

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
9th Judicial Circuit Court Judge

S.C. Court of Appeals filed June 26, 2017.

COA App. Case No. 2017-000266

C. Holmes, M.D.,

Appellant/Petitioner,

v.

James Y. Becker, Manton Grier, and
Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,

Respondents.

APPENDIX

Chalmers C. Johnson
Attorney for the Petitioner, C. Holmes, M.D.
2965 Beach Drive, E.
Port Orchard, WA 98366
(425) 999-0900
Chalmersjohnson@gmail.com

RECEIVED

AUG 11 2017

S.C. SUPREME COURT

Respondent's Counsel:
Mary Caskey
1201 Main St. #2200
Columbia, SC 29201

APPENDIX

April 7, 2017, Order..... 1

June 26, 2017, Order..... 2

NOA served February 11, 2017..... 3

Correspondence of 2/24/17 documenting NO HEARING and no notice for the Order on appeal... 7

Amended NOA served April 6, 2017..... 8

Amended NOA served and filed April 21, 2017, by COUNSEL..... 12

Clerk’s correspondence of 4/26/17 documenting MOTION, not petition, TO REINSTATE..... 20

Affidavit received May 30, 2017, documenting timely service of the April 21, 2017, ANOA..... 25

June 26, 2017, Order documenting manifest error because no PETITION to reinstate was ever filed..29

Clerk’s correspondence of 7/17/17 returning Counsel’s timely filed Petition for Rehearing documenting the Clerk’s mistaken claim there was a prior Petition for Rehearing. The record reflects there was no prior Petition for Rehearing..... 30

The South Carolina Court of Appeals

Cynthia Holmes, Appellant,

v.

Haynsworth, Sinkler & Boyd, P.A., successor to Sinkler
& Boyd, P.A.; Manton Grier; and James Y. Becker,
Defendants,

Of whom Manton Grier and James Y. Becker are
Respondents.

Appellate Case No. 2017-000266

ORDER

After careful consideration of the filings in this case, the Court concludes that the notice of appeal stems from an action related to the revocation of the appellant's medical staff privileges. Accordingly, the appellant's pro se filings are refused and this appeal is dismissed. *Doe v. Duncan*, S.C. Sup. Ct. order dated December 2, 2009 ("[W]e hereby direct the Clerks of Court in this state to refuse to accept further filings from [Holmes] in actions related in any way to the revocation of her medical staff privileges. . . unless they are filed by an attorney, other than [Holmes], licensed to practice law in this state."). The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


_____, J.
FOR THE COURT

Columbia, South Carolina
cc:
Cynthia Holmes
Mary M. Caskey, Esquire

FILED

Apr. 1, 2017

The South Carolina Court of Appeals

Cynthia Holmes, Appellant,

v.

Haynsworth, Sinkler & Boyd, P.A., successor to Sinkler
& Boyd, P.A.; Manton Grier; and James Y. Becker,
Defendants,

Of whom Manton Grier and James Y. Becker are
Respondents.

Appellate Case No. 2017-000266

ORDER

After careful consideration of the petition to reinstate, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting the petition. Accordingly, the petition to reinstate is denied.

Paul E. Short, Jr.

J.

H. Bruce Wain

J.

U. Ke

J.

Columbia, South Carolina

FILED

June 26, 2017

(S)

82510

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

FEB 16 2017

SC Court of Appeals

9th Judicial Circuit Court Judge

Case No. 2007-CP-10-1444

Doe (C. Holmes),
Appellant,

v.


James Y. Becker, Manton Grier,
and Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,

Respondents.

NOTICE OF APPEAL

The Appellant appeals the attached order of the 9th Judicial Circuit Judge entered February 9, 2017. Pursuant to Rule 203 and controlling precedent, including but not limited to *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005) (see *Toal et al, Appellate Practice in South Carolina*, 3rd edition, 2016), the Appellant timely files and serves Respondents. All parties required to be served have been served.

Dated 2/14/17


C. Holmes
PO Box 187
Sullivans Island, SC 29482-0187
843.883.3010

Counsel of Record for Respondents:

Pro Se

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

9th Judicial Circuit Court Judge

Case No. 2007-CP-10-1444

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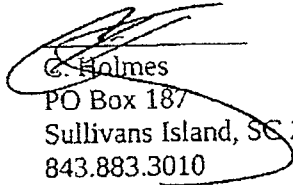
Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the Notice of Appeal on the Respondents by depositing a copy of it in the United States Mail, postage prepaid, addressed to *Pro Se Respondents* Jamie Becker/M.M. Caskey on this date at 1201 Main St., 22nd flr., Columbia, SC 29201.

