

STATE OF S.C. CAROLINA  
COUNTY OF CHARLESTON, S.C.  
COURT OF: Appeal

RECEIVED

4-16-2012  
(DATE)

APR 19 2012

NOTICE OF APPEAL  
STATE SUPREME COURT  
(FILE SUMMARY)

CASE NO. 06-CP-10-3714

In Re:

GEORGE FICKENS  
(Appellant)

- vs. -

M.U.S.C.  
(Respondent)

COUNTY OF CHARLESTON

City of CHARLESTON, S.C.

THIS NOTICE IS HERE BY GIVEN THAT I, GEORGE FICKENS  
(Appellant) does hereby file this appeal matters Before the So. CAROLINA STATE SUPREME COURT ADMINISTRATION, IN COLUMBIA, S.C. Pursuant TO MY APPEAL Order of Dismissal, Case with The So. CAROLINA ADMINISTRATION LAW COURT OF APPEALS MOTION WHICH WAS Denied By Judge: APHRODITE A. KONDUROS, J., dated: MARCH 07 2012 IN Columbia, S.C. and he denied my Petition for A Rehearing file too. Therefore I am Petition to the S.C. Supreme Court This Notice of Appeal Motion To Be file. and ask That A Appeal will be granted for my alleges general STATEMENT ISSUES Responses, and Ordered.

Once I receive Corresponding of this Notice of Appeal I will mails my foregoing Issues Statement of this Case matter amending. Thank you, Promptly!

Respectfully Submitted,

I Am s: George Fickens  
(George Fickens II 67671)  
Perry Corr. ALU- 185  
430 OAKLAWN ROAD  
Pelzer, S.C. 29669

CERTIFICATE OF SERVICE

I here by Certifies that I mile By u.s. mile Postages this Notice of Appeal matter To the Person /Agency Listing Parties. and Court /Clerk To Be Served:  
NOTARY SERVICE

Subscribe. and Submitted Before me  
On this 16th day of April 2012

Stewart M. Mautley (NOTARY PUBLIC)

My commission ends  
November 7, 2016

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

George Wilford Fickens,                      Appellant,

v.

Medical University of South  
Carolina,                                      Respondent.

---

Appeal From Charleston County  
R. Markley Dennis, Jr., Circuit Court Judge

---

Unpublished Opinion No. 2012-UP-015  
Submitted November 1, 2011 – Filed January 25, 2012

---

**AFFIRMED**

---

George Wilford Fickens, pro se.

Robin L. Jackson, of Charleston, for Respondent.

**PER CURIAM:** George Wilford Fickens appeals the circuit court's order granting summary judgment in favor of the Medical University of South Carolina (MUSC), arguing the circuit court erred because an issue of fact existed about whether MUSC committed gross negligence when its employee drew a sample of his blood in violation of hospital policy and South Carolina law. Moreover, Fickens contends the circuit court abused its discretion in denying his motion for the appointment of a guardian ad litem (GAL). We affirm<sup>1</sup> pursuant to Rule 220(b)(1), SCACR, and the following authorities:

1. As to whether the circuit court abused its discretion in denying Fickens's motion for the appointment of a GAL: Rule 17(c), SCRCP ("[For a] person imprisoned . . . in this State, and not a minor or incompetent, the [circuit] court may, in its discretion appoint a [GAL]."); Gossett v. Gilliam, 317 S.C. 82, 85, 452 S.E.2d 6, 8 (Ct. App. 1994) ("The [circuit] court should evaluate whether a [GAL] is essential for the protection of the [in-state prisoner's] rights under the particular circumstances of the pending action.").

2. As to whether the circuit court erred in granting MUSC's motion for summary judgment: Ex parte Bland, 380 S.C. 1, 12-13, 667 S.E.2d 540, 546 (2008) (holding an argument on appeal that "differs significantly" from the theory of the case presented to the circuit court is unpreserved for review).

**AFFIRMED.**

**FEW, C.J., THOMAS and KONDUROS, JJ., concur.**

---

<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.



Case Tracking No. 2008-85050  
No. 18716

**AFFIRMED**

---

The State of South Carolina

IN THE COURT OF APPEALS

Charleston County

---

George Wilford Fickens

Appellant

v.

Medical University of South Carolina

Respondent

---

PER CURIAM

*[Handwritten signature]*

C. J.

*[Handwritten signature]*

J.

*[Handwritten signature]*

J.

South Carolina Court of Appeals  
Clerk's Office, Columbia, S.C.

FILED

JAN 18 2012

*[Handwritten signature]*  
Clerk



# 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

March 22, 2012

George Wiliford Fickens #67671  
Perry Correctional Inst.  
430 Oakland Lawn  
Plezer, SC 29669

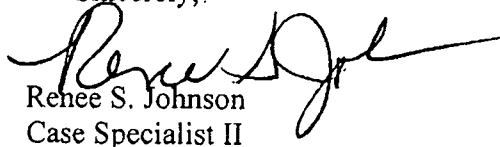
Re: Fickens, George v. MUSC

Dear Mr. Fickens:

This office has received your material dated March 14, 2012. A remittitur has been issued in your case and a motion to reinstate denied.

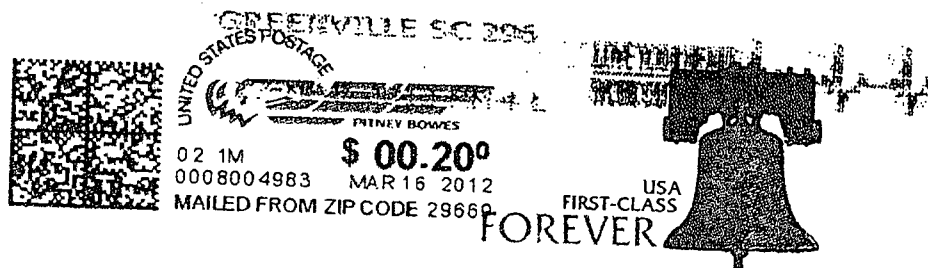
No further action will be taken by the Court in this case. Any further material received will be returned without action.

