

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL from Florence County  
Court of Common Pleas

D. Craig Brown, Circuit Judge

CASE NO. # 2011-CP-21-2095

RECEIVED

NOV 25 2014

SC Court of Appeals

CAMICHAEL T. FLOWERS . . . . . PETITIONER

-VS-

William K. BOONE

ET, AL . . . . . RESPONDENTS

PETITION for Writ of CERTIORARI

J. SCOTT KOZACK;  
S.C. BAR NO. 64137  
P.O. BOX 1909  
Florence, S.C. 29503-1909  
ATTY. for Respondents

CAMICHAEL T. FLOWERS  
Agency # 335945, RCI  
P.O. BOX 2039, SB 39  
Ridgeland, S.C. 29936  
In Pro - SE  
(PETITIONER)

COPY

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COPY

CERTIFICATE OF PETITIONER IN PRO-SE

PETITIONER CERTIFIES THAT THE PETITION FOR REHEARING WAS MADE AND FINALLY RULED ON BY THE COURT OF APPEALS ON OCT. 20. 2014.

COPY

## PRESENTATION OF QUESTIONS

1. Did THE COURT OF APPEALS ERR WHEN  
it DISMISSED PETITIONER'S Appeal BASED  
UPON HIS FAILURE TO ORDER TRANSCRIPT?
2. Did THE COURT OF Appeals ERR WHEN  
it ISSUED THE 10-20-14 ORDER DENYING  
REHEARING?

## STATEMENT OF THE CASE

THIS MATTER CAME BEFORE THE APPELLATE COURT BY WAY OF AN APPEAL FROM FLORENCE COUNTY, ON OR ABOUT APRIL 10, 2013.

ON APRIL 22, 2013 I RECEIVED NOTICE THAT THE CASE HAD BEEN ASSIGNED THE APPELLATE CASE NO. 2013-000823. (APP. 15)

ON AUG 8<sup>TH</sup> 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. (APP. 16)

ON AUG. 14, 2013 I RECEIVED ENDORSEMENT GRANTING APPELLANT (PETITIONER) MOTION TO PROCEED IN FORMA PAUPERIS. (APP. 17)

INITIALLY (PETITIONER) WAS GIVEN THE WRONG INFORMATION REGARDING WHO THE COURT REPORTER WAS.

ON AUG 29<sup>TH</sup> 2013, COURT REPORTER KRISTAL J. SMITH INFORMED ME (PETITIONER) THAT SHE DID NOT WORK ON THE DAY OF (PETITIONER'S) SUMMARY JUDGEMENT HEARING, BUT PROVIDED (PETITIONER) ONLY THE NAME OF THE REPORTER, "CRYSTAL HOLMES". (APP. 18)

On SEPT. 11. 2013, I WROTE RESPONDENTS' ATTY. AND ASKED IF HE WOULD AGREE TO NOT ORDERING THE TRANSCRIPT, THE RESPONDENTS' ATTY. (KOZACKI) KNOWING AT THIS POINT THAT APPELLANT WAS IN A STATE OF PENURY, HE DECLINED MY OFFER, STATING THAT THE RECORD WOULD NOT BE COMPLETE. (APP 19)

On SEPT. 19. 2013 (PETITIONER) WROTE MS. CRYSTAL HOLMES, (COURT REPORTER) REQUESTING THE TRANSCRIPT.

In THE INTERIM BOTH PARTIES FILED THEIR INITIAL BRIEFS AND DESIGNATION OF MATTER. (APP 20) AND (APP 21)

On OCT. 28. 2013 DEPUTY CLERK V. CLAIR ALLEN SENDS ME A COPY OF A LETTER SHE WROTE THE RESPONDENTS, "IN AS MUCH AS BOTH PARTIES HAVE SERVED AND FILED THEIR RESPECTIVE BRIEFS AND DESIGNATION OF MATTER, THE COURT CAN ONLY PRESUME THAT THE TRANSCRIPT PREVIOUSLY ORDER BY THE APPELLANT IS NO LONGER NEEDED," "AND 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." App ~~20~~ 21

On or About JAN 30. 2014, WHICH IS APPROXIMATE 94 DAYS PAST THE DIRECTIVE OF THE COURT, THE ATTY. FOR THE RESPONDENTS FILED A MOTION TO DISMISS.

