

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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AUG 08 2016

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

SC Court of Appeals

William P. Keesley, Successor Circuit Court Judge

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Case No. 2013-CP-32-01272  
Case No. 2014-CP-32-00399

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Appellate Case No. 2015-001821

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APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

WCC Case No. 0506205

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Alexander Guice, Appellant,

v.

US Foodservice, Inc., Employer, and  
Ace American Insurance Company, c/o  
Gallagher Bassett Services, Inc., Respondents.

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**REPLY TO RETURN TO VERIFIED MOTION TO RECUSE AND/OR  
DISQUALIFY CHIEF JUSTICE HONORABLE JAMES E. LOCKEMY**

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Please take notice, that Alexander Guice, the self-represented Employee and undersigned Appellant in this matter, presents this pleading in *propria persona*, wherein pleadings are to be considered without regard to technicalities. Hulsey v. Ownes, 63 F3d 354 (5<sup>th</sup> Cir 1995); also see Conley v. Gibson, 355 U.S. 41 at 48 (1957). Pursuant to Rule 240(c), SCACR, Appellant presents this Reply to "Respondents' Return in Opposition to Motion to Recuse and/or Disqualify The Honorable James E. Lockemy"

("Return"), dated July 28, 2016 and received by Appellant via Priority Mail on July 30, 2016. In Reply to Respondents' Return, Appellant would allege as follows:

## ARGUMENT

### 1. General Denial.

Appellant contends every contention and/or defense as set forth in Respondents' Return which is not hereafter specifically admitted to by Appellant is hereby denied and strict and proof demanded thereof.

### 2. On return, Chief Justice Lockemy should Recuse and/or Disqualify himself from further participation in the instant appeal because the parties AGREE that Chief Justice Lockemy failed to decide Appellant's 'Motion for Summary Judgment' or Appellant's 'Motion to Strike' based on the merits.

In reply, a review of Respondents' Return indicates that the same agrees with Appellant that Chief Justice violated Appellant's protected Due Process Rights to be heard, by failing to decide Appellant's 'Motion for Summary Judgment' or Appellant's 'Motion to Strike' based on the merits. Specifically, on page "2" of Respondents' Return, Attorney Erin L. Hantske, Esquire and McAngus Goudelock & Courie, LLC, ("Attorney Hantske"), advances the admission that:

**"Because the Orders [03/03/2016 Order & 06/24/2016 Order] were not decisions on the merits of this appeal..."** Respondents' Return, p. 2.

Appellant further points out it is well settled that this Court should decide issues raised by parties in prayers filed with the Court "on the merits" (Wilkinson v. E. Cooper Cmty. Hosp., Inc., 410 S.C. 163, 174, 763 S.E.2d 426, 432 (2014)), and "mere opinions unsupported by evidence are [legally] insufficient". Hamm v. Southern Bell Tel. and Tel. Co., 302 S.C. 132, 136, 394 S.E.2d 311, 313 (1990)<sup>1</sup>. Id.

Finally, where both the Appellant and Respondents agree Chief Justice Lockemy failed to decide Appellant's motions for summary judgment and to strike Respondents'

Initial Brief, based on the merits, in His Honor's two (2) aforementioned contested Orders issued for the Court, and where Appellant has evidenced the material facts that this Court, by way of other Appellate Court Justices, decided Respondents' Motions to 'Dismiss' and for 'Correction and/or Clarification of Appellant's Designation of Matter' based on the merits (Motion to Recuse and/or Disqualify, Ex. "C" & "D", previously filed), Chief Justice Lockemy's conduct constitutes an "abuse of discretion" (State v. Meggett, 398 S.C. 516, 523, 728 S.E.2d 492, 496 (Ct. App. 2012)("An abuse of discretion arises from an error of law or a factual conclusion that is without evidentiary support.")); Chief Justice Lockemy performed His Honor's adjudicative duties with prejudice and bias towards the Appellant, in violation of Canon 3(B)(5), CJC, Rule 501, SCACR ("A judge shall perform judicial duties without bias or prejudice."); and a clear violation, by Chief Justice Lockemy, of Appellant's protected Due Process Rights for the entitled opportunity to be heard in a meaningful way, in violation of U.S. const. amend. XVI, § 1; S.C. Const. art. I, § 22; and Rule 220(b), SCACR. Id. Motion for Summary Judgment. 03/03/2016 Order. Motion to Strike. 06/24/2016 Order.

Thus, Appellant has met his burden to reasonably question the fairness and impartiality of Chief Justice Lockemy in the instant appeal, and as such, in the interest of the administration of justice, Chief Justice Lockemy should issue an appropriate

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<sup>1</sup> Even in retirement, former Chief Justice The Honorable Jean H. Toal continues to provide guiding statements of wisdom which can certainly apply to the instant appeal. After the landmark unanimous vote in our Republican-Majority General Assembly to elect Supreme Court Associate Justice Donald W. Beatty to be the next Chief Justice of the Supreme Court, only the second African American to hold the position since Reconstruction, when asked how the Republican-Majority General Assembly could unanimously vote in favor of Justice Beatty, who was a registered Democrat during His Honor's service in the General Assembly, Chief Justice Toal replied, "**Justice Beatty is not a member of the majority party here, but he was judged on his merits, and that's the way we South Carolinians work**" (Monk, J. (2016). "Beatty wins S.C. Supreme Court chief justice post". *The State.*)).

Order disqualifying and/or recusing himself from any further participation in the instant appeal, in a manner consistent with Canon 3(E), CJC, Rule 501, SCACR. *Id.*

3. **On return, Respondents' attempt to establish, *post facto*, that the 03/03/2016 & 06/24/2016 Orders issued by Chief Justice Lockemy denying Appellant's 'Motion for Summary Judgment' and 'Motion to Strike' were issued in accordance with Rule 220, SCACR, on grounds Appellant's issues raised in the motions being "manifestly without merit" constitutes 'Parol Testimony' and should be rejected by the Court.**

In reply, a review of Respondents' Reply on page "2" indicates that Attorney Hantske has advanced the defense that the aforementioned Orders issued by Chief Justice Lockemy denying Appellant's aforementioned Motions for summary judgment and to strike Respondents' Initial Brief were issued in a manner consistent with Rule 220(b), SCACR, and specifically, on grounds that all issues set forth in both of Appellant's aforementioned motions were "manifestly without merit". Respondents' Reply, p. 2. ("...because the points raised in Appellant's Motion for Summary Judgment and Motion to Strike were manifestly without merit, the Orders [issued by Chief Justice Lockemy] did not violate Rule 220(b).").