Sincerely,

  
Renee S. Johnson  
Case Specialist II

~~VAK~~  
JAK/ij

GEORGE FICKENS #67671  
PERRY C. I. A. L. U Room 185  
430 OAKLAWN RD.  
PELZER S.C. 29669



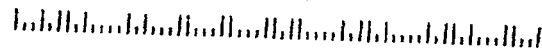
**RECEIVED**

MAR 16 2012

P.C.I. MAILROOM

The South Carolina Court of Appeals  
TANYA A. Gee, Clerk  
Post Office Box 11629  
Columbia South Carolina 29211

29211+1629



COURT OF APPEALS  
THE STATE OF SOUTH CAROLINA

City of: Columbia,

County of: RICHLAND.

IN The Court OF APPEALS

Presiding Judge: Hon. Aphrodite A. Kondrus  
Columbia, S.C.

Re: Fickens, George -vs- MUSC

CASE no. — 06-CP-10-3714

3/14/12  
(DATE)

RECEIVED

MAR 19 2012

TO: Hon Judge Aphrodite A. Kondrus, J. SC Court of Appeals  
and  
• S.C. Court of Appeals, Attn: Ms. Tanya A. Gee - Clerk  
P.O. Box 11829 • Columbia, S.C. 29211  
• Senn, McDonald & Leinbach, LLC  
ATTN: MS. Robin L. Jackson, Esquire  
P.O. Box 12279 • CHARLESTON, S.C. 29422 - 2279  
• CLERK OF COURT FOR SO. CAROLINA, (CHARLESTON, S.C.).

Dear Hon. Judge Aphrodite A. Kondrus, J.  
and all of the above listed caption Legal parties  
in correspondents to this Legal Filing CASE regards.

Per my last letter dated MAR. 07th, 2012 - from the  
So. Carolina Court of Appeals Clerk OFC., ... I rec'd  
MAR. 08th, 2012 @ P.C.I. (mailroom) it stated that  
the court has Denied my "Motion to Reinstate" my  
CASE claims and the Order was endorsed thereon by  
the Judge, "MOTION DENIED".

Also an advised notice that the "Petition for A  
Rehearing" was not file, since the "MOTION TO Reinstate"  
was denied.

From the Jan. 25th, 2012 dated letter from the So.-  
Carolina Court of Appeals, Clerk's OFC opinion to my  
"NOTICE TO Filing" the appeal for my CASE (please see page #2)  
PAGE #1 of 4.

I received the Jan. 25<sup>th</sup>, 2012 letter Jan. 31<sup>st</sup>, 2012 in which is stamped w/ envelope and I endorsed for Jan. 31<sup>st</sup>, 2012, from the S.C. Court of Appeals Clerk's Office. This letter stated that in the Pursuant to Rule 221 (b) of the S.C. Appellate Court Rules, the Remittitur in my case will be sent to the Charleston County Clerk of Court after (15) fifteen days, exclusive of the date of filing of the opinion, Plus no extension for a petition for rehearing will be granted except in the most extraordinary circumstance and, except in the rarest cases, with (7) seven days' notice.

I filed my Briefing Issues Notice to the opinion Legally documented and stamped Notarized by SCDC postal U.S. - Mail dated: Feb. 10<sup>th</sup>, 2012 and mail the same date to the S.C. COURT OF Appeals CLERK'S OFFICE, in which I also have "copies" of all these filed and Notarized Stamp U.S. Mailings proofs and Certificates of Legal Documents Notices Filings. On Jan. 25<sup>th</sup> 2012 (Wednesday) opinion letter, to the (15) fifteen days statute limitation will be Feb. 15<sup>th</sup>, (Wednesday) 2012. Therefore my Briefs & Petition was file and legally postmarked by U.S. Postal Mail, also mail on Feb. 10<sup>th</sup> (Friday) 2012 in A U.S.A. constit. timely manner and which is (12) twelve counting week days mon. - fridays, U.S. working Gov't. postal Service and mailing regulations. (please see cont page 3).  
PAGE 2 OF 4.

Since all of my Legal Documents is filed and my "Petition for Rehearing" and Order for "Motion to Reinstate" my appeals to this case pursuant to the S.C. Appellate Court Rule 221(b), I file them in A timely manners of date / days statue of limitation in all due processings legal claims and civil formally action I firmly request to the Hon. Judge and the S.C. Court of Appeals to fully reviews my legal documents orderly and timely to the stamped dates and mailing processes filed to my case And my appeals be granted in these must circumstances filings and opinion for my appeal hearing and Petition / Motion.

THANK YOU very sincerely in all cooperational and generous regardings for these legal matters.

Sincerely,

I AM s/ George Fickens

George W. Fickens

SCDC #67671

Perry Corr, ALL-185

4300 OAKLAWN Rd

Pelzer, S.C. 29669

CC: ALL caption listed Parties.

SELF (FILE)



SOUTH CAROLINA NOTARY

Sworn Before me On

This 14 day of March 2012.

s/ 

(NOTARY PUBLIC, S.C.)

MY COMMISSION EXPIRES: 1-20-21

DATE: 3/14/12

STATE OF SOUTH CAROLINA  
County of RICHLAND

Court of Appeals : Filing Notice  
Petition for Motion of Default Injunction

CASE no. No-CP-10-3714

Ficken, George W.  
(Appellant)

..... Vs .....

MUSC  
(Respondent)

I GEORGE W. FICKENS  
(Appellant)

, hereby summon to the

So. Carolina Court of Appeals for A motion of A  
"Default Judgement" in My above case civil action claim  
in some unlawfully and lacking required Legal  
performances against my constit. rights and  
fair equal petition case claims, in which I  
request to ammends to my Legal filings,  
the stature and ethnic state codes and  
regulation violations with the Legal and Justice  
Admin. and Case Specialist.

Therefore, I petition for this Default Motion.