. . . App 22

On 5/14/14 AN ORDER WAS HANDED DOWN FROM THE HON. JUSTICE TEN, GIVING (PETITIONER) TWENTY (20) DAYS TO provide THE COURT WITH PROOF I (PETITIONER) HAD MADE ARRANGEMENTS WITH COURT REPORTER HOLMES, FOR PAYMENT OF THE TRANSCRIPT.

Although TWO HUNDRED AND TEN (210) DAYS HAS PASSED SINCE I LAST WROTE COURT REPORTER HOLMES WITHOUT ANY RESPONSE, I AGAIN WRITE MS. HOLMES AND RELAYED THE FOLLOWING, "PLEASE - TRANSCRIBE THE ENTIRE RECORD, (PETITIONER) AGREES TO PAY THE PER PAGE CHARGE FOR THIS TRANSCRIPT, AS PROVIDED BY SCACR RULE 607", LETTER DATED MAY 15, 14. (APP 23)

On MAY 26, 14, AFTER NO ANSWER, I WROTE THE HON. CHIEF JUSTICE TOAL, AFTER READING SCACR 207, SUB. SEC. (A)(6), ONLY TO BE TOLD MY COMMUNICATION WAS EX PARTE, LETTER FROM SUPREME COURT DATED JUNE 3, 2014. (APP 24)

On JUNE 19, 2014 (PETITIONER) WROTE THE HON. ROSALYN W. FRIETSON, DIR. OVER COURT ADMINISTRATION COMPLAINING THAT (PETITIONER) HAD WRITTEN COURT REPORTER HOLMES BUT GOT NO RESPONSE, NOW OVER 30 DAYS AND COUNTING. (APP 25)

On 6/30/14, ASSOC. JUSTICE CURETON, GRANTS RESPONDENTS MOTION TO DISMISS.

JUSTICE CURETON FURTHER STATES THAT. . .

"THE RESPONDENTS HAVE FILED A MOTION TO DISMISS BASED UPON APPELLANTS' (PETITIONER) FAILURE TO ORDER TRANSCRIPT, AND THAT APPELLANT (PETITIONER) FAILED TO SHOW PROOF HE HAS MADE ARRANGEMENTS FOR PAYMENT OF THE TRANSCRIPT."

Justice CURETON FURTHER STATED THAT THE COURT ADMINISTRATION INFORMED HIM THAT APPELLANT NEVER FURNISHED THE COURT REPORTER WITH THE DATE OF THE HEARING AND LASTLY JUSTICE CURETON ADDS "APPELLANT (PETITIONER) PROVIDED THIS COURT WITH A COPY OF A LETTER TO THE COURT REPORTER WHEREIN HE (PETITIONER) REQUEST TO ORDER A TRANSCRIPT. (APP 26)

ON JULY 7, 2014 (PETITIONER) FILED A PETITION FOR REHEARING AND AFFIDAVIT, THE AFFIDAVIT BASICALLY - STATING, "AFTER NINE MONTHS AND MANY LETTERS (PETITIONER) HAS NOT HAD ANY COMMUNICATION WITH THE COURT REPORTER AT ALL. (APP 27)

ON JULY 8, 2014, (PETITIONER) RECEIVES A LETTER FROM S.C. COURT ADMINISTRATION, MS. DESITEE R. ALLEN, COURT REPORTER MANAGER, ATTACHED IS AN "UNSIGNED" LETTER FROM COURT REPORTER HOLMES, REQUESTING I SEND HER THE DATE OF THE HEARING SO SHE CAN LOCATE THE TAPE. (APP 28)

BE ADVISED THIS LETTER COMES EXACTLY - (54) DAYS AFTER (PETITIONER) WAS ORDERED TO WRITE THE COURT REPORTER, MS. HOLMES.