However, a review of the contested 03/03/2016 and 06/24/2016 Orders issued by Chief Justice Lockemy on the Motions filed by Appellant confirms that; **1)** Chief Justice Lockemy made no express finding that the issues or points raised in Appellant's aforementioned motions "were manifestly without merit"; **2)** Chief Justice Lockemy did not cite Rule 220, SCACR, in support of His Honor's decisions; and **3)** Chief Justice Lockemy provided no reference to any evidence advanced by either parties in support of His Honor's decisions denying Appellant's motions. Rule 220, SCACR. 03/03/2016 Order. 06/24/2016 Order.

As it specifically relates to Attorney Hantske's *post facto* defenses set forth in

their Return alleging and attempting to establish that all points contained within Appellant's aforementioned Motions were "manifestly without merit", where the Orders issued by Chief Justice Lockemy makes no reference to the same, as well as the fact that a search of the record in the instant appeal provides no proof that Chief Justice Lockemy (or any other Appellate Court Justice) has ever made such a finding, said defense by Respondents', through Attorney Hantske, constitutes "parol testimony", which must be patently rejected by the Court<sup>2</sup>. State v. Gaskins, 263 S.C. 343, 346, 210 S.E.2d 590, 591 (1974) ("In this State we follow the rule that the acts of a court of record are known by its records alone and cannot be established by parol testimony.").

To put it in another way, Attorney Hantske is the attorney of record for the Respondents; Attorney Hantske is not an Appellate Court Justice with vested power and authority to make findings, conclusions, and decide points or issues raised in Appellant's prayers.

Finally, based on Attorney Hantske's own admission that the Orders issued by Justice Lockemy "were not decisions on the merits" (Respondents' Return, p. 2), it is nonsensical and patently absurd in terms of there being any reasonable or plausible justification Attorney Hantske's contradictory defense that all points or issues set forth in Appellant's aforementioned motions are "manifestly without merit" can be sustained by the Court. Respondents' Return. Supra. As such, the Court should categorically reject

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<sup>2</sup> For example, Attorney Hantske NOW alleges that Appellant's contention that Respondents' failed to report the May 27, 2004 admitted work-related injury sustained to Appellant's Back to the Commission (Motion to Strike) is false (Respondents' Return); however, Attorney Hantske has failed to advance a single evidentiary document, and specifically, a true Commission-stamped copy of a WCC Form 12A – Employer's Report of Injury to the Commission – which was required to be filed by the Employer, although in 'Respondents' Return to Appellant's Motion to Strike', Attorney Hantske did not deny the allegation, instead only advancing a conclusory defense which should have been deemed abandoned.

Respondents' "manifestly without merit" defense.

**4. On return, Respondents' contention that "this Court routinely decides motions in the same format and manner" as the contested Orders issued by Chief Justice Lockemy is without merit.**

In reply, Respondents' contention that this Court routinely issue Orders on motions filed by parties in a contested workers' compensation appeal "in the same format and manner as the Orders" issued by Chief Justice Lockemy on Appellant's Motion for Summary Judgment and Appellant's Motion to Strike (Respondents' Return, p. 2) is without merit based on several relevant factors.

First, Attorney Hantske fails to cite a single authority or exhibit a single Order issued by the Court on a Motion filed by a party where the Court denies the motion without providing evidentiary support or citation to authority to support the Court's decision. Respondents' Return.

Second, there are several examples from recent contested workers' compensation appeals, before this Court, where a party filed a Motion to Strike wherein in this Court's Order on the Motion to Strike, this Court's decision was supported by either evidentiary support; or citation to authority; or both, to include, but not limited to, the following:

- In Henry Thomas Brown v. Peoplease Corporation, and Arch Insurance Company c/o Gallagher Bassett Services, Inc., Appellate Case No. 2012-210889, Respondents', through counsel, and namely, Weston Adams, III, and **McAngus, Godelock & Courie, LLC**, filed a "Motion to Strike Appellant's Final Brief". In the Order, this Court, by way of Appellate Associate Justice Jasper M. Cureton, granted the motion, to include providing evidentiary support and citation to authority. Order, Appellate Case No. 2012-210889, dated 03/6/2013. Attachment "1".
- In Patricia Fore v. Griffco of Wampee, Inc., and Chartis Claims, Inc., Appellate Case No. 2012-212939, Respondents', through counsel, and namely, Weston Adams, III, and **McAngus, Godelock & Courie, LLC**,

filed a "Motion to Strike Portions of Initial Brief of Appellant and for Correction of Appellant's Designation of Matter". In the Order, this Court, by way of Appellate Associate Justice Jasper M. Cureton, denied the motion, to include providing evidentiary support. Order, Appellate Case No. 2012-212939, dated 06/4/2013. Attachment "2".

- In John McDaniel v. Career Employment Professional D/B/A Snelling Staffing and United Wisconsin Insurance Co., Appellate Case No. 2014-000186, Respondents' through counsel, and namely, Weston Adams, III, and **McAngus, Goudelock & Courie, LLC**, filed a "Motion to Strike and/or Amend Portions of Appellant's Initial Brief and Designation of Matter". In the Order, this Court, by way of Appellate Associate Justice John D. Geathers, granted the motion, in part, to include providing evidentiary support and citation to authority. Order, Appellate Case No. 2014-000186, dated 07/3/2014. Attachment "3".
- In William E. Miller, Jr. v. Owen Steel Company, Inc., and Great American Insurance Group c/o Strategic Comp Services, Appellate Case No. 2013-001564, Respondents, through counsel, and namely, Weston Adams, III, and **McAngus, Goudelock & Courie, LLC**, Filed a "Respondents' Motion to Strike Portions of Appellant's Initial Reply Brief and Certain Items from Appellant's Designation of Matter". In the Order, this Court, by way of Appellate Associate Justice Jasper M. Cureton, denied the motion, to include providing evidentiary support and citation to authority. Order, Appellate Case No. 2013-001564, dated 03/31/2014. Attachment "4".
- In Old Republic Insurance Company v. SC Second Injury Fund, Appellate Case No. 2014-001083, Respondent, through counsel, filed a "Motion to Strike Appellant's Final Brief". In the Order, this Court, by way of Appellate Associate Justice Jasper M. Cureton, granted the motion, to include providing evidentiary support and citation to authority. Order, Appellate Case No. 2014-001083, dated 11/19/2014. Attachment "5".

