

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Circuit Court Judge

Case No. 2015-000140

RECEIVED
MAR 20 2015
SC Court of Appeals

Kenneth Lee Holbert, Jr.

Appellant

v.

Greenville Technical College

Respondent.

Return to Motion to withdraw as counsel

The undersigned plaintiff hereby files a return to counsel's motion to withdraw as counsel. While counsel represented plaintiff at the trial of the case, counsel could have easily averted the necessity of having this case brought before the Court of appeals by clarifying to the judge during the trial and, or, at the Rule 59 hearing, that the judge may have inadvertently interpreted to broadly, the defendant's motion to suppress evidence that was brought up in prior legal proceedings regarding employment termination and a lawsuit filed by the Greenville County School district. In the latter litigation the district settled out of court by payment of attorney fees and property restitution. It is essential that the defendant be able to explain to the jury why there is a perceived extended period of time before plaintiff asked for his property to be returned to him. In fact when plaintiff did state one of the many reasons for the delay, the judge excused the jury and held the plaintiff under the guise of contempt of court. The judge did state that the plaintiff's statement would be admissible if the statement was verified, however, there

was no opportunity to show the court that this statement was in fact verified. The plaintiff was then unable to present evidence or explain to the jury the critical and valid evidence that ultimately caused their decision to be in favor of the college.

In fact the plaintiff questioned counsel regarding this restriction placed upon him and counsel responded that if he could convince the court of appeals that the interpretation was too broad, then he would be able to receive a new trial. Mr. Tinsley was aware of a number of factual events that would have easily caused one of reasonable mind to delay requesting or even being present on campus. The jury would have easily understood the salient merits of his decision. It is believed that the defendant does not have prior knowledge of the scope of what transpired during the period of time involved in the case. Defendant did admit that the administration has changed and some have left employment over this period so the knowledge of that period is limited.

Counsel is aware that the two times the plaintiff has had an opportunity to appear before a committee, or court, the plaintiff's testimony and evidence had been restricted rendering the plaintiff unable to prove his case. At plaintiff's employment termination hearing, the presiding officer would not allow the plaintiff to present evidence needed to prove his case, FMLA, which is the vehicle that a majority of all employees use for short term and long term sick leave.

Counsel is also aware that at the recent trial, the judge ruled that any evidence regarding employment termination and School district litigation be reviewed and approved prior to being presented. That restriction, coupled with the umbrella of contempt made it impossible for the plaintiff to prove his case and the reasons behind his actions.

Furthermore counsel states that defendant owes counsel money. There is a legitimate misunderstanding regarding the initial retainer paid to counsel up front and how that money was

to be used if counsel agreed to represent plaintiff on a contingency basis in the future. Plaintiff has asked to meet with counsel and his other partner to resolve this issue. Counsel has responded to this request and a meeting to discuss fees is being scheduled.

Plaintiff therefore request that the court consider whether counsel can be affective in his representation as well as his actions, in their decision to allow counsel to withdraw

Thursday, March 05, 2015



Kenneth Lee Holbert, Jr.
104 Sun Blvd
Easley, SC 29642
(864) 269-2838
Appellant

Other Counsel of Record:
Courtney M. Laster
220 Stoneridge Dr.
Columbia, South Carolina 29210
Attorney for Respondent
(803) 254-5609

R Jamison Tinsley Jr.
212 Oak Ave.
Greenwood, SC 29646
Original Attorney For Appellant
(864) 223-0770

**PROOF OF SERVICE OF return to Mr. Robert Jamison Tinsley, Jr.,
Esquire's motion to withdraw as counsel**

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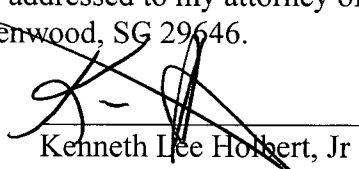
Greenville Technical College

Respondent

PROOF OF SERVICE

I certify that I have served the Corrected return to Mr Robert Jamison Tinsley, Jr. , Esquire's motion to withdraw as counsel by depositing a copy of it in the United States Mail, postage prepaid, on Wednesday, March 18, 2015, addressed to my attorney of record, Robert Jamison Tinsley, Jr ., Esquire, 212 Oak Ave. Greenwood, SG 29646.

Tuesday, March 17, 2015


Kenneth Lee Holbert, Jr
104 Sun Blvd
Easley, SC 29642
(864) 269-2838
Appellant

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Esquire's motion to withdraw as counsel**

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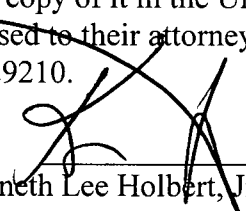
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Tuesday, March 17, 2015



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104 Sun Blvd
Easley, SC 29642
(864) 269-2838
Appellant

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Tuesday, March 17, 2015



Kenneth Lee Holbert, Jr.
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Easley, SC 29642
(864) 269-2838
Appellant

Tuesday, March 17, 2015

The Honorable V. Claire Allen
Clerk, South Carolina Court of Appeals
Calhoun Building
1015 Sumter Street
Columbia, South Carolina 29201

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MAR 20 2015

SC Court of Appeals

RE: Kenneth Lee Holbert Jr., Appellant v. Greenville Technical College,
Respondent, Case No. 2015-000140

Dear Ms Allen:

Please find the enclosed the original and (6) six copies of the return to Mr Robert Jamison Tinsley, Jr., Esquire's motion to withdraw as counsel.

Sincerely,

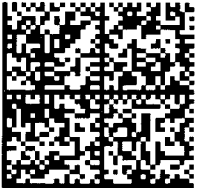


Kenneth Lee Holbert, Jr.
104 Sun Blvd
Easley, SC 29642
(864) 269-2838
Appellant

cc Charles J. Boykin, Esquire
Courtney M. Laster, Esquire
Mr. Robert Jamison Tinsley, Jr., Esquire

Kenneth B. ...
104 Sun Blvd
Easley, SC 29642

CPU U.S. POSTAGE
PB 1P 000 \$ 3.29⁰
1127884 MAILED MAR 18 2015
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The Honorable V. Claire Allen, Clerk
South Carolina Court of Appeals
Calhoun Building
1015 Sumter Street
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