On July 9, 14 (PETITIONER) RESPONDS TO LETTER FROM MS. DESIREE ALLEN AND ATTACHMENT FROM COURT REPORTER MS. HOLMES.

PETITIONER PROVIDES THE HEARING DATE 3 TIMES IN THIS LETTER AND INCLUDES THE ORIGINAL REQUEST DATED SEPT. 19. 13. (APP 29)

On July 31, 2014 (PETITIONER) RECEIVES HIS SECOND (2ND) LETTER FROM COURT REPORTER HOLMES STATING THAT SHE ESTIMATES THIS TRANSCRIPT TO BE 30 PAGES IN LENGTH AND THAT SHE WILL NEED \$97.50 TO TYPE THIS TRANSCRIPT, MS. HOLMES ALSO STATED SHE WANTED A CERTIFIED CHECK OR POSTAL MONEY ORDER, ETC. AND THAT SHE WOULD BEGIN WORK ONCE SHE RECEIVED THE DEPOSIT. (APP 30)

On Aug. 6, 2014, (PETITIONER) CONTACTED CASE ANALYST ELIZABETH CARTER TO LET HER KNOW I WAS IN THE PROCESS OF CONTACTING MY MOTHER IN REGARDS TO THE TRANSCRIPT AND THAT I HAD HEARD NOTHING FROM THE COURT IN REGARDS TO THE REHEARING. (APP 31)

On Aug. 10<sup>TH</sup> 2014, (PETITIONER) WROTE THE CLERK OF COURT AND STATED "PURSUANT TO SCACR Rule 207, HE (PETITIONER) WAS REQUIRED TO FURNISH, CONTEMPORANEOUSLY, ALL COUNSEL, CLERKS, COURT OF ADMINISTRATION WITH COPIES OF CORRESPONDENCE WITH COURT REPORTER, I HAD INFORMED MS. HOLMES MY FAMILY WOULD PROVIDE ME WITH THE \$97.50. (APP 32)

PETITIONER REQUESTED A CLOCKED STAMPED FILED COPY OF THE RECORD ON APPEAL, INCLUDED IN THAT RECORD WAS A WRITTEN COLLOQUY THAT TOOK PLACE BETWEEN V. CLAIRE ALLEN, (DEPUTY CLERK) AND S.C. - COURT ADMIN. COURT REPORTER MANAGER (DESIREE ALLEN) ON SEPT. 10. 14 AT 1433 HRS, "DESIREE ALLEN IS TELLING DEPUTY CLERK ALLEN THAT SHE TOLD COURT REPORTER HOLMES THE DATE OF THE HEARING AND ASKS HER TO SEND - (PETITIONER) A LETTER ADVISING (PETITIONER) OF THE COST FOR THE TRANSCRIPT.

ON OCT. 4. 14, (PETITIONER) SPOKE WITH HIS BROTHER, WHO INFORMED (PETITIONER) THAT HE HAD MAILED (MS. HOLMES) COURT REPORTER THE DOWNI PAYMENT OF \$197.50 FOR THE TRANSCRIPT. ON SEPT. 19 2014. I (PETITIONER) REQUESTED THAT HE SEND ME 3 COPIES OF THE NONNEGOTIABLE CHECK/MONEY ORDER SO THAT (PETITIONER) COULD PROVIDE THE COURT WITH PROOF OF PAYMENT.

ON OCT. 20. 2014, AN ORDER IS HANDED DOWN FROM THE COURT OF APPEALS DENYING MY PETITION FOR REHEARING. (APP 34)

THIS PETITION FOR A WRIT OF CERTIORARI ENSUED.

## ARGUMENT

I. THE COURT OF APPEALS ERRED WHEN IT DISMISSED PETITIONER'S APPEAL FOR FAILURE TO ORDER THE TRANSCRIPT OF RECORD OF FLORENCE COUNTY COURT OF COMMON PLEAS ON 5-14-14.