Indeed, it strains the limits of credulity that Attorney Hantske and McAngus Goudelock & Courie, LLC, the counsel for Respondents' in the instant appeal, would allege Chief Justice Lockemy's aforementioned Orders, simply stating "**After careful consideration, the Motion to Strike is denied**" and "**After careful consideration, the Motion for Summary Judgment and stay pending adjudication is denied**", are consistent with Rule 220, SCACR, when 1) the Orders issued on Motions filed by Attorney Hantske were decided on the merits in terms of said Orders providing

evidentiary support and citation to authority, by other Appellate Court Justices; and 2) in numerous motions to strike filed in other workers compensation appeals, to include being filed by fellow Respondent Attorney Weston Adams, III, of Attorney Hantske's same law firm, this Court routinely decided the strike motions on the merits, to include providing evidentiary support and citation to authority in support of same. 03/03/2016 Order. 06/24/2016 Order. *Supra*.

Finally, based on Attorney Hantske's own admission that the Orders issued by Chief Justice Lockemy on Appellant's aforementioned Motions "were not decided on the merits", which was a "mandatory requirement", pursuant to Rule 220, SCACR ("In every decision rendered by an appellate court, every point distinctly stated in the case which is necessary to the decision of the appeal and fairly arising upon the record of the court **must** be stated in writing and **must**, with the reason for the court's decision, be preserved in the record of the case.")(Emphasis added), and settled law, the Court should patently reject Respondents' conclusory and unsupported defense. 03/03/2016 Order. 06/24/2016 Order. Respondents' Return. Rule 220, SCACR. In re Matthews, 345 S.C. 638, 550 S.E.2d 311 (2001)(holding "Under the rules of statutory interpretation, use of words such as "shall" or "must" indicates the legislature's intent to enact a mandatory requirement.")). Wilkinson, *supra*. Hamm, *supra*.

**5. On return, Respondents' defense that the Orders issued by Chief Justice Lockemy did not constitute personal bias against Appellant is without merit.**

In reply, Respondents' contention that "Appellant has not presented any evidence of personal bias on the part of Judge Lockemy that would justify recusal" (Respondents' Return, p. 1), is without merit based on several relevant factors.

First, Respondents', through Attorney Hantske, has admitted that the Orders issued on the Appellant's Motions by Chief Justice Lockemy were not decided on the merits, which violated Rule 220, SCACR and well settled law. Rule 220, SCACR. Wilkinson, *supra*. Hamm, *supra*. Respondents' Return.

Consequently, in violating Rule 220, SCACR, Chief Justice Lockemy also violated Appellant's protected Due Process Rights "to be heard in a meaningful way", not once, but on two separate occasions, which Appellant contends was biased and prejudicial towards the undersigned Appellant; the integrity of this Court, and furtherance of the administration of justice, to wit the alleged due process violations, on their face, warrants immediate recusal and/or disqualification of Chief Justice Lockemy. Motion for Summary Judgment. 03/03/2016 Order. Motion to Strike. 06/24/2016 Order. Mullane, *supra*. Ogburn-Matthews, *supra*. U.S. const. amend. XVI, § 1. S.C. const. art. I, § 22.

Second, Appellant contends the U.S. Supreme Court's holding authority as set forth in Caperton v. A.T. Massey Coal Co. summarily *overrules* the more stringent elements required to be met by a party seeking the recusal or disqualification of a judge as set forth in Christensen, *supra*; and Parker, *supra*. Id.

Specifically, in Caperton, the USSC held:

*The Due Process Clause demarks only the **outer boundaries of judicial disqualifications**. Congress and the states, of course, remain free to impose more rigorous standards for judicial disqualification than those we find mandated here today. Because the codes of judicial conduct provide **more protection than due process requires**, most disputes over disqualification will be resolved without resort to the Constitution.*

(Emphasis added). Id. at 129 S. Ct. 2252, 2267 (2009).

Furthermore, Appellant points out that as it specifically relates to the requirement

of Chief Justice Lockemy to recuse and/or disqualify himself from this proceeding based upon Appellant's allegations of violating the Due Process Clause, John P. Freeman, Distinguished Professor Emeritus and John T. Campbell Chair in Business and Professional Ethics at the University of South Carolina's School of Law wrote,

*"...the [USSC] Court held that a due process violation can be premised on evidence that falls short of "proof of actual bias" [citation omitted]. Instead, all that is needed is evidence showing "a serious risk of actual bias based on objective and reasonable perceptions." In other words, proof of a high "probability" or "serious risk of actual bias"[citation omitted] on a judge's part not only **justifies recusal**, but also provides grounds for an appellate challenge to a refusal to recuse under the Due Process Clause. [Citation omitted]."*

(Emphasis added) John P. Freeman, *Appearance of Impropriety, Recusal, and the Segars-Andrews Case*, 62 S. C. L. Rev. 485 (2011).

Finally, Canon 3(E)(1), CJC, Rule 501, SCACR, expressly provides that **"A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned."** *Id.* While Canon 3(E)(1)(a) provides for **"personal bias or prejudice concerning a party or a party's lawyer"** as grounds to support recusal or disqualification, this element *is not required* for a party to prevail in terms of securing recusal or disqualification of a judge, so long as the party is able to establish that the "judge's impartiality might reasonably be questioned". *Id.* Here, both parties have agreed that the Orders issued on Appellant's Motions, by Chief Justice Lockemy, for the Court, were not decided on the merits. Respondents' Return. Verified Motion to Recuse.

Where Chief Justice Lockemy violated Rule 220 in terms of failing to decide the two motions filed by the Appellant on the merits, and particularly where every motion filed by Respondents' Counsel before this Court have been decided in a manner

complying with Rule 220, Appellant has met his burden to reasonably question the impartiality of Chief Justice Lockemy, wherein the requirements set forth in Christensen, *supra*; and Parker, *supra*, are immaterial to sustain recusal and/or disqualification of Chief Justice Lockemy from further participation in the instant appeal. Id.

As such, Respondents' defense that "Appellant has not presented any evidence of personal bias on the part of Judge Lockemy that would justify recusal" should be rejected by the Court.

**6. On return, Respondents' defense that S.C. Code Ann. § 42-9-440, does not apply to this Court, is without merit.**

In reply, Appellant contends Respondents' defense that § 42-9-440, and specifically, the provision within the South Carolina Workers' Compensation Act ("Act"), which mandates the reporting of all cases of suspected false statements or intentional misrepresentation to the Insurance Fraud Division, Office of the Attorney General, does not apply to this Court is patently without merit.