Sincere regards,  
S/ George Ficken

George Fickens #67671  
Perry Corri ALL-185  
430 Oaklawn Rd  
Pelzer, S.C. 29669

So. Carolina Notary  
Sworn Before me on  
this 14 day of March 2012  
[Signature] (NOTARY, S.C.)  
My Commission Expires  
: 1-20-2021

DATE: 03/16/2012

CERTIFICATE OF SERVICE  
(PROOF FOR MAILING)

I GEORGE W. FICKENS, do here by affirm that  
(appellant)

I mail these legal documents of (4) pages  
I file with ~~the~~ S.C. Court of Appeals Clerk Ofc.  
on this 16<sup>th</sup> day of March 2012, by U.S.  
Mail Postal Services with depositing envelope(s)  
with sufficient postages attached first-class  
delivery to: Hon. Aphrodite A. Kondrus, J., TANVA A. Gee-clerk

\*NOTICE - also serve copy(s) sent to all caption  
listed correspondents parties.

• Return Services, Please!!

Thank You  
Respectfully Submitted

I AM s/ George Fick

George W. Fickens  
SCDC #67671

Perry Corr. ALU 185  
430 Oaklawn Road  
Pelzer, S.C. 29669

South Carolina Notary

Sworn to and Subscribe Before

Me this 14 day of March, 2012.

[Signature] (NOTARY, S.C.)

MY COMMISSION EXPIRES: 1-20-2021

RECEIVED

MAR 19 2012

SC Court of Appeals



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

March 7, 2012

George Wiliford Fickens #67671  
Perry Correctional Inst.  
430 Oakland Lawn  
Plezer, SC 29669

Re: Fickens, George v. MUSC

Dear Mr. Fickens:

The Court has Denied your Motion to Reinstate in the following order endorsed thereon:


"Motion Denied.

Aphrodite A. Konduros, J.

Columbia, South Carolina  
March 07, 2012."

Please be advised that the Petition for Rehearing was not filed since the Motion to Reinstate was denied.

Sincerely,

  
Renee S. Johnson  
Case Specialist II

VCK TAG/rj

cc: Robin Lilley Jackson, Esquire

The State of South Carolina  
In The Court of Appeals

DATE: 2-29-12

George W. Fickens

Appellant,

v.  
Medical University of  
South Carolina,

Respondent.

CASE NO. 06-CP-10-3714

Appeal from Charleston County  
R. Mackley Dennis Jr. Judge

Appellant's Rule 60 motion  
Dismissal and Reinstatement.

The appellant respectfully request  
this Honorable Court to reinstate his  
Petition For Rehearing for the following  
reasons:

The appellant in the above case  
received a copy of this courts order  
on February 1, 2012. see attached  
copy of envelope and order

MAR 05 2012

SC Court of Appeals

Denied.

A. K. J.

By copy of the rule + by filing a Petition for Rehearing, the appellant had (15) days to file a Petition for Rehearing. See Rule 221, Rehearing and Remittitur.

Appellant file a Petition For Rehearing on February 9, 2012 which would be timely under the rule. See attached stamped copy of the Petition For Rehearing.

On February 21, 2012, the Honorable Court sent the appellant a copy of a letter stating that the appellant's Petition For Rehearing was untimely. See attached letter.

The appellant object to the letter and request reinstatement of the appellant's Petition For Rehearing. Rule that appellant's notice of appeal/ Rehearing is deemed filed upon its delivery to prison authorities, adopted by Supreme Court in civil suit involving inmate representing himself. See also *Houston v. Lack*, 108 S. Ct. 2379

and United States v. Mex. 10, 24 F. 3d 624  
The appellant in the entitled case have  
shown good faith in filing his Petition  
for Rehearing under the mailbox rule.  
Appellant requesting this Honorable  
Court to reinstate his timely filed  
Petition for Rehearing that was filed  
on February 9, 2012

CC: So. Carolina Court of Appeals  
Att. Ms. Robin L. Jackson - ESQ,  
P.O. Box 12279 • CHARLESTON, S.C. 29422  
• SELF (file)

NOTARY PUBLIC

Submitted Respectfully  
I AM:  
31

George W. Fickens #67671  
Perry Corn ALLI-185  
430 Oaklawn Road  
Pelzer, S.C. 29669

Sworn to and subscribe before me  
This 29th day of February 2012.  
at Sumter Wilburly (Notary Public, S.C.)  
My Commission Expires: January 7, 2016

Certificate Proof of Legal Service  
2-29-12  
(DATE)

Re: IN THE COURT OF COMMON PLEAS  
THE STATE OF SO. CAROLINA  
Appeal From County of Charleston, S.C.  
CASE No. 06-CP-10-3714

Hon. Judge: R. Markly Dennis Jr., Circuit Court Judge

George Wilford Fickens #67671 ... v. ... Medical Univ. of So. Carolina  
(Appellant - Plaintiff) (Respondent - Defendant)

I, George Wilford Fickens hereby affirm that I file the above motion  
brief caption on the 29 day of Feb, 2012 by depositing  
the U.S. mail, an envelope with sufficient postage attached first class  
See back (over) page... Page 3 of 3.

The South Carolina Court of Appeals

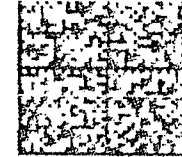
Tanya A. Gee, Clerk  
Post Office Box 11629  
Columbia, South Carolina 29211

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JAN 31 2012

P.C.I. MAILROOM

*15 days  
from this  
date to  
the return*



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JAN 3 4 2012

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George Wiliford Fickens #67671  
Perry Correctional Inst.  
430 Oakland Lawn  
Piezer, SC

*ALL  
1/30*

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MAR 0 5 2012  
SOUTH CAROLINA COURT OF APPEALS

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY  
COURT OF COMMON PLEAS

R. Markley Dennis Jr. Circuit Court Judge  
CASE NO.: 06-CP-10-3714

George Wilford Fickens, # 67671.....Appellant-Plaintiff

V.

Medical University of South Carolina.....Respondent-Defendant

PETITION FOR REHEARING

George Wilford Fickens  
#61671 PCI ALU  
130 Oaklawn Road  
Pelzer, S.C. 29669

FILED

MAR 05 2012

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF COMMON PLEAS

APPEAL FROM CHARLESTON COUNTY  
COURT OF COMMON PLEAS

R. Markly Dennis Jr. Circuit Court Judge

Case No. 06-CP-10-3714

George Wilford Fickens, # 67671.....Appellant-Plaintiff

V.