THE ORDER OF THE CIRCUIT/TRIAL COURT WAS ISSUED ON 3-21-2013, AND FILED 4-1-2013.

IT'S APPARENT PETITIONER FILED AND SERVED A TIMELY NOTICE OF APPEAL, INITIAL BRIEF AND DESIGNATION OF MATTER, FOR THERE IS THE 9-16-13 LETTER OF THE RESPONDENT'S ATTY. WHICH SET FORTH, "WITHOUT THE TRANSCRIPT IN THIS CASE THE RECORD ON APPEAL WILL NOT BE COMPLETE".

THE CLERK'S OFFICE LETTER OF 10-28-2013 SHOWED; THEREFORE, APPELLANT'S INITIAL BRIEF AND DESIGNATION OF MATTER ARE ACCEPTED AS FILED. THE RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER HAVE BEEN RECEIVED. COUNSEL FOR RESPONDENT IS REQUESTED TO SERVED AND FILE AN AMENDED DESIGNATION OF MATTER REMOVING THE TRANSCRIPT OF RECORD WITHIN TEN DAYS OF THIS LETTER.

RESPONDENT'S ATTY. (KORACKI) RESPONDED ON 10-29-13 THAT, "I RESPECTFULLY REQUEST THAT YOU RECONSIDER YOUR REQUEST AND THAT THE INSTANT APPEAL BE DISMISSED DUE TO APPELLANT'S CONTINUED FAILURE TO COMPLY WITH THE RULES OF APPELLATE PROCEDURE".

RESPONDENT'S ATTY. POINTED TO RULE (207)(A) OF SOUTH CAROLINA Appellate COURT RULE(S) WHICH INDICATE "IN APPEALS FROM THE COURT OF COMMON PLEAS, MASTERS IN EQUITY, SPECIAL REFEREES OR FAMILY COURT IN DOMESTIC ACTIONS, THE TRANSCRIPT MUST BE ORDERED WITHIN TEN (10) DAYS AFTER. . ." Form 10 OF SCACR SHOWS AGREEMENT FOR ORDERING LESS THAN THE ENTIRE TRANSCRIPT OF A TRIAL, (CRIMINAL OR CIVIL).

PETITIONER POINTS THAT HE IS ONLY APPEALING A MOTION FOR SUMMARY JUDGEMENT (HEARING) WHERE IT IS FURTHER NOTED RESPONDENT(S) WERE SUCCESSFUL AND HE ATTEMPTS TO ATTACK THE ORDER OF THE LOWER (TRIAL) COURT BASED ON ERROR OF LAW.

WHY DOES RESPONDENT(S) NEED THE TRANSCRIPT OF RECORD TO DEFEND THE LOWER COURT'S ORDER OF 4-1-13? THE RESPONDENT(S) ATTY. (KOZACKI) KNEW I APPEALED IN FORMA PAUPERIS, HE'S TRYING TO TAKE ADVANTAGE OF THE FACT PETITIONER MAY NOT BE ABLE TO AFFORD THE TRANSCRIPT.

APPENDIX (B) APPEALS CHART, MAKE REFERENCE, "CASES REQUIRING NO TRANSCRIPT."

THE APPEALS COURT FURTHER ERRED IN GRANTING RESPONDENT'S MOTION TO DISMISS, WHERE THE COURT GAVE RESPONDENT TEN (10) DAYS TO REMOVE THE TRANSCRIPT OF RECORD AND FILE AN AMENDED - DESIGNATION OF MATTER.

COPY

INSTEAD OF THE RESPONDENT'S ATTY. (KOZACKI) ACKNOWLEDGING THE TRUTH AND FACT THAT THE TRANSCRIPT WASN'T NEEDED, BECAUSE HE HAD JUST PROVED THAT POINT WHEN HE FILED RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER WITHOUT A TRANSCRIPT.