As an initial matter, jurisdiction of the instant appeal is not vested upon the Workers' Compensation Commission ("Commission") pursuant to Appellant's timely filing of a Notice of Appeal in accordance with Rule 203(b)(1), SCACR; S.C. Code Ann. § 1-23-380; and S.C. Code Ann. § 14-3-330(1) & (2)(c). Notice of Appeal, previously filed.

Furthermore, because jurisdiction of the instant workers' compensation claim is vested with this Court, and not the Commission, the obligatory duty to report all cases of suspected intentional false statements or intentional misrepresentation to the Insurance Fraud Division, Office of the Attorney General, would be required to be completed by this Court, on grounds that under the rules of statutory construction, it would be an

"absurd result" to view the plain language and meaning of § 42-9-440 that only the Commission can report all cases of suspected intentional false statements and/or intentional misrepresentation alleged by a party to a workers compensation claim, to the Attorney General's Office, particularly where jurisdiction of the claim rested with the Circuit Court, Court of Appeals, or the Supreme Court at the time the allegations were advanced. Id.

"The cardinal rule of statutory construction is to ascertain and effectuate the legislative intent whenever possible." Perry v. Bullock, 409 S.C. 137, 140, 761 S.E.2d 251, 253 (2014) (quoting State v. Baucom, 340 S.C. 339, 342, 531 S.E.2d 922, 923 (2000)). Our courts are constrained to avoid a statutory construction that would have the effect of reading a provision out of a statute. Steinke v. S.C. Dep't of Labor, Licensing & Regulation, 336 S.C. 373, 396, 520 S.E.2d 142, 154 (1999). "[i]n construing a statute, this Court is constrained to avoid an absurd result." Roche v. Young Bros., Inc., of Florence, 332 S.C. at 81, 504 S.E.2d at 314 (1998).

In other words, it was not the legislature's intent when enacting § 42-9-440 to afford an attorney or litigant to a workers' compensation claim with the ability to evade criminal investigation and prosecution, if warranted, if the charging party did not become aware of the alleged intentional false statements or misrepresentation until after the Commission relinquished jurisdiction of the workers' compensation claim to an appellate court.

As such, to avoid "the effect of reading a provision [reporting suspected allegations of intentional false statements and intentional misrepresentation to the Attorney General's Office] out of a Statute [§ 42-9-440]" (Steinke, supra), and ensure "to

ascertain and effectuate the legislative intent whenever possible (Perry, supra), this Court must have the appropriate authority and duty, pursuant to § 42-9-440, to report all suspected cases of intentional false statements and intentional misrepresentation to the Attorney General's Office for criminal investigation. Id. Thus, Respondents' defense that § 42-9-440 does not apply to this Court should be rejected.

**7. On return, Respondents' defense that the "Black Codes" or "Jim Crow Laws" have no bearing on this case is without merit.**

In reply, Appellant contends Respondents' defense that the "Black Codes" or "Jim Crow Laws" have no bearing on this case is without merit, based on several pertinent factors.

As an initial matter, a review of the Respondents' Return indicates that Attorney Hantske did not deny or dispute several contentions advanced by the Appellant that:

- i. The undersigned pro se Appellant is an African American Male Citizen;
- ii. The Appellant has been unemployed since November 2, 2005;
- iii. That Attorney Hantske; Walter H. Barefoot, Esq. formerly of Turner Padgett Graham & Laney, LLC ("Attorney Barefoot"); and Robert G. Bacon, Esq., formerly of Harry Pavilack<sup>3</sup> & Associates, P.A., and currently of The Bacon Law Firm, LLC ("Attorney Bacon"), are all White or Caucasian Citizens;
- iv. In the Appellant's aforementioned Motion to Strike, Appellant alleged that Attorney Barefoot and Attorney Bacon engaged in a Conspiracy to commit Insurance Fraud; Insurance Fraud; making Intentional False Statements; and Intentional Misrepresentation;
- v. In the Appellant's aforementioned Motion to Strike, Appellant alleged that Attorney Hantske engaged in making Intentional False Statements;

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<sup>3</sup> Appellant points out that Attorney Bacon initially began performing his attorney duties for the Appellant while under the Harry Pavilack Law Firm in May 2005. By way of Supreme Court Order dated July 15, 2016 and following the filing of formal charges against him, Harry Pavilack opted to resign in lieu of discipline. Attorney Bacon was administratively suspended from the practice of law by Supreme Court Order dated May 5, 2016 for failing to meet his Continuing Legal Education (MCLE) requirements.

Intentional Misrepresentation; and Insurance Fraud;

- vi. In the Order dated June 24, 2016, Chief Justice Lockemy denied Appellant's Motion to Strike, to include not providing any evidentiary support or ordering that Appellant's allegations be reported to the Insurance Fraud Division, Office of the Attorney General, for criminal investigation; and
- vii. Appellant's characterization of "Jim Crow" Laws, and specifically, the "Five Pillars of Jim Crow Laws", including "Economic Oppression"; "Political Oppression"; "Legal Oppression"; "Social Oppression"; and "Personal Oppression".

Respondents' Return. Verified Motion to Recuse. Motion to Strike. Order dated 06/24/2016.

Second, Attorney Hantske agrees with Appellant that neither the March 3, 2016 Order nor June 24, 2016 Order issued by Chief Justice Lockemy were decided on the merits of Appellant's Motions and the instant appeal. Respondents' Return, p.2.

Where Appellant has every right to believe the well pled arguments set forth in both his Motion for Summary Judgment and/or his Motion to Strike, if decided on the merits; in accordance with the Due Process Clause; the Equal Protection Clause; and by a fair and impartial Appellate Court Justice(s) for the Court, would entitle Appellant to relief, including the reinstatement of employment; release of unlawfully withheld TTD Disability Benefits; and access to medical and dental benefits, the failure of Chief Justice Lockemy to decide Appellant's motions on the merits, at a minimum, has resulted in; **a)** A violation of the Due Process Clause; **b)** Discrimination against the African American Appellant; **c)** On its face, protection from criminal investigation and/or punitive/disciplinary actions against Attorney Bacon; Attorney Barefoot; and Attorney Hantske; **d)** Unwarranted and inexcusable delay in adjudication of the instant appeal; and **e)** A delay of Appellant's access to entitled and needed relief, wherein Chief Justice

Lockemy's actions are consistent with the application of at least three of the five Pillars of Jim Crow Laws; Economic Oppression; Legal Oppression; and Personal Oppression. Respondents' Return. Verified Motion to Recuse. Motion to Strike. Motion for Summary Judgment. 03/03/2016 Order. 06/24/2016 Order.