Dated

2/11/17


C. Holmes
PO Box 187
Sullivans Island, SC 29482-0187
843.883.3010

RECEIVED

FEB 16 2017

SC Court of Appeals

5

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

RECEIVED

CASE NO. 2007 CP-10-1444

FEB 16 2017

Holmes

Haynesworth Sinkler Boyd, et al.

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
	or	
	<input type="checkbox"/> Self-Represented Litigant	

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41, SCRPC (Vol. Nonsuit); Rule 43(l), SCRPC (Sealed); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** Affirmed; Reversed; Remanded; Other

2017 FEB -9 AM 9:39
FILED
JULIE J. ARNSTRONG
CLERK OF COURT

NOTE. ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: A supplemental proceedings hearing is scheduled to take place in this matter on March 10, 2017. The court is advised by the Clerk of Court's office that Cynthia Holmes, M.D., has filed several motions in this matter in violation of the Supreme Court's order filed December 3, 2009 directing the "Clerks of Court in this state to refuse to accept further filings from petitioner in actions related in any way to the revocation of her medical staff privileges at East Cooper Community Hospital unless they are filed by an attorney, other than petitioner, licensed to practice of law in this state." Given the broad language of this directive and the fact that the motions have been filed by Dr. Holmes, pro se, the court orders the Clerk of Court's office to strike all motions filed by Dr. Holmes in this matter as well as all future motions, if any.

ORDER INFORMATION

This order ends does not end the case.
Additional information for the Clerk .

INFORMATION FOR THE PUBLIC INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate N/A in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
NA	NA	\$NA
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

5

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

[Handwritten signature]

3062

Judge Code

Date

2/8/17

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

C. Holmes, M.D.
P O Box 187
Sullivans Island, SC 29482-0187

RECEIVED

FEB 24 2017

SC Court of Appeals

Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

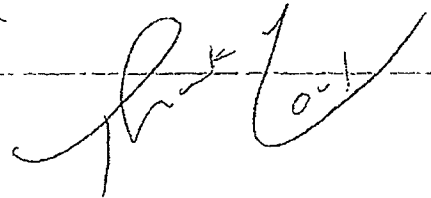
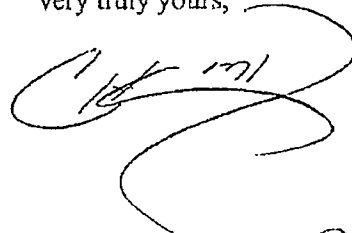
Re: Transcript Request
Doe v. Becker et al
Case No. 2007-CP-10-1444

Dear Jenny:

We are writing to advise that there is no transcript to request for appeal because there was no hearing for the order on appeal.

Thank you for your kind attention to this matter. With best personal regards, I remain

Very truly yours,



THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

9th Judicial Circuit Court Judge

RECEIVED

APR 10 2017

App. Case No. 2017 - 000266
Case No. 2007-CP-10-1444

SC Court of Appeals

C. Holmes,

Appellant,

v.

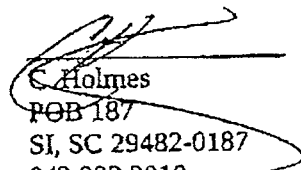
J. Y. Becker, Manton Grier,
and Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,

Respondents.

AMENDED NOTICE OF APPEAL

The Appellant appeals the attached orders of the 9th Judicial Circuit Judge entered February 9, 2017, and March 14, 2017. Pursuant to Rule 203 and controlling precedent, including but not limited to *Brooks v. SCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477 (Remittitur sent March 3, 2017), *Turner v. Rogers*, 564 U.S. 431 (2011), and *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005) (see *Toal et al, Appellate Practice in South Carolina*, 3rd edition, 2016), the Appellant timely files and serves Respondents. All parties required to be served have been served.