Medical University of South Carolina.....Respondent-Defendant

PROOF OF SERVICE

I do hereby affirm that (6) copies of appellants final brief has been filed this

9th day of February, 2012 by depositing the same by  
U.S. mail an envelope with sufficient postage attached first class delivery to:

South Carolina Court of Appeals, P.O. Box 11629, Columbia, S.C. 29211. *Also sent a copy  
to Robin L. Jackson, Esquire, SeNN Legal, LLC. P.O. Box 12279, Charleston, S.C.*

Sworn to and subscribed before me

S/ George Fickens 29422

This 9th day of February 2012.

George W. Fickens, #67671  
Perry Correctional Institution  
130 Oaklawn Road, ALU  
Pelzer, S.C. 29669

S/ Steve T. McAtley  
Notary Public

S/ Handwritten 2016  
My Commission Expires

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MAR 05 2012

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33 Court of Appeals

FEB 10 2012

P.C.I. MAILROOM



## The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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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)

February 21, 2012

George Wiliford Fickens #67671  
Perry Correctional Inst.  
430 Oakland Lawn  
Plezer, SC 29669

Re: Fickens, George v. MUSC

Dear Mr. Fickens:

Enclosed is the original Petition for Rehearing in the above case.

The Petition for Rehearing was received on February 15, 2012 and the remittitur had been filed and sent to the Clerk of Court for Charleston County on February 10, 2012. Therefore the Petition for Rehearing was untimely filed.

Sincerely,

A handwritten signature in black ink, appearing to read "Renee S. Johnson".

Renee S. Johnson  
Case Specialist II

Handwritten initials in black ink, appearing to read "TAG/rj".

TAG/rj

cc: Robin Lilley Jackson, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

George Wilford Fickens,                      Appellant,

v.

Medical University of South  
Carolina,    Respondent.

---

Appeal From Charleston County  
R. Markley Dennis, Jr., Circuit Court Judge

---

Unpublished Opinion No. 2012-UP-015  
Submitted November 1, 2011 – Filed January 25, 2012

---

**AFFIRMED**

---

George Wilford Fickens, pro se.

Robin L. Jackson, of Charleston, for Respondent.

RECEIVED

MAR 05 2012

SC Court of Appeals

# Senn Legal, LLC.

## Attorneys at Law

3 Wesley Drive  
Post Office Box 12279  
Charleston, South Carolina 29422-2279  
Telephone: (843) 556-4045  
Facsimile: (843) 556-4046

Sandra J. Senn  
Robin L. Jackson  
Christopher T. Dorsel  
Marghretta A. Hagoood  
Caillin E. Pierson

*Of Counsel*  
Hon. Jenny A. Horne  
(House District 94)  
(Licensed in SC & NC)

### FAX COVER SHEET

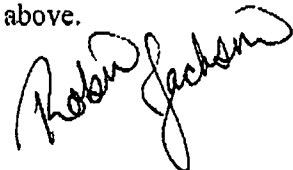
To: Rence  
From: Robin L. Jackson, Esquire  
Number: 803-734-1839  
Subject: George Fickens v. MUSC  
Date: January 27, 2012

Number of pages: 2 including coversheet

Please be advised that when I checked on this appellant's status on the SCDC website, it shows that he is now being housed at Perry Correctional Institution. I am attaching a printout from the SCDC Website. The address for Mr. Fickens at Perry is:

George Wilford Fickens, # 67671  
Perry Correctional Institution  
430 Oaklawn Road  
Pelzer, SC 29669

I am requesting that the opinion that was issued on January 25, 2012, and mailed to him at Lieber Correctional Institution, be re-sent to him at Perry, so that the proper time periods can begin to run. If you have any questions, please contact me at the phone number above.



### CONFIDENTIALITY NOTICE

This transmission is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, distribution or copying of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone and return the original document to us at the above address via the U.S. Postal Service.

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### INCARCERATED INMATE SEARCH

SCDC ID: SID:   
 First Name: George Last Name: Fickens   
  Phonetic Match

SCDC ID	Name	Sex	Race	Height	Weight	Age
00067671	FICKENS, GEORGE	MALE	BLACK	5' 03"	198	80

1 Inmate Found



Picture Date 06/03/2010

#### Inmate Description

**Name** Fickens, George  
**SCDC ID** 00067671  
**SID** SC00058160  
**DOB** 02/02/1961  
**Citizenship** Citizen - Native Born  
**Build** Large  
**Complexion** Dark Brown  
**Hair Color** Black  
**Eye Color** Brown

#### Inmate Sentence and Location

**Offender Type** Adult-straight Sentence  
**Offense** Felony Dul-death Results  
**Sentence Start Date** 07/06/2004  
**Sentence Length** 16 YRS, 0 MOS, 0 DYS  
**Admission Date** 08/19/2005  
**Committing County** Colleton  
**Location** Perry ←  
**Projected Release Date** 02/23/2018  
**Projected Parole Eligibility** Not Eligible  
**Supervised Pardon Eligibility** Not Eligible  
**Sex Offender Registry** No

Date 2-1-2012

1215

To: Tanya A. Gee Clerk  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

RECEIVED

FEB 03 2012

SC Court of Appeals

From George Wilford Fickens #67671 case #: 06-CP-10-3714  
Perry Conn. Inst. A.L.U. 185  
430 OAKLAWN Rd.  
Pelzer, S.C. 29669

Dear Tanya Gee, Clerk,

I apologize to the court and Mr Robin L. Jackson for not letting them know that I got transferred on Jan. 12, 2011 to Perry C.I. at Pelzer S.C..

I am informing you and Mr Jackson of my new address. The above address is where I can be located at.

The Unpublished opinion # 2012-UP-015 when you make a decision please contact me at the above address, once the opinion has been handed down.

I am sending Mr Jackson a copy of this also. Once again I apologize to the courts for not notifying you.