ATTY. KOZACKI WRITES AND ACCUSES THE CLERK, COURT AND PETITIONER BECAUSE HE FILED HIS BRIEF AND DESIGNATION OF MATTER AND EXPOSED HIS "FALLACIOUS" AND SUPPOSED NEED FOR A TRANSCRIPT STATING THAT THE RECORD WOULD NOT BE COMPLETE.

IT SHOULD BE NOTED THAT THE CLERK OF COURT ON OCT 28, 2013 REMINDS ATTY. KOZACKI THAT I (PETITIONER) HAD PREVIOUSLY ORDERED THE TRANSCRIPT, AND ON NOV. 20, 2013, REMINDS ATTY. KOZACKI THAT ANY REQUEST MADE TO THE COURT MUST BE IN THE FORM OF A MOTION AND MUST BE IN COMPLIANCE WITH RULE 240 OF THE SOUTH CAROLINA APPELLATE COURT - RULES).

AFTER BEING TOLD THAT PETITIONER HAD IN FACT ORDERED THE TRANSCRIPT RESPONDENT'S ATTY. THEN WAITS (94) DAYS, AFTER BEING GIVEN A TEN (10) DAY DEADLINE/DIRECTIVE TO AMEND HIS DESIGNATION OF MATTER AND REMOVE THE UNNEEDED - TRANSCRIPT, HE FILES FOR A MOTION TO DISMISS.

## ARGUMENT

II. THE COURT OF APPEAL EDITED, DENYING PETITIONER'S REQUEST FOR REHEARING ON 10-20-14; ALTHOUGH THE ATTY. FOR RESPONDENTS STRESSED, "I AM UNABLE TO AGREE TO YOUR REQUEST THAT YOU NOT BE REQUIRED TO OBTAIN AND FILE THE TRANSCRIPT OF THE UNDERLYING PROCEEDINGS" OF MAR. 21. 13

PLEASE NOTE, ATTY. KOZACKI SET FORTH NO REASON TO SUPPORT SUCH ASSERTION (I.E. HE IS UNABLE TO DEFEND THE LOWER TRIAL COURT'S ORDER WITHOUT THE TRANSCRIPT).

FLOWERS (PETITIONER) COMES TO THE CONCLUSION THAT RESPONDENT'S ATTY. (KOZACKI) WISHES TO CAPITALIZE THEREUPON APPELLANT (PETITIONER'S) HARDSHIP OF PRISON, ATTY. KOZACKI IS TRYING TO UNDERMINE (PETITIONER'S) - APPEAL AND OBTAIN A FAVORABLE DECISION FROM THE - APPELLATE COURT ON PROCEDURAL GROUNDS).

IF KOZACKI WAS RATIONAL AND REASONABLE, HE WOULD LOOK TO SCACR RULE 212(B) (SUPPLEMENTAL RECORD) AND SUPPLEMENT THE RECORD TO SHOW GOOD FAITH IN THIS APPEAL INSTEAD OF ARGUING FLOWERS (PETITIONER) FAILED TO ADHERE TO SCACR WHILE HE MAKES SUGGESTIONS TO THE COURT IN VIOLATION OF MOTION RULES AND THE COURT OF APPEALS GOING ALONG WITH SUCH INAPPROPRIATE PRACTICES). SEE RULE 260(A). . . .

THERE IS SIMPLY NO APPELLATE COURT RULE THAT ABSOLUTELY REQUIRES APPELLANT (PETITIONER) TO PERFECT HIS APPEAL WITH A TRANSCRIPT OF RECORDS.

PETITIONER ASKS THE COURT TO SEE SCACR RULE 207 (A), ORDERING THE TRANSCRIPT, "WHERE A TRANSCRIPT MUST BE ORDERED OF THE PROCEEDINGS". . . .

PETITIONER'S APPEAL ONLY DEALS WITH AN ERROR OF LAW IN THE ORDER, NOTHING IN APPELLANT'S BRIEF MENTIONS A TRANSCRIPT AND APPELLANT IS THE MASTER OF HIS APPEAL.