Dated 2.11.17


C. Holmes
POB 187
SI, SC 29482-0187
843.883.3010

Counsel of Record for Respondents:

Pro Se

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

9th Judicial Circuit Court Judge

RECEIVED

APR 10 2017

SC Court of Appeals

App. Case No. 2017 - 000266
Case No. 2007-CP-10-1444

C. Holmes,

Appellant,

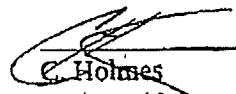
J. Y. Becker, Manton Grier,
and Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,

Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the foregoing on the Respondents by depositing a copy of it in the United States Mail, postage prepaid, addressed to M.M. Caskey on this date at 1201 Main St., 22nd flr., Columbia, SC 29201.

Dated April 6, 2017


C. Holmes
PO Box 187
Sullivan's Island, SC 29482-0187
843.883.3010

8

Apr 8, 2017 1:17PM

No. 8834 P. 4/6

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2007 CP-10-1444

RECEIVED

Holmes

Haynesworth Sinkler Boyd, et al.

APR 10 2017

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
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- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): Affirmed; Reversed; Remanded; Other

FILED
2017 FEB -9 AM 9:39
JULIE J. ARNSTRONG
CLERK OF COURT

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: A supplemental proceedings hearing is scheduled to take place in this matter on March 10, 2017. The court is advised by the Clerk of Court's office that Cynthia Holmes, M.D., has filed several motions in this matter in violation of the Supreme Court's order filed December 3, 2009 directing the "Clerks of Court in this state to refuse to accept further filings from petitioner in actions related in any way to the revocation of her medical staff privileges at East Cooper Community Hospital unless they are filed by an attorney, other than petitioner, licensed to practice of law in this state." Given the broad language of this directive and the fact that the motions have been filed by Dr. Holmes, pro se, the court orders the Clerk of Court's office to strike all motions filed by Dr. Holmes in this matter as well as all future motions, if any.

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Additional Information for the Clerk:

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NA	NA	\$NA
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

10

RECEIVED

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT APR 10 2017
CASE NUMBER:

C Holmes

2007-CP-10-1444

SC Court of Appeals

-v-

SUPPLEMENTAL PROCEEDING ORDER

Haynesworth, Sinkler,
Boyd

2017 MAR 14 AM 8:30
JULIE ARISTON
CLERK OF COURT

FILED

A Hearing was held in the above captioned case on 3/10/17

- 1. No assets were discovered.
- 2. The Defendant agreed to pay _____
- 3. The hearing was not held because : _____
 - a. the Defendant was not served and the hearing has been rescheduled for _____
 - b. the Defendant did not appear and a RTSC has been scheduled for _____
 - c. the parties requested the hearing be rescheduled for _____
 - d. the Plaintiff elected not to proceed.

e. Holmes has 30 days to provide all documentation on assets to Haynesworth,

If not provided

hereafter a Receiver will be appointed to review the assets available to satisfy the judgment & to recommend to court on how to proceed.

- 4. The supplemental proceedings is held open until _____ *to include sale of her home.*
- 5. The supplemental proceedings is dismissed and canceled without prejudice. All

Restraining Orders and Injunctions are hereby lifted, canceled, voided and dismissed.

** No funds shall be transferred / asset values diminished.*

[Signature]
Mikell R. Scarborough
Master in Equity for Charleston County

Charleston, SC
Dated: 3/10/17

5

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

9th Judicial Circuit Court Judge

App. Case No. 2017 - 000266
Case No. 2007-CP-10-1444

C. Holmes,

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and Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,

Respondents.

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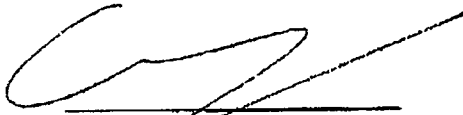
APR 21 2017

SC Court of Appeals

AMENDED NOTICE OF APPEAL

The Appellant appeals the attached orders of the 9th Judicial Circuit Judge entered February 9, 2017, and March 14, 2017. Pursuant to Rule 203 and 206. The original notices of appeal in this case were timely filed. The rulings of February 9 and March 14 denied the Appellant the right to participate, pro se, in her own case and order proceedings to continue against her after dismissing all of her attempts to file pro se. This appeal will include reference to *Brooks v. SCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477 (Remittitur sent March 3, 2017), *Turner v. Rogers*, 564 U.S. 431 (2011), and *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005) (see *Toal et al, Appellate Practice in South Carolina*, 3rd edition, 2016).