George Fickens  
George Fickens



# The South Carolina Court of Appeals

TANYA A. GEE  
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

February 21, 2012

George Wiliford Fickens #67671  
Perry Correctional Inst.  
430 Oakland Lawn  
Plezer, SC 29669

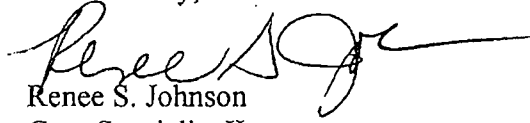
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Sincerely,

  
Renee S. Johnson  
Case Specialist II

  
TAG/rj

cc: Robin Lilley Jackson, Esquire

12-15

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY  
COURT OF COMMON PLEAS

R. Markley Dennis Jr. Circuit Court Judge  
CASE NO.: 06-CP-10-3714

George Wilford Fickens, # 67671.....Appellant-Plaintiff

V.

Medical University of South Carolina.....Respondent-Defendant

PETITION FOR REHEARING

Geroge Wilford Fickens  
#61671 PCI ALU  
430 Oaklawn Road  
Pelzer, S.C. 29669

## STATE OF THE CASE

Initially, this was a Medical Malpractice suit filed pro se by appellant, of September 21, 2006.

On December 20, 2007, at the Charleston County Courthouse the Honorable R. Markley Dennis Jr. heard the respondents' Summary Judgment Motion. When said judge has asked appellant to state the facts for the record, the appellant, as can be construed by this court, amended his complaint via stating an action for Breach of Contract and substantiating his grounds for Professional Negligence and / or Gross Negligence.

The appellant stated for the record that per respondent's policy, they were not supposed to take plaintiffs blood without a court order. The said Judge entertained the facts of appellant, but despite that, granted the respondent's Motion for Summary Judgment. Said facts were adjudicated in the lower court and are ripe for this court to consider on this petition for rehearing.

The appellant in the entitled case respectfully petitions this Honorable Court for a rehearing pertaining to the order that this court issued and submitted on November 1, 2011, and filed on January 25, 2012 and received at the Perry Correctional Institution on February 1, 2012. See attached envelope and order.

This petition for rehearing will state with particularity the points and facts that were overlooked and misapprehended by this Honorable Court.

The points and facts are as follows:

FACTS  
GUARDIAN AD LITEM

On December 20, 2007, appellant, at the Charleston County Courthouse has a Summary Judgment hearing, in front of the Honorable R. Markley Dennis Jr.; all parties at said hearing were present.

The first matter at said hearing that said Judge addressed was a prior Motion for Guardian Ad – Litem that appellant had filed on September 21, 2006. (Transcript (Tr. Pg. 3, (-7-25).

When said judge had asked appellant to state the facts as to why he needed a Guardian Ad-Litem appointed. Appellant being pro se, and very illiterate to the question that said judge had asked him, had answered the judges question totally inconsistent to what the said judge asked him. (Tr. Pg.4, 19-25; pg 5-1)

It was obvious in the record that the appellant did not understand the said judges' question during the Summary Judgment hearing, said judge without curative measures stated:

"Mr. Fickens, hold on a second. We're not there yet. The first thing I have this morning is you as of December 17, decided to file a Motion to Appoint a Guardian Ad-Litem" ..... (Tr. Pg. 5, (1-6).

The said judge then did a sua sponte "cursory" check of the clerk files of all the alleged pro se motions that appellant had had fail because lawyers filed. (Tr. Pg. 5-6-12-25; Pg. 6-1-25, Pg. 7, 6-1-3). See also appellant affidavit attached to this motion on line 5.

The said judge then asked appellant a direct question as to the said Ad-litem motion in which Mr. Ficken still did not understand the said judge's question. The said hearing record stated:

Court:" Anything else you wish to add on your relative to your motion, Mr. Ficken?

Mr. Ficken:" Well, other than, you know, I'm here because I've gotten a letter...

The Court: "No sir, I'm not asking why you're here. I'm asking you concerning your Motion to have a Guardian Ad-Litem appointed".

Mr. Ficken:"No sir, no sir." (Tr. Pg. 7, (4-12).

The court then went on to hold out-side of the record, that appellant said ad-litem motion was "totally" frivolous, dilatory for purposes of avoiding a Summary Judgment..." (Tr. Pg.7 (12-14).

#### ARGUMENT OF LAW

South Carolina courts recognize that they have an inherent power to do all things reasonably necessary to insure that just results are reached to the fullest extent possible. Ex parte Dibble 310 S.E.2d 440 (S.C. App. 1983), with that promise in thought; South Carolina Civil Rules of Procedure 17 (c) states in pertinent part:

"But if imprisoned in this state, and not a minor or incompetent, the court may, in its discretion appoint a Guardian Ad-Litem or order him to be brought personally to trial to testify in accordance with the rule 43 (a)".

SCRCP. 17 (a) (4) states in full:

Imprisoned person: The Guardian Ad-Litem for an imprisoned person shall be appointed upon application of such person or of a relative or friend; notice thereof must first be given to such imprisoned person.

Appellant bases his argument on these two statutory provisions.

As to 17(c). *Exparte-Faster* 565 S.E.2d 290 (S.C.2002), this court held that "The rationale for appointing a Guardian Ad-Litem, for a prisoner is not mental deficiency, but the physical restraint of imprisonment".

In *Re Bishop*, 27 S.C. 306, 251 S.E.2d 748 (1979)... (citation added) although the appointment of a said guardian is "discretionary"... a determination of whether the appointment of said guardian is essential to the protection of the prisoners rights.

The spirit of the law demands "no less" *Id.* At 86, 452 S.E. 2d at 8. *Id.* 241.

Furthermore, this court held that rule 608. SCRCP which it adopted governs the appointment procedure.

In this case, that standard was not applied to appellants' case. *Exparte supra*.

As to Rule 17 (d) (f):

This subsection utilizes the word "shall". The word shall, may be construed as permissive to effect legislative intent, particularly when statute direct court to determine certain matters". *State v. Blair*, 273 S.E. 2d 536 (1981). A statutory provision is generally regarded as mandatory where power or duty to which it relates is for security or protection of private rights. *Id.* It's obvious, per the record of this case, that appellant filed a timely notice under these rules for

an appointment of said Guardian per that, plaintiff was supposed to, under this subsection, be appointed said guardian under this rule. The legislative intent in utilizing the word "mandatory" for the lower court and this court and / or other courts to follow. The respondent lawyers even admitted the same:

Ms. Jackson: "Your Honor, the only reply that we would have normally we would not have an objection to an appointment of a guardian ad-litem... (Tr. Pg. 4 L-2-4).

