

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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DEC 11 2012

APPEAL FROM RICHLAND COUNTY
Joseph M. Strickland, Master in Equity

SC Court of Appeals

Case Tracking #: 2012210746
Civil Docket No. 2009-CP-40-64

F.M. Haynie d/b/a Docwild's General Contractor,..... Appellant

v.

Paul E. Cash and Carole S. Cash,..... Respondent

**APPELLENTS' REPLY TO RESPONDENTS MOTION TO STRIKE MATTERS
DESIGNATED FOR THE RECORD ON APPEAL**

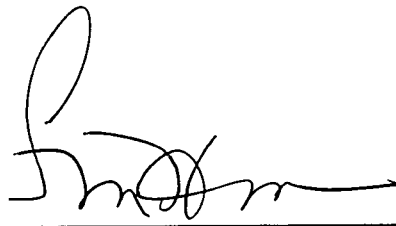
Rule 52(b), SCRCP provides when findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of the evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the trial court an objection to such findings or has made a motion to amend them. Judge Strickland explicitly directed the post-trial motions and affidavits be recorded and we surmise the purpose to be compliance with Rule 52 in order to aid Appellate Court review. The appellant is not introducing new evidence but rather providing clean, complete, authenticated copies of the trial copies which were fragmented, heavily notated (work product) and objected to at trial. A timely¹ Rule 52(b) Motion to Reconsider was filed March 26, 2012 for the purpose

¹ Appellant received the order via certified mail 3/15/12 with a cover sheet clearly marked "this order does not end the case".

of questioning the sufficiency of the evidence and findings of the Court. Rule 59(e) was also presented as a means of preserving errors and issues for appeal. The appellant's reading of the law understands both rules demand the said supporting documentation.

Judge Strickland held a hearing August 9, 2012 at which time the appellant attempted first to broach the subject of attorney malfeasance in camera. The Judge chose to have the discussion in open session and entered everything in the record. The appellant did not comprehend the proceeding but no objections were raised and Judge Strickland made no ruling. I do not have the knowledge to argue the finer points but understood the purpose of the hearing was to dispatch these questions. Charles Carpenter in *Preserving Error for Appeal* writes, "Lawyers cannot force a trial judge to address a disputed issue."

The appellant has been legally challenged from the outset by his former counselor's conflict of interest which culminated with his transmittal letter received March 15, 2012, in which he delivered the order and abruptly abandoned the case. Effectively the appellant had less than 10 days to learn the law and muster a defense. I respectfully petition the court for a bit of latitude in the interest of justice.



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December 11, 2012

APPELLANT
Pro Se

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CERTIFICATE OF SERVICE

I, Frank M. Haynie, Appellant, certify I have this date served the foregoing document(s) on the individual(s) listed below via electronic transmission or by placing a copy in the United States Mail, postage prepaid to the following addresses:

**Catherine Garbee Griffin, Esquire
Baker Ravenel Bender, LLP
PO Box 8057
Columbia, SC 29203
(counsel for respondent)**

DOCUMENT(S):

1. *Appellant's Reply to Motion to Strike Matters Designated for the Record on Appeal*



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December 11, 2012

803-238-0757