Dated April 21, 2017



Chalmers E. Johnson
1029 Bay Street, #7
Port Orchard, WA 98366
(425) 999-0900
Attorney for the Appellant

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2007 CP-10-1444

RECEIVED

APR 24 2017

Holmes

Haynesworth Sinkler Boyd, et al.

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

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- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other

FILED
2017 FEB -9 AM 9:39
JULIE T. PRINSTRONG
CLERK OF COURT

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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
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C Holmes

2007-CP-10-1444

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JULIE ARMSTRONG
CLERK OF COURT

2017 MAR 14 AM 8:30

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Master in Equity for Charleston County

Charleston, SC

Dated: 3/10/17

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Dated April 21, 2017



Chalmers C. Johnson
Attorney for the Appellant

RECEIVED

APR 21 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

9th Judicial Circuit Court Judge

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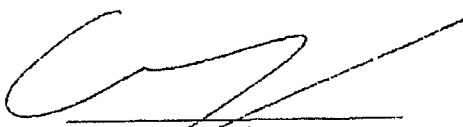
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Dated April 21, 2017


Chalmers C. Johnson
1029 Bay Street, #7
Port Orchard, WA 98366
(425) 999-0900
Attorney for the Appellant

RECEIVED

APR 24 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA
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IN THE COURT OF COMMON PLEAS

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Haynesworth Sinkler Boyd, et al.

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Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
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 Affirmed; Reversed; Remanded; Other

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Additional Information for the Clerk: _____

INFORMATION FOR THE PUBLIC INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled; if there is no judgment information, indicate N/A in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
NA	NA	\$NA
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order		

17

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NUMBER:

C Holmes

2007-CP-10-1444

-v-

SUPPLEMENTAL PROCEEDING ORDER

Haynesworth, Sunkler,
Boyd

JULIE A. ARNIST-FHONG
CLERK OF COURT

2017 MAR 14 AM 8:30

FILED

A Hearing was held in the above captioned case on 3/10/17

- 1. No assets were discovered.
- 2. The Defendant agreed to pay _____
- 3. The hearing was not held because : _____
- a. the Defendant was not served and the hearing has been rescheduled for _____
- b. the Defendant did not appear and a RTSC has been scheduled for _____
- c. the parties requested the hearing be rescheduled for _____
- d. the Plaintiff elected not to proceed.

If not present
x e. Holmes has 30 days to provide all documentation on assets to Haynesworth, hereafter a Receiver will be appointed to review the assets available to satisfy the judgment & to recommend to court on how to proceed.

- 4. The supplemental proceedings is held open until _____ to include sale of her home.
- 5. The supplemental proceedings is dismissed and canceled without prejudice. All

Restraining Orders and Injunctions are hereby lifted, canceled, voided and dismissed.

* No funds shall be transferred / asset values diminished.

[Signature]
Mikell R. Scarborough
Master in Equity for Charleston County

Charleston, SC
Dated: 3/10/17

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

9th Judicial Circuit Court Judge

RECEIVED

APR 24 2017

App. Case No. 2017 - 000266
Case No. 2007-CP-10-1444

SC Court of Appeals

C. Holmes,

Appellant,

J. Y. Becker, Manton Grier,
and Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,

Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the foregoing on the Respondents by depositing a copy of it in the United States Mail, postage prepaid, addressed to M.M. Caskey on this date at 1201 Main St., 22nd flr., Columbia, SC 29201.

Dated April 21, 2017



Chalmers C. Johnson
Attorney for the Appellant



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 26, 2017

Mr. Chalmers Carey Johnson, Esquire
1029 Bay Street
Apt. # 7
Port Orchard WA 98366

Re: Cynthia Holmes v. Haynsworth (3)
Appellate Case No. 2017-000266

Dear Counsel:

The Court received your amended notice of appeal on behalf of Cynthia Holmes. At this time, Ms. Holmes' appeal has been dismissed, so we are interpreting your filing as a motion to reinstate. You must provide a \$25.00 filing fee within ten days of the date of this letter or your motion will not be considered and we will send the remittitur. Furthermore, if the respondents wish to respond, they must serve and file a return within ten days of the date of this letter.

