

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM FLORENCE COUNTY
COURT OF COMMON PLEAS

RECEIVED

DEC 15 2014

William Henry JEALs, Jr. Circuit Judge **SC** Court of Appeals

CASE NO.# 2013-CP-21-02319
Appellate Case No.# 2014-001934

CARMICHAEL T FLOWERS Appellant

VS

JAMIE NAMIAS Respondent

PETITION FOR REHEARING

THE APPELLANT IN THIS MATTER FILED FOR "IN FORMA PAUPERIS" IN THIS MATTER ON SEPT. 30. 2014, AND WAS DENIED BY THE HON. JOHN C. FEW ON NOV. 20. 2014.

THE PARTIES NAMED ABOVE WERE IN A COMMON LAW RELATIONSHIP FROM 2004 TO 2008, COURT RECORDS REFLECT THE FAMILY LAW COURT IN FLORENCE COUNTY GIVING TEMPORARILY POSSESSION OF THEIR HOME AND FURNISHINGS TO THE RESPONDENT. THE RESPONDENT HAS REFUSED TO RETURN PROPERTY THAT BELONGS TO THE APPELLANT.

THESE MATTERS AND THE FACTS SURROUNDING THEM HAS BEEN BEFORE THE COURTS IN Florence Co. SINCE 2009 TO PRESENT, AND IS BEFORE THE APPELLATE COURT DUE TO RESPONDENTS RAISING THE STATUTE OF LIMITATIONS AS A DEFENSE.

BECAUSE THE PARTIES WERE IN A COMMON LAW RELATIONSHIP AND COHABITING AS HUSBAND AND WIFE, EQUAL PROTECTION MUST BE AFFORDED BOTH, DUE ALSO TO THE EFFECT THE STATES - LEGISLATION WHICH AFFECTS THE FUNDAMENTAL RIGHTS OF SUCH RELATIONSHIP, IN THIS STATE.


DUE PROCESS, REQUIRES AT A MINIMUM, THAT ABSENT COUNTERVAILING STATE INTEREST OF OVERRIDING SIGNIFICANCE, PERSONS FORCED TO SETTLE THEIR CLAIMS OF RIGHT AND DUTY THROUGH THE JUDICIAL PROCESS MUST BE GIVEN MEANINGFUL OPPORTUNITY TO BE HEARD. CONST. AMEND. 14

IN VIEW OF BASIC POSITION OF MARRIAGE - RELATIONSHIP IN SOCIETY AND THE STATES MONOPOLIZATION OF MEANS FOR DISSOLVING THAT RELATIONSHIP AND THE APPORTIONMENT OF THEIR PROPERTY, DUE PROCESS OF LAW PROHIBITS A STATE FROM DENYING, SOLELY BECAUSE OF INABILITY TO PAY COURT FEES AND COSTS, ACCESS TO ITS COURTS TO INDIGENT WHO IN GOOD FAITH SEEK TO SETTLE THEIR CLAIMS OF RIGHT THROUGH THE JUDICIAL PROCESS.

Conclusion

THE APPELLANT REQUEST, FOR THE FOREGOING REASONS THAT THIS PETITION FOR REHEARING AND THE MOTION FOR INFORMA PAUPERIS BE GRANTED.

DATE: DEC. 10. 2014


CARMICHAEL T. Flowers
Agency #335945, RCI
P.O. BOX 2039, SB 39
Ridgeland, S.C. 29936

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
Court of Common Pleas

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SC Court of Appeals

William Henry SEALS, Jr. Circuit Judge

CASE NO.# 2013-CP-21-02319
Appellate Case NO.# 2014-DD1934

Carmichael T. FLOWERS APPELLANT

VS

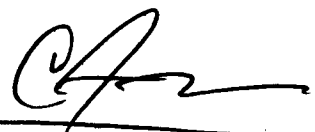
Janel Namias RESPONDENT

Certificate of Service

I, THE UNDERSIGNED, in Pro-SE, DO HEREBY
Certify THAT I HAVE SERVED APPELLANT'S PETITION
for REHEARING upon Respondent's Atty. of Record,
by depositing a Copy of SAME in AN ENVELOPE,
POSTAGE PREPAID, IN THE U.S. MAIL, Addressed
TO:

Abbott & McKissick
LAW firm, LLC
P.O. Box 148
Florence, S.C. 29503

Date: Dec 10, 14
Jasper Co.



T.M. Pro-SE

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 says nothing further:

Sworn to and subscribed before me this 11 day of December 2014.

Angela Williams
Notary Public for South Carolina
My Commission Expires Oct 7 2024

31 
CARNICHAEL T. FLOWERS
Agency # 335945, RCI
P.O. Box 2039, SB39
Ridgeland, SC 29936
IN PRO SE

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JASPER Co.

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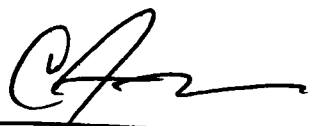
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Notary Public for South Carolina
My Commission Expires Oct 7 2024

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