PETITIONER AGAIN ASKS THE COURT TO SEE SCACR RULE 208 (A), BRIEF OF APPELLANT, WITHIN THIRTY (30) DAYS AFTER RECEIVING THE TRANSCRIPT OR, IF NO TRANSCRIPT IS ORDERED. . . .

FURTHERMORE THE COURT OF APPEALS HAS JUST RULED IN THE MATTER OF, FEROLA-VS-SCDC CASE NO. 2014-001877, NOV. 14, 2014, "THAT TRANSCRIPT WAS NOT NEEDED TO PERFECT HIS APPEAL.


## Conclusion

PETITIONER, A LAYMAN AT LAW, ORDERED THE TRANSCRIPT OF THE PROCEEDINGS FROM TWO (2) - COURT REPORTERS, ONE TAKING A TOTAL OF NINE MONTHS TO RESPOND TO PETITIONER'S REQUEST, HOWEVER THE TRANSCRIPT HAS BEEN PAID FOR, AS OF SEPT. 19. 14; WHERE THE TRANSCRIPT IS NOW OF THE MONEY IS ANYONE'S GUESS. PETITIONER DID SEND A COPY OF THE RECEIPT TO THE HON. DANIEL E. SHEAROUSE.

AS PETITIONER'S ARGUMENT STATED, HIS APPEAL ONLY APPEALS AN ERROR OF LAW IN THE ORDER WHICH CAN BE PERFECTED WITHOUT THE TRANSCRIPT.

FOR THE REASONS STATED, PETITIONER ASKS THE COURT TO GRANT THE PETITION FOR A WRIT OF CERTIORARI.

NOV. 17. 2014

Respectfully,  
  
Cal Michael T. Flowers  
Agency #33594, RCF  
P.O. BOX 2039, SB39  
Ridgeland, SC 29936  
IN PRO-SE

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Appeal from Florence County

D. Craig Brown, Circuit Judge

CASE NO. 2011-CP-21-2095

**RECEIVED**

NOV 25 2014

**SC Court of Appeals**

Carmichael Flowers

-VS-

William K. Boone, ETAL.

PETITIONER

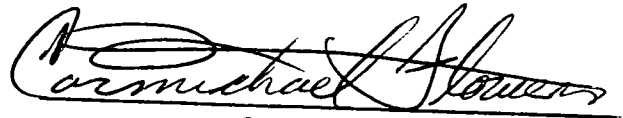
RESPONDENTS

Proof of Service

I, THE UNDERSIGNED, CERTIFY THAT I HAVE SERVED PETITIONER'S WRIT OF CERTIORARI ON THE COURT OF APPEALS AND THE RESPONDENT'S ATTY. OF RECORD by depositing THE SAME IN THE U.S. MAIL, postage prepaid addressed as follows: J. SCOTT KOZAK, P.O. BOX 1909, SC 29503, S.C. COURT OF APPEALS P.O. BOX 11629, Columbia, SC 29211.

Nov. 17, 2014

Jasper Co.



IN PRO - SE

Carmichael T. Flowers

Agency #335945, RCI

P.O. BOX 2039, SB39

Ridgeland, S.C. 29936

COPY

Affiant believes that this testimony is given under penalty of perjury, offers this attestation consistent with Rule 11 of the South Carolina Rules of Civil Procedure; Rule 43(D), of 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 18 day of  
November 2014

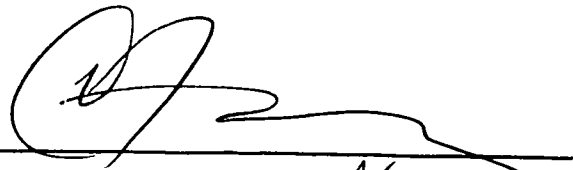
Virginia Rolensen

Notary Public

My Commission Expires May 26, 2021

DATE: 11/18/14

Jasper Co.