Very truly yours,


CLERK

cc: Mary M. Caskey, Esquire

C. HOLMES, M.D.

P.O. Box 187
Sullivans Island, SC 29482
843.883.3010

24 May 2017

Fax: 803.734.1839

The Honorable Jenny Kitchings
South Carolina Court of Appeals
1220 Senate Street
Post Office Box 11629
Columbia, SC 29201/29211

RECEIVED

MAY 30 2017

SC Court of Appeals

Re: Holmes v Becker et al
App. Case No. 2017-000266

Dear Jenny:

Thank you for your correspondence dated May 18, 2017. In response, it is respectfully submitted that *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527, 527 (2012), is not dispositive.

Specifically, the *Miller* case, *supra*, is distinguishable because in that case the party was represented by counsel of record in the lower court, whereas, in this case, both sides appeared *pro se* in the lower court. As such, counsel of record for the appeal would not be expected to have personal knowledge of receipt of written notice of entry of the order. Accordingly, the *Miller* case, *supra*, does not apply because, in this case, written notice of entry of the March 14, 2017, order was postmarked March 16, 2017 (copy attached), and was received by the appellant on March 24, 2017.

In addition, *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527, 527 (2012), is not dispositive because the document is not a "substantive document." "The distinction between substantive and procedural

laws is relatively clear. If a statute simply prescribes the method—the ‘legal machinery’—used in enforcing a right or a remedy, it is procedural.” *Urbach v. Okonite Co.* (Mo. App., 2017) (internal citations omitted). “The distinction between substantive law and procedural law is that substantive law relates to the rights and duties giving rise to the cause of action.” *Id.* Significantly and materially, the affidavit relates to Rule 203, SCACR, not the merits of the appeal, therefore, it is procedural. As a result, *Miller, supra*, does not prohibit it.

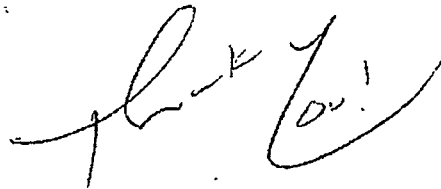
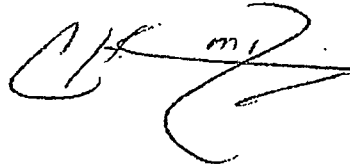
Furthermore, pursuant to Rule 203(b), (d), SCACR, serving and filing are two separate acts. Service herein was timely thereby vesting jurisdiction in the appellate court. Toal *et al*, *Appellate Practice in S.C.*, (2016), p. 289. Pursuant to Rule 263(b), SCACR, the filing of the notice of appeal may be extended. *Pro se* defendants have acknowledged timely service of notice of appeal. There is no legal prejudice and *pro se* defendants have claimed none. The return fails to even address new case law and controlling precedent in *Brooks, infra*. The appellant is prejudiced including, but not limited to, denial of State and federal constitutional rights and denial of opportunity to establish *pro se* defendant’s violation of legal interest. *Brooks v. CCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477 (Remittitur sent March 3, 2017).

Moreover, as you know, new case law and controlling precedent support appellant’s position. New case law from the Court of Appeals in the *Brooks* case, *infra*, provides that the South Carolina Constitution guarantees every person the right of access to the courts. S.C. Const. art. I, § 9 provides, “All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained.” A litigant has a statutory right to proceed *pro se* in South Carolina. S.C. Code Ann. § 40-5-80 (2011) (“[The chapter regulating the practice of law] may not be construed so as to prevent a citizen from prosecuting or defending his own cause, if he so desires.”); *Washington v. Washington*, 308 S.C. 549, 550, 419 S.E.2d 779, 780 (1992). The statutory right of self-representation is also provided to litigants under federal law. 28 U.S.C. § 1654 (2016). *Brooks v. SCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477 (Remittitur sent March 3, 2017).

The orders on appeal deny a citizen the statutory right to defend his own cause and deny the State and federal constitutional right of every citizen of access to the courts. Accordingly, because written notice of entry of the March 14, 2017, order was mailed to the appellant, postmarked on March 16, 2017 (copy attached), and received on March 24, 2017, the affidavit is competent evidence of pertinent information. In the interest of even-handedness and fairness, it is respectfully submitted that *Miller, supra*, does not prohibit the affidavit. Even assuming that *Miller, supra*, did prohibit it, and appellant submits that it does not, the need for pertinent information supports the affidavit which is included for ease of reference.