The next thing that respondent lawyer said via misrepresenting the facts to said judge, as stated above, in which appellant was illiterate to refute:

Ms. Jackson: However, the case has been going on since September, 2006. The plaintiff has participated in discovery, has written many letters, and has filed motions on his own behalf... (Tr. Pg. 4 (5-8)).

For the record, and attached to this brief is an affidavit of appellant stating that 1). That he's 59 years old, and has a 6<sup>th</sup> grade education; and 2). During the entire disposition of his law suit, he has had three jailhouse lawyers assist him in this law suit; and 3). On or about three years, he has been in the GED class. (See GED test scores attached to Affidavit). And in 2008 and 2009 he had been through two hip surgeries that have left him bed ridden and in physical recovery. (Id. Affidavit).

A Guardian Ad-Litem, at said hearing, could have protected the record in that regard. It's obvious, that appellant did not know how to answer the judges' question because of his 6<sup>th</sup> grade education. It's obvious per the record that appellant proceeded the best he knew how.

To comport with the equal protection clause, the cannot be administered with an evil eye and an uneven hand. To punish a person because he has done what the law plainly allows him to do is a violation of the most basic sort.

Under the Sixth Amendment, an indigent party may waive the right to counsel and proceed pro-se. Under the facts of this case, the appellant motioned this court for appointment of Guard Ad-Litem. No where in the record did the appellant waive assistance of counsel. Therefore, trial court abused his discretion by denying the Guard Ad-Litem Motion.

In addition, because Fickens is a pro-se, incarcerated litigant, this Honorable Court should have allowed him some degree of flexibility in the pleading of his action and afforded the appellant the benefit of any doubt.

The Equal Protection Clause prohibits government officials from selectively applying the law in a discriminatory way. See Snowden v. Hughs, 321 U.S. 1, 8, 645 S.Ct. 397, 401 (1994).

The appellant has established a prima facie case of discrimination. He can meet this burden by providing circumstantial evidence that raises a genuine issue that denial of appointment of Guard Ad-Litem was discrimination. See Pg. 6 L. 15-21; Pg. 7 L. 15-18.

Equal Protection Clause extends to pro-se litigant inmates. For several reasons, this Honorable Court should remand case back to the lower court for appointment of Guard Ad-Litem because he has not had a fair hearing as required by due process of law and or whatever relief this court deems just.

The circuit court overlooked and misapprehended this particular point and fact which would have denied the respondents Summary Judgment. If the court can reasonably read pleadings to state valid claim on which litigant could prevail, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with pleadings requirements.

The court stated a complaint should not be dismissed if it states a claim under any legal theory. Pro-se litigant's pleadings are to be construed liberally and held to

less stringent standards than formal pleadings drafted by lawyers. Pre-se appellant is unfamiliar with pleading requirements because of a lack of consultation with an attorney.

At said hearing, the appellant, pro-se, raised facts related to the policy and procedure of the Medical University of South Carolina (MUSC) hospital in taking the appellants blood. The appellant in the record stated that:

“They...I feel like that, yes she had violated from their...policy. Because what it took for them to get up on the telephone and...and call Walterboro and got a court order? Because, you know, they gave up my blood; and the policy is stating that. You know that they needed a court order. They’re saying that I was unconscious. But I wasn’t. I’ve got a log-in report to show that where, you know, I’m in the hospital and I’m talking to these people”... (Tr. Pg. 10 (11-21).

The respondent did not object to the legal theory and / or tort of contract and therefore, it was before the judge listened to an amended complaint under Rule 15 SCRPC.

With that said, it’s obvious, at said hearing, that appellant was trying to bring forth a claim of Breach of Contract as to not following their unilateral contract as to applicants right, as a matter of S.C. Code of Law, § 55-5-2950.

The policy states in pertinent part:

“Law enforcement officers may require a legal blood and / or urine test for the purpose of determining alcohol or drug level for prosecution. These samples may be obtained in the following circumstances:

- (A). The suspect willingly signs consent for evidence collection.
- (B). The suspect is unconscious / unresponsive (implied cons
- (C). Pursuant to valid court order.

The record reflects via appellant's statement at said hearing and the respondents Summary Judgment affidavit that he was coherent during the entire time at the emergency room including the involuntary taking of his blood.

Furthermore, South Carolina title § 55-5-2950, states that:

"No test may be administered or a sample taken unless a person has been informed that he does not have to take the test or give samples, but that his privilege to drive must be suspended or denied for 90 days if he refuses to submit to the test".

Section (A) of the statute states:

"No person may require by the arresting officer or by any other law enforcement officer to obtain or take any sample of blood or urine. If a patient is intoxicated or injured and stated that he does not want the test, you may not render the test". The respondent, against S.C. law, inappropriately and without appellant consent, took his blood.

## ARGUMENT

As stated above, a court may grant Summary Judgment on a ground not included in the notice of the motion if the ground is fully argued before the court without objection. *Turberville v. Floyd*, 288 S.C. 171, 341 S.E. 2d 651 (Ct. App. 1986).

In ruling upon a motion for Summary Judgment, the judge must construe all ambiguities and inferences most strongly against the moving party. *Hatchell v. Jackson*, 290 S.C. 256, 349 S.E. 2d 407 (Ct. App. 1986); *Englert Inc. v. Netherland Inc.* (0;\_S.C.\_, 433 S.E. 2d 871 (Ct. App. 1993) (per curiam); *Clyburn v. Sumter County School District*, \_ S.C. \_ 429 S.E. 2d 862 (Ct. App. 1993); *Koester v. Carolina Rental Center Inc.* \_ S.C. \_ 427 S.E. 2d 708 (Ct. App. 1993).

