previously ordered by the appellant is no longer needed" (Exhibit D). Respondents immediately replied to their correspondence and stated

that the transcript remains “necessary for judicial review” and requested that they reconsider (Exhibit E). In response thereto, on or about November 20, 2013, the Clerk of Court instructed Respondent to direct all requests to the Court “in the form of a motion” (Exhibit F). The instant motion follows.

Pursuant to Rule 260 (a), SCACR, “whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal.” To date, Respondents have not received a copy of the transcript as required by Rule 207 SCACR. The record remains incomplete, judicial review is impossible, and the instant Appeal must be dismissed. Wherefore, Respondents move to dismiss the instant Appeal in its entirety.

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

January 29, 2014
Florence, South Carolina

The South Carolina Court of Appeals

Carmichael T. Flowers, Appellant,

v.

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

Appellate Case No. 2013-000823

ORDER

Respondents have filed a motion to dismiss this appeal, arguing they never consented to proceeding without the transcript and Appellant has failed to order the transcript. Appellant filed a return, arguing that he has requested the transcript from the court reporter and has complied with the South Carolina Appellate Court Rules.

Although our file contains proof that Appellant wrote a letter to the court reporter, Crystal Holmes, Appellant has failed to provide proof he has made arrangements for payment of the transcript. Within twenty days, Appellant shall provide written proof that he has made satisfactory arrangements for payment of the transcript. Appellant is reminded that he shall furnish all counsel of record, this Court and the Office of Court Administration with copies of all correspondence with the court reporter. Upon receipt, or upon the expiration of twenty days, this Court will consider Respondent's motion to dismiss.


FOR THE COURT

Columbia, South Carolina

FILED
5/14/14

MAY 15 2014

MS. Crystal M. Holmes
 P.O. BOX 611
 Columbia, S.C. 29202

RE: CARMICHAEL T. FLOWERS, Pro-SE, VS. William K. BOONE,
 RESPONDENTS, CASE # NO. # 2011-CR 21-2095

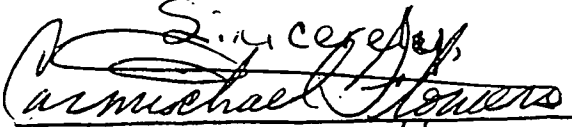
DEAR MS. HOLMES,

A HEARING WAS HELD in Florence County, before THE
 HON. D. CRAIG BROWN, Judge in THE COURT OF COMMON PLEAS.
 MY RECORD INDICATE THAT YOU WERE THE COURT REPORTER
 FOR THIS CASE.

I REQUEST THAT YOU PROVIDE ME WITH A TRANSCRIPT OF
 THE PROCEEDINGS. PLEASE TRANSCRIBE THE ENTIRE RECORD.

I AGREE TO PAY THE PER PAGE CHARGE FOR THIS
 TRANSCRIPT AS PROVIDED BY RULE 607, SCACR.

CF/CC J. SCOTT KOZACKI, ESO,
 CC S.C. Court Administration
 CC Appellate Court

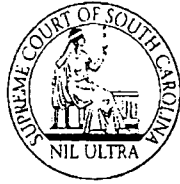
Sincerely,

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

RECEIVED

MAY 20 2014

Court of Appeals

App 24



RECEIVED

JUN 03 2014

SC Court of Appeals

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

THE HON. ROSALYN W. FRIERSON
Dir. SOUTH CAROLINA Court Admin.
1015 Sumter 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,

(Sincerely)
Carmichael Flowers

- cc Court Admin.
- cc Jerome Scott Kozacki, ESP
- cc S.C. Appellate Court
- cc Court Reporter Crystal M. Holmes

The South Carolina Court of Appeals

Carmichael T. Flowers, Appellant,

v.