CAMICHAEL T. FLOWERS  
Agency #335945, RCI  
P.O. Box 2039, SB 39  
Ridgeland, S.C. 29936

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Appeal from Florence County  
Court of Common Pleas

D. Craig Brown, Circuit Judge

CASE NO. # 2011-CP-262095

**RECEIVED**

NOV 25 2014

**SC Court of Appeals**

CARMICHAEL T. FLOWERS . . . . . PETITIONER  
-VS-  
WILLIAM K. BOONE, ET AL . . . . . RESPONDENTS

APPENDIX

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APP 15



# 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](http://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](http://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](http://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*

App 16

AUG. 8. 2013

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

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

App 16

Exhibit 4

SEPT. 5. 2013

Mr. Carmichael T. Flowers  
Agency # 335945, EVANS CJ  
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. Doby 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, F AM,  
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  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://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*

<sup>2</sup>  
COPY



APP 18

Handwritten initials: e. day

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

Krystal J. Smith  
Circuit Court Reporter

1509 Woods Drive  
Florence, SC 29505  
ksmith@circuits.org

August 29, 2013

RECEIVED

MAY 07 2014

SC Court of Appeals

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: SC Court Administration

APP 19

SEPT. 11. 13

Mr. CARMICHAEL T. FLOWERS  
AGENCY # 335945, EVANS CT  
610 HWY # 9 WEST, F1-B-141A  
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

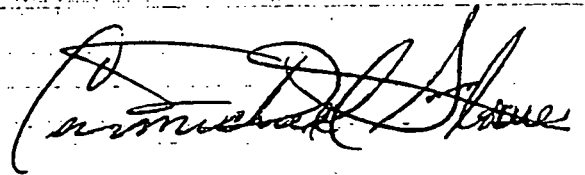
Ms. Crystal M. HOLMES  
P.O. Box 611  
Columbia, S.C. 29202

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

CC





## 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](http://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. FLOWERS .....Appellant

vs.

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

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.

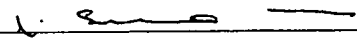
On or about October 22, 2013, the Clerk of Court contacted Respondents' office via telephone and asked if Respondents wanted to proceed without the transcript (Hargrove Aff. ¶ 3). Respondents' office again informed the Clerk of Court that it was Respondents' position that the transcript was necessary 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  
COPY

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,  
 RESPONDENT(S), CASE #A NO.# 2011-CF-21-2095

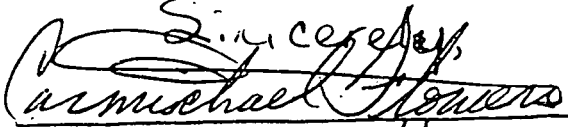
DEAR MS. HOLMES,

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

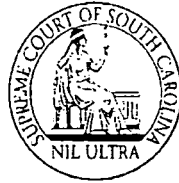
Sincerely,  
  
 CARMICHAEL T. FLOWERS  
 Agency # 335945, RCI  
 P.O. BOX 2039, SB44  
 Ridgeland, S.C. 29934

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 2<sup>ND</sup> 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*

COPY

# 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

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. BRUNSON,  
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 CAN'T 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 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 ERRONEOUS 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

**RECEIVED**

JUL 14 2014

SC Court of Appeals

CASE NO. # 2011-CP-21-2095

Carmichael T. Flowers . . . . Appellant

VS

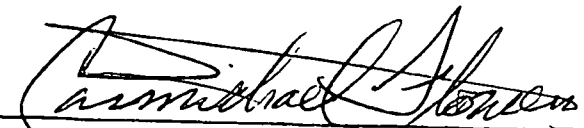
William K. Boone, Capt. J. Bronson,  
Leah Harris, Joseph D. Thompson,  
AND ANN AND/OR JOHN DOE . . . . Respondents

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

  
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. S. 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.

COPY

(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.