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In ruling upon a motion for Summary Judgment, the court may not judge the credibility of the witnesses but it may decide whether an issue of fact is genuine or feigned. The court must search the proof to ascertain whether it discloses a real issue, rather than a formal perfunctory or shadowy one. *Saluda Motor Lines v. Crouch*, 300 S.C. 43, 386 S.E. 2d 290 (Ct. App. 1989). See *Purken v. Hasen*, \_ S.C.\_, 437 S.E. 2d 550 (Ct. App. 1993).

A breach of contract case liken to appellant's case as to Summary Judgment proceedings, as in *Moss v. Porter Bros.*, 292 S.C. 444, 357 S.E. 2d 25 (Ct. App. 1987), this court stated that nothing in the defendants affidavit could be used to charge the clear terms of the contract, the affidavit was not used by the court to grant Summary Judgment, therefore, the fact that the affidavit was untimely was irrelevant. *Id.* At 448, 357 S.E. 2d at 28. When a Motion for Summary Judgment contains a question concerning the construction of the plain and unambiguous language of the contract. The question is one of law and may be resolved by the court. As the record show in this case, the lower court said judge done otherwise, after appellant explained the contract claim, per saying:

The court: "Okay. And have you been served with any affidavits in response to you motion for Summary Judgment in the file; I don't see any in the file.

"Ms. Jackson: No sir.

"The court: Very well. Anything else Mr. Fickens?

"Mr. Fickens: No sir.

"The court: Very well.

(Tr. Pg. 11, (7-22).

## GROSS NEGLIGENCE

As the facts out-lined above, the appellant has also shown gross negligence in regard to respondent taking appellants' blood without appellants consent, and out-

side (MUSU) policy and S.C. statutory law under § 55-5-2950. As stated above, the facts were argued to said judge. So therefore, it's ripe this courts adjudication.

## ARGUMENT

In order for (MUSC) to be liable, appellant will have to show gross negligence under South Carolina Tort Claims Act. S.C. Code §§ 15-78-10, et. Seq. As long as appellant shows that (MUSC) hospital was gross negligent, they will not be immune from liability. See *Moore v. Florence Sch. Dist. No.1*, 314 S.C. 335, 444 S.E. 2d 498 (1944); see also S.C. Code Ann. §§ 15-78-20, (b).

Gross negligence is ordinarily a mixed question of law and fact. See *Clyburn v. Sumter Co. School Dist. #17*, 451 S.E. 2d 885. When the evidence supports but one reasonable inference, it is solely a question of law for the court, otherwise it is an issue best resolved by the jury.

Under the Scintilla rule, which prevails in South Carolina, if there is a scintilla of evidence, which is any material evidence that if true would tend to establish the issue in the mind of a reasonable juror, the case should be submitted to the jury for its determination. *Anderson v. Liberty Lobby Inc.* 477 U.S. 242.

The trial judges' function is not himself to weigh the evidence and determine the truth of the matter, but to determine whether there is a genuine issue for trial. The trial judge erred by granting the respondents motion for Summary Judgment. Trial court did not base his Summary Judgment ruling on the disputes over facts that might affect the outcome of the pleadings under the governing law that would properly preclude the entry of Summary Judgment. See *Dombrowsky*, 387 U.S. 82. Summary Judgment will be denied if evidence is controverted. In this case, a classic jury issue had been presented.

It's evident by the record that appellant has shown an "intentional" conscious failure to do something which one ought to do or the doing of something one ought not to do. *Hollins v. Richland County Sch. Dist. One*, 310 S.C. 486, 427 S.E. 2d 645 (1993); *Richland v. Hambright*, 296 S.C. 504, 374 S.E. 2d 296 (1988).

The respondent's unauthorized taking of the appellant's blood constitutes gross negligence.

For the foregoing reasons, the lower court has abused its discretion in granting the respondents Summary Judgment Motion due to the factual matter surrounding appellants case as shown above, and / or such other and further relief this court deems just and proper.

Executed this 9<sup>th</sup> day of Feb, 2012  
Greenville County, South Carolina

Respectfully Submitted,  
S/ George W. Fickens  
George W. Fickens, #67671  
Perry Correctional Institution  
430 Oaklawn Road, ALU  
Pelzer, S.C. 29669

Cc/ File

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF COMMON PLEAS

APPEAL FROM CHARLESTON COUNTY  
COURT OF COMMON PLEAS

R. Markly Dennis Jr. Circuit Court Judge  
Case No. 06-CP-10-3714

George Wilford Fickens, # 67671.....Appellant-Plaintiff

V.

Medical University of South Carolina.....Respondent-Defendant

PROOF OF SERVICE

I do hereby affirm that (6) copies of appellants final brief has been filed this  
9th day of February, 2012 by depositing the same by  
U.S. mail an envelope with sufficient postage attached first class delivery to:  
South Carolina Court of Appeals, P.O. Box 11629, Columbia, S.C. 29211. *Also sent a copy  
to Robin L. Jackson, Esquire, Senn Legal, LLC, P.O. Box 12279 Charleston, S.C. 29422*

Sworn to and subscribed before me  
This 9th day of February, 2012.  
S/ Steven T. Milledentley  
Notary Public  
S/ November 7, 2016  
My Commission Expires

S/ George W. Fickens  
George W. Fickens, #67671  
Perry Correctional Institution  
430 Oaklawn Road, ALU  
Pelzer, S.C. 29669

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

George Wilford Fickens,                      Appellant,

v.

Medical University of South  
Carolina,    Respondent.

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Appeal From Charleston County  
R. Markley Dennis, Jr., Circuit Court Judge

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Unpublished Opinion No. 2012-UP-015  
Submitted November 1, 2011 – Filed January 25, 2012

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**AFFIRMED**

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George Wilford Fickens, pro se.

Robin L. Jackson, of Charleston, for Respondent.