Thanking you in advance for your kind consideration and with warmest regards, I remain

Yours very truly,



cc: opposing counsel

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FIRST CLASS

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90040
ZIP 30321
2: 3036677

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

AFFIDAVIT

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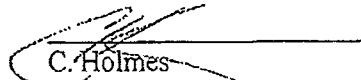
MAY 30 2017

SC Court of Appeals


Personally came and appeared before me, Notary Public, C. Holmes, who upon being duly sworn did depose and say the following:

- a. I am the appellant and this affidavit is submitted in support of the amended notice of appeal and in opposition to the return.
- b. The appellant respectfully disputes *pro se* defendant's return.
- c. Specifically, written notice of entry of the March 14, 2017, order was postmarked March 16, 2017. See attached copy of the postmark.
- d. Written notice of entry of the March 14, 2017, order was received on March 24, 2017.
- e. Accordingly, the amended notice of appeal served and filed on April 21, 2017, was timely.
- f. In addition, the amended notice of appeal relates back to the original notice of appeal timely served.
- g. Pursuant to Rule 203(b), (d), SCACR, serving and filing are two separate acts. Service herein was timely thereby vesting jurisdiction in the appellate court. *Toal et al, Appellate Practice in S.C.*, (2016), p. 289.
- h. Pursuant to Rule 263(b), SCACR, the filing of the notice of appeal may be extended. *Pro se* defendants have acknowledged timely service of notice of appeal. There is no legal prejudice and *pro se* defendants have claimed none. The return fails to even address new case law and controlling precedent in *Brooks*. The appellant is prejudiced including, but not limited to, denial of State and federal constitutional rights and denial of opportunity to establish *pro se* defendant's violation of legal interest. *Brooks v. CCCID and OID*, South Carolina Court of Appeals, decided February 15, 2017, App. Case No. 2014-002477 (Remittitur sent March 3, 2017).

FURTHER THE AFFIANT SAITH NOT.


C. Holmes

Subscribed and sworn to before me,
Notary Public, this 12 day

of May, 2018. 7 

Elizabeth G. Anderson

NOTARY PUBLIC

My commission expires: 4/4/23

PRESORTED
FIRST CLASS



US POSTAGE
\$0.40
NOV 13 2001
24 3606577

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

J. Doe(CHolmes),

Plaintiff,

-vs-

Manton Grier, James Y.
Becker, and Haynsworth
Sinkler Boyd, P.A., as
successor to Sinkler &
Boyd, P.A.

Defendants.

)IN THE COURT OF COMMON PLEAS

) NINTH JUDICIAL CIRCUIT

) CASE NO.: 07-CP-10-1444

) CERTIFICATE OF SERVICE

RECEIVED

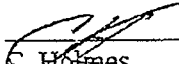
MAY 17 2017

SC Court of Appeals

I hereby certify that a copy of the foregoing was served on defendants' counsel of record on this date via USPS, postage pre-paid:

Mary Caskey
c/o HSB, PA
1201 Main St. - 22nd flr.
Columbia, SC 29201

Dated 5/17/17


C. Holmes
PO Box 187
S.I., SC 29482
843.883.3010

The South Carolina Court of Appeals

Cynthia Holmes, Appellant,

v.

Haynsworth, Sinkler & Boyd, P.A., successor to Sinkler & Boyd, P.A.; Manton Grier; and James Y. Becker, Defendants,

Of whom Manton Grier and James Y. Becker are Respondents.

Appellate Case No. 2017-000266

ORDER

After careful consideration of the petition to reinstate, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting the petition. Accordingly, the petition to reinstate is denied.

Paul G. Short, Jr.

J.

H. Bruce Wee

J.

U. Ke

J.

Columbia, South Carolina

FILED

June 26, 2017



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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July 17, 2017

Mr. Chalmers Carey Johnson, Esquire
1029 Bay Street
Apt. # 7
Port Orchard WA 98366

Re: Cynthia Holmes v. Haynsworth (3)
Appellate Case No. 2017-000266

Dear Counsel:

The Court received your petition for rehearing of the Court's order dated June 26, 2017. The Court will not consider a second successive motion filed pursuant to Rule 221 of the South Carolina Appellate Court Rules.

Your original petition is being returned to you, along with your check representing the filing fee. No further action will be taken with regard to the petition for rehearing received July 12, 2017.

Very truly yours,


CLERK

cc: Cynthia Holmes
Mary M. Caskey, Esquire