Third, South Carolina's past and more recent history of discrimination regarding minorities, and specifically, African Americans, cannot be denied. In United States v. Charleston County, 365 F.3d 341 (4<sup>th</sup> Cir. 2004), the 4<sup>th</sup> Circuit affirmed the District Court's holding in United States v. Charleston County, 316 F. Supp. 2d 268 (D.S.C. 2003), where the 4<sup>th</sup> Circuit held "United States presented uncontroverted evidence of racial polarization and minimal minority electoral success," noting how the experts agreed that "partisanship and race as determinants of voting are 'inextricably intertwined.'" Id.

Further, in Vander Linden v. Hodges, 193 F.3d 268 (4<sup>th</sup> Cir. 1999), the Fourth Circuit held that South Carolina's legislative delegation system was unconstitutional for violation of the one-person, one-vote requirement of the Equal Protection Clause, concluding that "there is no serious dispute that the delegation fails to satisfy this [one-person, one-vote] requirement." In so holding, the appellate court noted that "the legislative delegation system [in South Carolina], which developed in place of locally elected county government, was similarly created out of fear of African-American voting power [Political Oppression Pillar of Jim Crow Laws]," and "arose against the backdrop of a white supremacist movement led by Governor Ben Tillman, that sought to diminish African-American voting power." Id.

Moreover, in Levy v. Lexington Cnty., S.C., No. 3:03-3093, 2009 WL 440338

(D.S.C. Feb. 19, 2009), the district court found that “[a]lthough the more egregious forms of discrimination, such as separate facilities for different races, no longer are practiced, segregation has continued to exist to a great extent with respect to churches, workplaces, businesses, and communities.” *Id.* The Levy court continued, “[t]he evidence supports a finding that there are lingering socio-economic effects of discrimination,” given the pronounced disparities between black and white households in median income, poverty rates, unemployment, lack of a vehicle, and education (vacated and remanded by the Fourth Circuit finding district court’s opinion declined to re-open the record to evidence from recent elections, and because it performed an improper analysis of minorities’ political cohesion and majority bloc voting. 589 F.3d 708 (4th Cir. 2009)).

However, on remand, the Levy district court found against the plaintiffs on the majority bloc voting prong of the Section 2 analysis [VRA], while acknowledging its prior findings on the lingering effects of racial discrimination. 2012 WL 1229511 (D.S.C. Apr. 18, 2012).

Additionally, in United States v. Charleston County, 316 F. Supp. 2d 268 (D.S.C. 2003), the district court invalidated Charleston County’s at-large election system because it “unlawfully exacerbates the disadvantaged political posture inherited by generations of African-Americans through centuries of institutional discrimination.” *Id.* The evidence relied upon by the court included that: (1) “the South Carolina Constitution of 1895 included a literacy test, a poll tax, disfranchisement for certain enumerated crimes, and long residency requirements;” (2) blacks “were subject to segregation laws which had a discriminatory effect on most aspects of their lives [Jim Crow Laws];” and

(3) "African Americans have suffered a pronounced and protracted history of past discrimination," and "[d]uring the first half of the twentieth century, African-American citizens in Charleston as in other areas of South Carolina, were subject to segregation laws which had a discriminatory effect on most aspects of their lives." Id.

Still further, the court noted the "voluminous testimony" put forth by the United States "concerning what it characterized as a consistent and more recent pattern of white persons acting to intimidate and harass African American voters at the polls during the 1980s and 1990s and even as late as the 2000 general election," and, while acknowledging that much of it was anecdotal, the court agreed "that there is significant evidence of intimidation and harassment." Id. Specifically, the court recounted the testimony of various Charleston County election commissioners and officials who attested to "inappropriate behavior by white [poll] managers at majority-black precincts" who, among other things, "caused confusion, intimidated African-American voters, and had the tendency to be condescending toward those voters"; "harassed African-American voters"; and denied African-American voters requested assistance. Id.

Despite the defendants' suggestion that "such instances of harassment and intimidation against African-American voters were attributable solely to partisan politics and not race," the court found that "the uncontroverted testimony establishes that such conduct never occurred at predominantly white polling places, including those that tended to support Democratic candidates." Id. In particular, the court expressed "particular concern over two recent episodes of racial discrimination against African-American citizens attempting to participate in the local political process," discussing how the salary of the "first and only African-American person to serve as the County's

Probate Judge” was immediately reduced following his election, and how immediately following the 2000 Charleston County School Board elections—in which, for the first time, five of the nine board members were African-American—the Charleston Legislative Delegation “sponsored several pieces of legislation to alter the method of election for the school board in Charleston County” and “to remove control of the budget of the school system from the School Board.” Id.

Further still, In Colleton County Council v. McConnell, 201 F. Supp. 2d 618 (D.S.C. 2002), Plaintiffs sought a declaration that districting plans in South Carolina were unconstitutional as to each elective district and sought the implementation of interim court-ordered plans in time for the impending 2002 elections. Id. Holding that elected officials of South Carolina failed to redistrict the General Assembly and South Carolina’s Congressional seats in accordance with their constitutional obligations, the district court noted, “the history of racially polarized voting in South Carolina is long and well-documented,” and, despite the passage of time, such polarization continued:

*In this case, the parties have presented substantial evidence that this disturbing fact has seen little change in the last decade. Voting in South Carolina continues to be racially polarized to a very high degree, in all regions of the state and in both primary elections and general elections. Statewide, black citizens generally are a highly politically cohesive group and whites engage in significant whitebloc voting. Indeed, this fact is not seriously in dispute. . . . South Carolinians are still very divided in terms of where they live and that elections throughout South Carolina continue to be marked by very high levels of racial polarization in voting. Black voters are generally politically cohesive and white voters almost always vote in blocs to defeat the minority’s candidate of choice. Id.*

The McConnell court further considered the “extensive documentation of the history of voting related racial discrimination in South Carolina, which was submitted largely as a stipulation among the parties,” and “[e]vidence of the depressed socio-economic and educational status of blacks in the state which hinders their ability to

participate effectively in the political process and to elect representatives of their choice.” Id.