**PER CURIAM:** George Wilford Fickens appeals the circuit court's order granting summary judgment in favor of the Medical University of South Carolina (MUSC), arguing the circuit court erred because an issue of fact existed about whether MUSC committed gross negligence when its employee drew a sample of his blood in violation of hospital policy and South Carolina law. Moreover, Fickens contends the circuit court abused its discretion in denying his motion for the appointment of a guardian ad litem (GAL). We affirm<sup>1</sup> pursuant to Rule 220(b)(1), SCACR, and the following authorities:

1. As to whether the circuit court abused its discretion in denying Fickens's motion for the appointment of a GAL: Rule 17(c), SCRCP ("[For a] person imprisoned . . . in this State, and not a minor or incompetent, the [circuit] court may, in its discretion appoint a [GAL]."); Gossett v. Gilliam, 317 S.C. 82, 85, 452 S.E.2d 6, 8 (Ct. App. 1994) ("The [circuit] court should evaluate whether a [GAL] is essential for the protection of the [in-state prisoner's] rights under the particular circumstances of the pending action.").

2. As to whether the circuit court erred in granting MUSC's motion for summary judgment: Ex parte Bland, 380 S.C. 1, 12-13, 667 S.E.2d 540, 546 (2008) (holding an argument on appeal that "differs significantly" from the theory of the case presented to the circuit court is unpreserved for review).

**AFFIRMED.**

**FEW, C.J., THOMAS and KONDUROS, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from CHARLESTON COUNTY

Court of Common Pleas

R. MARLEY DENNIS vs. CIRCUIT COURT DOUG

CASE NO: 06-CP-10-3714

Appellant Plaintiff  
GEOFFREY WILKINS #67071

vs

Respondent Defendant  
MEDICAL UNIVERSITY OF SOUTH CAROLINA

Affiant in Support of

Final Brief

GEOFFREY WILKINS hereby declares:

1) That I am currently 54 years old, and is incarcerated at the

Correctional Institution.

2) That I am also currently employed in the Correctional Dept. G.E.O. Special

Education Class the last grade that I had completed in school was the 6th grade.

THUS I have begun to obtain my GED in which I have improve in certain

areas in my studies during these years.

3) Attached to this Affidavit, I have a South Carolina Department of Correction  
Student Multi Reference Report, in order to show what area in my studies  
I have improve in and which part of my studies that I have positions with

During THE YEARS.

H) During THE filing of THIS Complaint, in THE year of 06, I WAS LIKE NOW WAS IS PURELY EDUCATED AND HAD TO SEEK ASSISTANCE FROM AN INMATE TRAIN IN THE LAW IN ORDER TO OBTAIN RELIEF FOR WHAT I AM CHALLENGING IN THIS COURT.

S) AS SHOWN IN EXHIBIT (A) MY VOCABULARY LANGUAGE, AND SPELLING AND SO-FOORTH ARE BELOW THE NORM OF A PERSON EDUCATED. IF IT WAS NOT FOR AN INMATE ASSISTING ME WITH MY BRIEF AND THIS AFFIDAVIT, DUE TO MY 6 GRADE EDUCATION LEVEL I WOULD HAVE NEVER BEEN ABLE TO ON MY OWN FILE A BRIEF IN THIS COURT. THE SAME THING APPLY TO ALL MOTIONS THAT I HAD INMATES ASSIST ME IN THE LOWER COURT OF COMMON PLEAS AND THIS COURT.

G) ALSO I HAVE, IN THE YEAR OF 08 AND 09, BEEN THROUGH TWO (2) HIP SURGERIES THAT HAVE LEFT ME IN PHYSICAL RECOVERY AND A LOT OF PAIN.

7) NOT ONE TIME LITIGATING THIS SUIT THAT I HAD INTENTION TO DELAY THE PROCESS OF THE LOWER COURT AND/OR THIS COURT; NOR ANY INTENTION TO FILE ANY TYPE OF FRAUDULENT ISSUES IN SAID COURTS.

George W. Fisher

SWORN TO AND SUBSCRIBED BEFORE ME,  
THIS 29<sup>th</sup> DAY OF November

2010.

Lucyann Bryant

NOTARY PUBLIC  
STATE OF SOUTH CAROLINA

MY COMMISSION EXPIRES May 26, 2020

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 7<sup>th</sup> DAY OF December

20 10

Sylvia Jones

NOTARY PUBLIC  
STATE OF SOUTH CAROLINA

MY COMMISSION EXPIRES 1/24/2018

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
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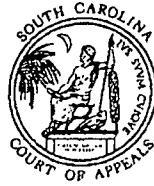
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**AFFIRMED.**

**FEW, C.J., THOMAS and KONDUROS, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
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1015 SUMTER STREET  
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February 10, 2012

## REMITTITUR

The Honorable Julie J. Armstrong  
100 Broad Street, Suite 106  
Charleston, SC 29401-2258

Re: Fickens, George v. MUSC  
2006-CP-10-03714

Dear Ms. Armstrong:

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

Sincerely,

A handwritten signature in black ink, appearing to read "Renee S. Johnson". The signature is fluid and cursive, written over a horizontal line.

Renee S. Johnson  
Case Specialist II

TAG/tj

cc: George Wiliford Fickens #67671  
Robin Lilley Jackson, Esquire



## The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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January 25, 2012

George Wiliford Fickens #67671  
Lieber Correctional  
Institution  
P. O. Box 205  
Ridgeville, SC 29472

Robin Lilley Jackson, Esquire  
Senn McDonald & Leinbach, LLC  
P.O. Box 12279  
Charleston, SC 29422-2279

Re: Fickens, George v. MUSC


Dear Counsel:

Enclosed is the opinion of the Court of Appeals in this case.

Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in this case will be sent to the Clerk of Court for Charleston County after fifteen (15) days, exclusive of the date of filing of this opinion.

No extension for a petition for rehearing will be granted except in the most extraordinary circumstances and, except in the rarest cases, with seven days' notice.

Sincerely,

  
Renee S. Johnson  
Case Specialist II

TAG/rj

George Fickens #67671  
PERRY CORR AUU-185  
430 OAKLAWN ROAD  
PEIZER, S.C. 29669  
Reply As Address:

**RECEIVED**

APR 16 2012

P.C.I. MAILROOM

"LEGAL Mail"

SCDC

APR 30 '12

COMMISSARY

SO. CAROLINA  
SUPREME COURT  
CLERK Admn. Ofc.  
P.O. Box 11330  
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Columbia, S.C. 29201