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

Appellate Case No. 2013-000823

ORDER

Appellant filed the notice of appeal in this case on April 10, 2013. On May 14, 2014, which is over a year later, this Court issued an order (1) explaining that Respondents have filed a motion to dismiss based on Appellant's failure to order to transcript, and (2) requiring Appellant to provide proof he has made arrangements for the payment of the transcript within twenty days. Appellant provided this Court with a copy of a letter to the court reporter, wherein he requests to order a transcript, but it did not include proof he has made arrangements for the payment of the transcript. This Court has further learned from Court Administration that Appellant never furnished the court reporter with the date of the hearing and he failed to respond to the court reporter's request for the date. Because over a year has passed and Appellant has still failed to satisfactorily order the transcript and Appellant failed to comply with this Court's May 14, 2014 order, Respondent's motion to dismiss is granted.


FOR THE COURT

Columbia, South Carolina

cc:

Carmichael Flowers, 335945
Jerome Scott Kozacki, Esquire

FILED

6/30/14

APP 27

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

CAMICHAEL 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 IT'S MY FAULT THAT IT'S 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 1ST 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 EMBELLISHED 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

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

Carmichael T. Flowers Appellant

VS


William K. Boone, Capt. J. Bronson,
Leah Harris, Joseph D. Thompson,
AND ANN AND/or John Doe Respondents

Certificate of Service

I, THE UNDERSIGNED, IN PRO-SE, HEREBY CERTIFY THAT I HAVE APPELLANT'S AMENDED PETITION FOR REHEARING, UPON RESPONDENT'S ATTY OF RECORD BY PLACING THE SAME IN AN ENVELOPE, POSTAGED PREPAID, IN THE U.S. MAIL ADDRESSED AS FOLLOWS:

Date: July 10, 14
Jasper Co.

J. SCOTT KOZACKI
P.O. BOX 1909
FLORENCE, SC 29503


Carmichael T. Flowers
IN PRO-SE

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

CAMMICHAE L T. FLOWERS APPELLANT

VS

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

Affidavit of Appellant

PERSONALLY APPEARED before ME, CAMMICHAE L T. FLOWERS
Agency # 335945, THE APPELLANT, WHO BEING DULY SWORN, UNDER
PENALTY OF PERJURY, DEPOSES AND STATES:

(1) I AM CAMMICHAE L 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 Roberson

Notary Public for South Carolina

My Commission Expires May 26, 2014 2021

DATE: 7/7/14

Jasper Co.



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

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


P.O. BOX 2039 RCI
Ridgeland S.C 29934

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

COLUMBIA
SC 290
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US POSTAGE
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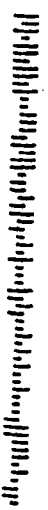
Carmichael Flowers #335945
RCI
P. O. Box 2039
Ridgeland, SC 29936

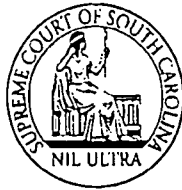
**RIDGELAND CORRECTIONAL
INSTITUTION**

JUL 07 2014

MAILROOM

29936203939





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

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

APP 28

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

RECEIVED
JUL 17 2014
SC Court of Appeals

SEPT. 19.13

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

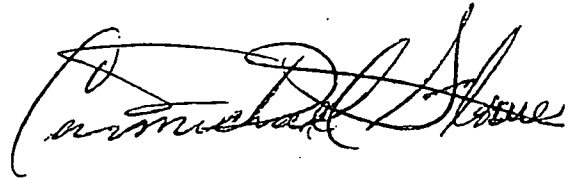
Ms. Crystal M. HOLMES
 P.O. Box 611
 Columbia, S.C. 29202

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

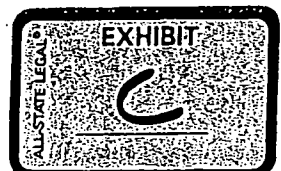
Ms. Holmes,

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



APP 27

July 9. 14

Mr. Carmichael T. Flowers
Agency # 335945, RCI
P.O. Box 2039, SB 44
Lidgeland, S.C. 29936

Ms. Crystal Holmes
P.O. Box 611
Columbia, S.C. 29201

RE: CASE NO# 2011-CP-21-2095 (HEARING DATE MAR. 21. 2013)

DEAR MS. HOLMES,

I HAVE RECEIVED YOUR LETTER REQUESTING THE DATE OF HEARING, THE DATE OF THE HEARING WAS MAR 21. 2013, SEE ENCLOSED LETTER DATED SEPT. 19. 2013.