Furthermore, in Smith v. Beasley, 946 F. Supp. 1174 (D.S.C. 1996), a three-judge panel held that race was the predominant factor in drawing certain state house and senate districts and thus they were unconstitutional. Id. In so holding, the court found, “[i]n South Carolina, voting has been, and still is, polarized by race,” and that such a pattern of racial polarization “is general throughout the state and is present in all of the challenged House and Senate districts in this litigation.” Id. The court also found that in the challenged districts, “there is a socio-economic gap between the average white citizen and the average black citizen,” noting:

*There is a larger percentage of blacks than whites below the poverty level; the household income of blacks is generally less than that of whites; unemployment is greater among blacks; and the level of formal education among blacks is less. . . . More blacks than whites are without private means of transportation . . . .* Id.

Still further, in NAACP v. Spartanburg Cnty. Bd. of Educ., Civ. No. 7:91-3111-20 (D.S.C. Oct. 15, 1993), an action challenging the at-large system, the parties settled the case by adopting a mixed-district electoral plan. Id. Although the defendant school district did not admit any violation, it recognized that “polarized voting along racial lines occurred in some elections in Spartanburg County,” and that “black citizens throughout the State of South Carolina have experienced a history of racial discrimination in areas such as education, employment, health care and housing, which has impeded their ability to participate effectively in the political process.” Id.

Appellant contends the cited cases above clearly demonstrate past and recent history of discrimination regarding the unfair treatment of African Americans in our state.

Appellant contends if he were a White Caucasian Honorable Disabled Veteran,

who dutifully served our country in the U.S. Army for seven years, with no criminal background record of any kind, upon a fair consideration of the facts of the case and application of the rule of law, this case would have been decided years ago in the Appellant's favor.

However, because the Appellant is a Honorable Disabled Veteran who served our country in the U.S. Army for seven years, with no criminal background record of any kind, but is African American, this case continues, to include the repeated violation of his Due Process and Equal Protection rights by not only this Court through the actions of Chief Justice Lockemy, but by the actions of the Commission as well as the Circuit Court.

Until such time as this Court demonstrates impartiality, fairness and equality in terms of deciding the Appellant's Motions on the merits, as opposed to the clearly "separate but unequal" standards applied to deciding the Appellant's Motions, by Chief Justice Lockemy, to include failing to expressly state in writing the issues fairly raised; to include analyzing and discussing the evidence and holding authorities relied upon by the undersigned Appellant, as contained in his Motion for Summary Judgment and Motion to Strike (Rule 220, SCACR), Appellant contends elements of *Jim Crow Laws* shall continue to appear to be at bar in the instant appeal. Id.

**8. Respondents' "request" that Appellant be sanctioned for filing a frivolous pleading is without merit.**

In reply, Respondents' defense that Appellant's Verified Motion to Recuse Chief Justice Lockemy was not filed in good faith and "sanctions should be imposed on Appellant to dissuade him from continuing to file frivolous motions" (Respondents' Reply, p. 5-6), is categorically without merit based on several factors.

As an initial matter, Respondents', through Attorney Hantske, has admitted that that the aforementioned Orders issued by Chief Justice Lockemy on Appellant's Motion for Summary Judgment and Motion to Strike Respondents' Initial Brief "were not decided on the merits", which clearly violated Rule 220, SCACR, and the Due Process Clause. Id. Respondents' Return, p.2.

Where Respondents' and Attorney Hantske has been afforded the "luxury" of Due Process in terms of every Motion filed with this Court by Attorney Hantske being decided on the merits, to include their Motion to Dismiss being granted via dispositional Order in the related matter of Appellate Case No. 2013-002491, Appellant's challenge to reasonably question the impartiality of Chief Justice Lockemy, to include *inter alia* alleging that Appellant's Due Process Rights has been violated, is both a proper and reasonably based Motion which is not only valid under existing law, Attorney Hantske's own admission regarding Chief Justice Lockemy's failure to decide Appellant's aforementioned motions on the merits validates Appellant's recusal application pursuant to S.C. Code Ann. § 15-36-10(J)(Supp. 2005), and settled law. Id. Order dated 04/24/2014, Appellate Case No. 2013-002491, Attachment "E", Verified Motion to Recuse, previously filed. Hanahan v. Simpson, 326 S.C. at 156, 485 S.E.2d at 912 (1997). Canon 3(E)(1), CJC, Rule 501, SCACR. John P. Freeman, *supra*. Caperton, *supra*. Motion for Summary Judgment. 03/03/2016 Order. Motion to Strike. 06/24/2016 Order. Mullane, *supra*. Ogburn-Matthews, *supra*. U.S. const. amend. XVI, § 1. S.C. const. art. I, § 22.

Furthermore, the undersigned African American *pro se* Appellant truly believes, under existing law, that he has, and continues to be, subjected to "Personal

Oppression”; “Legal Oppression”; and “Economic Oppression” by this Court, and specifically, by the actions and inactions of Chief Justice Lockemy. *Supra*.

Second, Attorney Hantske’s advancement of prior actions before the lower court, and specifically, raising prior recusal/disqualification motions and the like filed by the Appellant, actually supports this Motion to Recuse Chief Justice Lockemy.

**I. The Honorable Thomas A. Russo, Sr., Circuit Judge**

With respect to Appellant’s Motion to Disqualify former presiding judge The Honorable Thomas A. Russo, Sr. (“Judge Russo”), respective to Appellate Case No. 2013-CP-32-01272, in denying Appellant’s recusal/disqualification motion, Judge Russo never found that Appellant’s motion was ‘frivolous’ or advanced in ‘bad faith’; Judge Russo never issued a *sua sponte* Rule to Show Cause against Appellant; and Respondents’, through Attorney Hantske, never filed a Motion for Sanctions against Appellant. Respondents Return.

**II. The Honorable Brian M. Gibbons, Circuit Judge**

With respect, to former presiding judge The Honorable Brian M. Gibbons (“Judge Gibbons”), Appellant *never* filed a motion seeking the recusal or disqualification of Judge Gibbons. Respondents’ Return. Furthermore, Attorney Hantske *conveniently* failed to state in her Return that in addition to Judge Gibbons recusing himself, *sua sponte*, in the September 25, 2014 “Order Granting Appellant/Claimant’s Motion For New Trial and Order of Recusal”, Judge Gibbons Found, Concluded, and Ordered:

- Never made a Finding that Appellant’s Rule 59(a) ‘Motion for New Trial’ was filed in bad faith or frivolous;
- Made a Finding that His Honor did not comply with the April 24, 2014 Appellate Court Order issued by this Court, and specifically, issued by former Chief Justice John Cannon Few, Directing the lower court to

adjudicate Appellate Case No. 2013-CP-32-01272 in conjunction with Appellate Case No. 2014-CP-32-00399 “on the merits”;

- Ordering that His Honor’s previous July 30, 2014 Order granting Respondents’ Motion to Dismiss VACATED; and
- GRANTED Appellant’s Rule 59(a), ‘Motion for New Trial’ “as to all particulars set forth in his [Appellant’s] motion”.