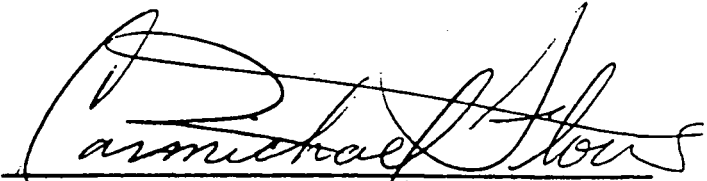
COPY

(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 20, 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. 2014CP-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

**SC Court of Appeals**

Certificate of Service

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 Kozack, ESO.  
P.O. BOX 1909  
Florence, S.C. 29503

DATE: July 7, 14

*Carmichael Flowers*  
P.O. BOX 2039 RCI  
Ridge Land S.C. 29936  
**COPY**

APP 28

COPY

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

COLUMBIA  
SC 290  
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PM 1 L

Hasler  
07/02/2014  
**US POSTAGE**

FIRST-CLASS MAIL  
**\$00.48<sup>0</sup>**



ZIP 29201  
011D12602624

5044

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,

A handwritten signature in black ink, appearing to read "Desiree R. Allen".

Desiree R. Allen  
Court Reporter Manager

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

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

May 29<sup>th</sup>, 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, S.C. 29512

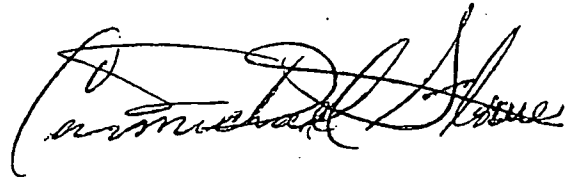
Ms. Crystal M. Holmes  
 P.O. Box 611  
 Columbia, S.C. 29202

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

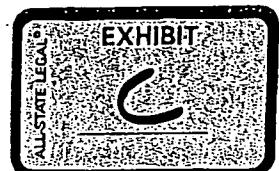
Ms. Holmes,

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 29

July 9. 14

Mr. Carmichael T. Flowers  
Agency # 335945, RCI  
P.O. Box 2039, SB 44  
Ridgeland, 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

**COPY**

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

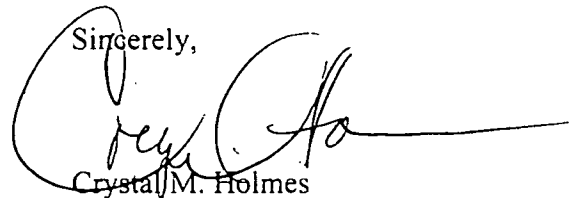
Dear Mr. Carmichael Flowers,

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 MS. Holmes  
 \$97.00.

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](mailto:callen@sccourts.org)

# The South Carolina Court of Appeals

Carmichael T. Flowers, Appellant,

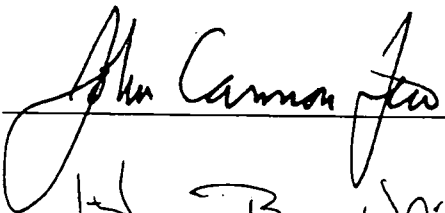
v.

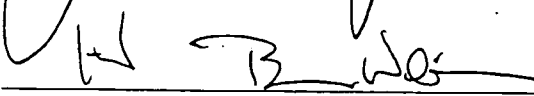
William K. Boone, Captain J. Bronson, Leah Harris,  
Joseph D. Thompson, and Ann and/or John Doe,  
Respondents.

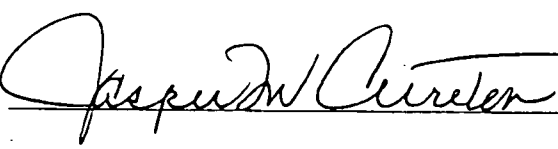
Appellate Case No. 2013-000823

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

Mr. CARL MICHAEL T. FLOWERS  
AGENCY # 335945, RCI  
P.O. BOX 2039, SB 39  
Ridgeland, S.C. 29936



NOV 19 2014  
**SC Court of Appeals**

SOUTH CAROLINA COURT OF APPEALS  
P.O. BOX 11629  
COLUMBIA, S.C. 29211

RIDGELAND CORRECTIONAL  
INSTITUTION  
NOV 19 2014  
MAILROOM