With the kindest of regards . . .

Sincerely,
Carmichael Flowers

CF/CC Court Admin.
Appellate Court
J. SCOTT KOZACKI, Respondents

RECEIVED

JUL 17 2014

SC Court of Appeals

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

July 31, 2014

Carmichael T. Flowers
Agency #335945,
Rideland Corr. Inst.
PO Box 2039, SB44
Ridgeland, SC 29936

In Re: 2011-CP-21-2095

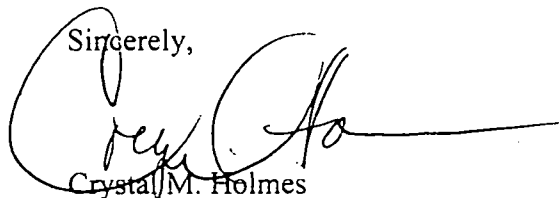
Dear Mr. Carmichael Flowers,

I have received your request for a transcript in the above-referenced matter with the hearing date on July 15, 2014. The cost of a transcript is \$3.25 per page plus shipping and handling. After reviewing my notes in this case, I would estimate this transcript to be approximately 30 pages in length total. I will need a deposit of \$97.50 to type this transcript for you via certified check or postal money order. If the transcript is shorter in length than I estimated I will refund you the difference. If it is longer, I will bill you for the difference.

I will begin to work on this transcript for you upon receipt of the deposit. Please understand that your request is one of many that I am working on.

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

Sincerely,



Crystal M. Holmes

④
Aug 6. 14

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

RECEIVED

AUG 11 2014

SC Court of Appeals

S.C. COURT OF APPEALS
THE HON. ELIZABETH CARTER, CASE ANALYST
1015 SUMNER STREET
Columbia, S.C. 29201

RE: COURT REPORTER MS. Holmes

DEAR MADAM,

PLEASE KNOW ITS MY PRAYER THAT THIS NOTE FIND YOU WELL AND AT PEACE.

I'm writing TO SAY THANKS, PERHAPS FOR NOTHING MORE THAN, BEING YOU.

PERHAPS YOU KNOW BY NOW MY ABILITY TO PAY FOR THIS TRANSCRIPT DEPENDS ON MY 87 YEAR OLD MOTHER WHO LIVES IN VIRGINIA, IN ANY EVENT I GOT A LETTER YESTERDAY FROM CRYSTAL HOLMES THE COURT REPORTER WHO WORKED AT MY HEARING. THIS IS THE FIRST TIME I'VE HEARD FROM HER SINCE THE DATE OF THE HEARING, (MAR. 21. 13).

MS. HOLMES PROVIDED ME WITH A DOWN PAYMENT COST, OF \$97.50, I'M IN THE PROCESS OF CONTACTING

MY MOTHER TODAY.

Although I've HEARD NOTHING FROM THE COURT REGARDING THE "REHEARING", I'm guessing THAT I should proceed in making THIS DOWN PAYMENT.

I've become A MEMBER OF "KAIROS" its A prison ministry, it has certainly IMPACTED MY life, "GOD IS GOOD, ALL THE TIME".

If someday you would like TO KNOW MORE ABOUT "KAIROS" its ONLY A KEYBOARD TOUCH AWAY @ WWW.KAIROSPRISONMINISTRY.ORG. THERE'S ALSO KAIROS OUTSIDE, THE PURPOSE OF KAIROS OUTSIDE IS TO - demonstrate GOD'S GRACE AND LOVE THROUGH CHRISTIAN support for women who have relatives/friends who ARE OR who have been INCARCERATED; you don't HAVE TO belong TO A certain DENOMINATION, its FREE, its A TIME TO be "PAMPERED".