Order Granting Appellant/Claimant’s Motion For New Trial and Order of Recusal, Appellate Case No. 2013-CP-32-01272/2014-CP-32-00399, dated **09/25/2014** (*vacated sua-sponte with no grounds provided on July 17, 2015 via Successor Circuit Judge Keesley*), Respondents’ Return, Att. “C”; ROA.

Indeed, it strains the limits of imprudence, when considering the Adversarial scheme of litigation in our Court system, that Attorney Hantske would advance a true copy of Appellant’s Rule 59(a) Motion for New Trial (Respondents’ Return, Att. “B”), particularly when Judge Gibbons **granted all particulars raised and set forth in Appellant’s Rule 59(a) Motion. Id.**

### III. The Honorable William P. Keesley, Successor Circuit Judge

As it relates to Respondents’ advancement of actions taken by Appellant respective of The Honorable William P. Keesley (“Judge Keesley”), the successor Circuit Judge, and specifically, respective of the July 17, 2015 “Order” currently on appeal before this Court, it is improper for Respondents’ to utilize and rely upon the July 17, 2015 Circuit Court Order on appeal, or any actions convened before Successor Judge Keesley, as grounds to support their request that the Court impose sanctions upon Appellant, pursuant to Rule 241(a), SCACR (“**General Rule**”). As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This

automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court.”). Id.

To put in another way, Attorney Hantske is precluded from advancing any evidentiary documentation from the pending matter which is in an ‘axiomatic’ stay to support the imposition of sanctions against Appellant, unless this Court; the lower court; of the Commission previously issued an Order lifting the automatic stay, which has not occurred. Rule 241(a), SCACR. Record.

If anything, this fair and impartial Court should consider, on its own motion, issuing a **Rule to Show Cause**, for possible imposition of sanctions, upon Attorney Erin L. Hantske, Esquire, and McAngus Goudebeck & Courie, LLC, pursuant to Rule 269, SCACR, and/or other holding authorities, for advancing erroneous evidentiary support in Respondents’ request that the Court impose sanctions upon Appellant, as well as Attorney Hantske’s apparent disregard and willful noncompliance of Rule 241(a), SCACR.

Finally, every allegation set forth in Appellant’s Verified Motion to Recuse and/or Disqualify Chief Justice Lockemy, to include Appellant’s submission of a Complaint and Request for Investigation to the Attorney General’s Office, was submitted in good faith; verified and read by Appellant; advanced with a legal theory valid under existing law; and the undersigned African American *pro se* Appellant should not be **harassed** and **threatened**, with sanctions, by Attorney Hantske, as it particularly relates to Appellant honestly seeking the enforcement of the law. Respondents’ Return. Wingate v. Postal Tel. & Cable Co., 204 S.C. at 528, 30 S.E.2d at 310-311 (1944) (“Those who honestly

seek the enforcement of the law . . . and who are supported by circumstances sufficiently strong to warrant a cautious man in the belief that the party suspected may be guilty of the offense charged, should not be made unduly apprehensive that they will be held answerable in damages." (alteration by Burton) (quoting Burton v. McNeill, 196 S.C. at 253-54, 13 S.E.2d at 11) (1941))).

Thus, this Court should patently reject Respondents' request that the Court impose sanctions upon Appellant for filing a frivolous pleading as patently meritless.

**CONCLUSION**

Accordingly, this Court should patently reject the defenses and relief set forth in Respondents' Return and grant Appellant's Verified Motion to Recuse and/or Disqualify Chief Justice James E. Lockemy as a matter of law. Further, Appellant requests that the Court stay all pending matters in this appeal until the Court has issued a ruling on this motion.

**VERIFICATION**

I, **Alexander Guice**, the named and undersigned self-represented African American Appellant in this matter, do hereby swear, under penalty of perjury, that I prepared, read and reviewed the information contained herein, said information is submitted in good faith, and believe it to be true and correct to the best of my knowledge and ability.

Respectfully submitted,  
By: *Alexander Guice*  
Alexander Guice  
U.S. African American Citizen  
Honorable Disabled Veteran  
Post Office Box 13281  
Tampa, FL 33681  
(813) 562-0547  
alguice@hotmail.com  
Appellant, Pro Se  
August 4, 2016

Sworn to before me this 4 day of August, 2016

*Chris Banaszak*  
Notary Public of Florida  
My commission expires 8/13/2017

**RECEIVED**

AUG 08 2016

SC Court of Appeals



**CHRIS BANASZAK**  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF045304  
Expires 8/13/2017

# ATTACHMENT "1"

# The South Carolina Court of Appeals

Henry Thomas Brown, Appellant,

v.

Peoplease Corporation, and Arch Insurance Company c/o  
Gallagher Bassett Services, Inc., Respondent.

Appellate Case No. 2012-210889

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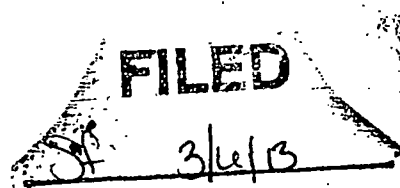
## ORDER

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After careful consideration, Respondents' motion to strike Appellant's final brief is granted. Within fifteen days, Appellant shall serve and file a final brief that is in compliance with the appellate court rules. Specifically, the final brief "shall be identical to the brief(s) previously served under Rule 208," except for the inclusion of citations to the record on appeal and the correction of typographical errors and misspellings. Rule 211, SCACR.

  
FOR THE COURT

Columbia, South Carolina



cc:

Weston Adams, III

Tyler A. Bathrick

Helen Faith Hiser

Amanda Anderson Mellard

Michael Joseph O'Sullivan

# ATTACHMENT "2"

# The South Carolina Court of Appeals

Patricia Fore, Employee, Appellant,

v.

Griffco of Wampee, Inc., Employer, and Chartis Claims,  
Inc., Carrier, Respondents.

Appellate Case No. 2012-212939

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## ORDER

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Respondents have filed a motion to strike the proffered testimony of Tony Owens, arguing the testimony was not admitted below. Appellant filed a return, arguing that the testimony was properly proffered before the Single Commissioner, and the Single Commissioner's exclusion of the testimony was an issue before the Appellate Panel and is now before this Court. Respondents filed a return. After careful consideration of the parties' filings, Respondents motion to strike is denied.