WELL I BETTER GO, SORRY I GOT TO LONG Minded WITH my pen. . (smiles).

Wishing you THE VERY BEST. . . GOD Bless

Respectfully,
Carmichael Flowers

② Aug. 10. 14

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

RECEIVED
AUG 14 2014
SC Court of Appeals

THE HON. JENNY ABBOTT KITCHINGS, Clerk
SOUTH CAROLINA COURT OF APPEALS
1015 SUMNER STREET
Columbia, S.C. 29201

RE: TRANSCRIPT

DEAR MADAM Clerk,

Pursuant to SCACR, Rule 207, I am to furnish, contemporaneously, all counsel and the clerk of the appellate court and court administration with copies of correspondence with the court reporter. Please see letter from court reporter.

I have made arrangement with my mother providing she can afford it, to send Mrs. Holmes \$97.50.

With kind regards. . .

Respectfully,
Carmichael Flowers

cc J. Scott Kozacki, ESP.
cc Court Administration

Allen, Claire

To: Allen, Desiree
Subject: RE: Carmichael T. Flowers v. William K. Boone et al. Civil Action Number 2011-CP-21-2095

Desiree,

We have heard nothing from the court reporter about this transcript. Would you kindly make an additional inquiry?

Thank you,

Claire

From: Allen, Desiree
Sent: Wednesday, September 10, 2014 4:06 PM
To: Allen, Claire
Subject: RE: Carmichael T. Flowers v. William K. Boone et al. Civil Action Number 2011-CP-21-2095

I just gave her the instruction based on your providing the hearing date. You should have it by the end of the week.

From: Allen, Claire
Sent: Wednesday, September 10, 2014 3:48 PM
To: Allen, Desiree
Subject: RE: Carmichael T. Flowers v. William K. Boone et al. Civil Action Number 2011-CP-21-2095

Desiree,

We have not received a copy of a letter from the court reporter.

Claire

From: Allen, Desiree
Sent: Wednesday, September 10, 2014 2:33 PM
To: Allen, Claire
Subject: RE: Carmichael T. Flowers v. William K. Boone et al. Civil Action Number 2011-CP-21-2095

I told her the date of the hearing and asked her to send him a letter advising him of the cost for the transcript. I advised her to copy the Ct. of Appeals and me. Let me know if you don't get a copy in a timely fashion. We've gotta move, move, move. Some of these are growing hair!

From: Allen, Claire
Sent: Wednesday, September 10, 2014 2:05 PM
To: Allen, Desiree
Subject: Carmichael T. Flowers v. William K. Boone et al. Civil Action Number 2011-CP-21-2095

Desiree,

Once more I call upon your help.

This pro se appellant, Mr. Flowers, has written 2 letters to Crystal M. Holmes at P.O. Box 611, Columbia, S.C., 29202, for a transcript in this case where the hearing was conducted in Florence by Judge D. Craig Brown on March 21, 2013. This information is according to a letter Flowers copied to our office. Can you tell me if Ms. Holmes has had any correspondence with Mr. Flowers and if he has requested the transcript and paid for it? We do have a copy of a letter dated May 29, 2014, from Ms. Holmes to Mr. Flowers asking for the date of the hearing and telling him the cost per page. She requested the date of the hearing.

Our office is interested if whether or not Mr. Flowers ever communicated the date of the hearing to the court reporter and if he ever paid for a transcript.

Thank you for your help.

Claire

Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
callen@sccourts.org

The South Carolina Court of Appeals

Carmichael T. Flowers, Appellant,

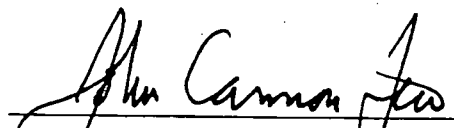
v.

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

Appellate Case No. 2013-000823

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.

 J.

 A.J.

Columbia, South Carolina

cc: Carmichael Flowers, 335945
Jerome Scott Kozacki, Esquire

FILED
10/20/14