Appellant's motion for an extension of time to serve and file her initial reply brief is granted.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Stephen Benjamin Samuels  
Peter P. Leventis, IV  
James H. Lichty  
Weston Adams, III  
Helen Faith Hiser

FILED

SF June 4, 2013

# ATTACHMENT "3"

# The South Carolina Court of Appeals

John McDaniel, Employee, Appellant,

v.

Career Employment Professional D/B/A Snelling  
Staffing, Employer, and United Wisconsin Insurance Co.,  
Carrier, Respondents.

Appellate Case No. 2014-000186

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## ORDER

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Respondents have filed a motion to strike and/or require Appellant to amend his initial brief and designation of matter. After careful consideration, Respondents' motion is granted in part and Appellant's brief and designation of matter are stricken. Within fifteen days of this order, Appellant shall file an amended designation of matter, which does not include any personal recordings. Furthermore, within fifteen days of this order, Appellant shall file an amended initial brief, which contains intelligible references to the materials cited in the designation of matter pursuant to Rule 208(b)(4), SCACR.

  
FOR THE COURT

Columbia, South Carolina

cc:

John McDaniel

R. Mark Davis, Esquire

**FILED**

*July 3, 2014*

Allison Cauthen Nussbaum, Esquire  
Weston Adams, III, Esquire  
Helen Faith Hiser, Esquire

# ATTACHMENT "4"

# The South Carolina Court of Appeals

William E. Miller, Jr., Employee, Claimant, Appellant,

v.

Owen Steel Company, Inc., Employer, and Great  
American Insurance Group c/o Strategic Comp Services,  
Carrier, Respondents.

Appellate Case No. 2013-001564


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## ORDER

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Respondents filed a motion to strike (1) one paragraph in Appellant's initial reply brief that references evidence Appellant unsuccessfully moved to have admitted by way of a motion to supplement, (2) Item 12 from Appellant's Designation of Matter, which includes Appellant's motion to supplement, its attachments, and the order denying the motion, and (3) Items 6 and 7 from Appellant's Designation of Matter, which reference "proposed submissions." Respondents withdrew the objection to Appellant's designation of "proposed submissions" upon Appellant's agreement to replace that designation with "APA Submissions."

Because the matters designated in Item 12 and referenced in Appellant's initial reply brief were presented to the commissioner, Respondents' motion to strike is denied. *See Rule 210(c), SCACR* ("The Record shall not, however, include matter which was not presented to the lower court."). Within ten days, Appellant shall file an amended designation of matter to replace "proposed submissions" with "APA Submissions."

 AS

FOR THE COURT

Columbia, South Carolina

cc: John Charles Ormond, Jr., Esquire  
Jason Wendell Lockhart, Esquire  
Weston Adams, III, Esquire  
Helen Faith Hiser, Esquire  
M. McMullen Taylor, Esquire

FILED

of 3/31/14



# ATTACHMENT "5"

# The South Carolina Court of Appeals

Old Republic Insurance Company, Appellant,

v.

SC Second Injury Fund, Respondent.

In Re: Carl Hutchins, Employee v. Pepsi Bottling Group  
and Old Republic Insurance Company, Employer and  
Carrier

Appellate Case No. 2014-001083

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## ORDER

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Appellant has filed a motion to reconsider this Court's order allowing Respondent to file its initial brief out of time. We decline to address the motion to reconsider. *See* Rule 240(i), SCACR (providing that appellate courts will not entertain a petition for rehearing on a motion unless the action of the court on the motion has the effect of dismissing or finally deciding a party's appeal).

Respondent has filed a motion to strike Appellant's final brief, arguing it violates Rule 211(b), SCACR, because it is not identical to Appellant's initial brief. Respondent's motion to strike Appellant's final brief is granted. Within twenty days, Appellant shall serve and file an amended final brief. *See* Rule 211(b), SCACR (providing that the final brief shall be identical to the initial brief, except for the addition of citations to the record on appeal and corrections of "obvious typographical errors and misspellings").

  
FOR THE COURT

**FILED**  
11/19/14

Columbia, South Carolina

cc: Andrew D. Smith, Esquire  
Latonya Dilligard Edwards, Esquire

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

William P. Keesley, Successor Circuit Court Judge

Case No. 2013-CP-32-01272  
Case No. 2014-CP-32-00399

Appellate Case No. 2015-001821

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION  
WCC Case No. 0506205

Alexander Guice, Employee, Appellant,

v.

US Food Service, Inc., Employer, and  
Ace American Insurance Company c/o  
Gallagher Bassett Services, Inc., Respondents.

**PROOF OF SERVICE**

I hereby certify that the Respondents, through Counsel, were provided a true copy of a cover letter to the Clerk; a Reply to Return to Verified Motion to Recuse and/or Disqualify Chief Justice Honorable James E. Lockemy'; and a proof of service, by depositing the same in the US Postal Service, via Priority Mail, and addressed to: **Erin L. Hantske, Esq., P.O. Box 650007 Mt. Pleasant, SC 29465** on this 4<sup>th</sup> day of August, 2016.



Alexander Guice  
U.S. African American Citizen  
P.O. Box 13281  
Tampa, FL 33681  
(813) 562-0547  
Appellant, Pro Se

July 21, 2016

**RECEIVED**

AUG 08 2016

SC Court of Appeals

Alexander Guice

P.O. Box 13281  
Tampa, FL 33681  
Phone: (813) 562-0547  
Email: alguice@hotmail.com

August 4, 2016

Via Priority Mail

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
AUG 08 2016  
SC Court of Appeals

Re: Alexander Guice v. US Foodservice, Inc., et al  
Appellate Case No. 2015-001821

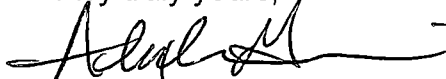
Dear Ms. Kitchings:

Please find enclosed with this cover letter an original and seven (7) copies of a 'Reply to Return to Verified Motion to Recuse and/or Disqualify Chief Justice Honorable James E. Lockemy' and a proof of service in regards to the above-entitled action. Please forward to the appropriate personnel for processing, and please return clocked copies of the same to the undersigned in the pre-paid self-addressed envelope enclosed for your convenience.

By copy of this correspondence, Erin L. Hantske, Esq., the Respondents' Counsel of record, has been provided a copy of the same via priority mail with enclosures.

Should you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Alexander Guice  
Appellant, *pro se*

Enclosures: As stated

cc: Erin L. Hantske, Esquire

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