

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 - 001717
Case No. 2007-CP-10-1444

C. Holmes,

Appellant,

v.

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

Respondents.

**APPELLANT'S MEMORANDUM
RE: SERVICE OF NOTICE OF APPEAL**

By a letter of February 26, 2018, the Clerk of Court has requested that the parties submit memoranda regarding the service of the notice of appeal in this case, particularly as to timeliness. The Clerk cites to *Doe v. Duncan*, reminding the Appellant that the Clerks of the Courts in this State will reject any filing signed by Dr. Holmes on her own behalf. To respond to the Clerk's request, we need not delve into the potential violations both South Carolina law and constitutional freedoms that its stance invokes. A simple review of the plain language of the South Carolina Rules of Appellate Procedure and the filings in the record should provide the answer as to whether Dr. Holmes sent her notice of appeal in time and whether the Court received proper notice of her delivery of the notice of

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appeal. Rule 203(b)(1) sets forth the requirements for tolling the deadlines for a notice of appeal. It states:

(b) Time for Service.

(1) Appeals From the Court of Common Pleas. A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.
Rule 203(b)(1), SCRAP

As is noted in the Notice of Appeal, which was signed by Chalmers Johnson, (a licensed attorney who is not Dr. Holmes) and delivered to the Court on August 9, 2017 (by fax and received in hard copy on August 14th), Dr. Holmes received written notice of the Order under appeal on June 30, 2017. This would give her until July 30th to serve the notice on the respondents. July 30, 2017 was a Sunday, so service needed to be made by July 31, 2017. Dr. Holmes served a notice of appeal on the respondents on July 29, 2017 by mailing it to the respondents' attorney, Ms. Mary M. Caskey. A copy of the notice she sent along with a proof of service were attached to the Notice of Appeal that Mr. Johnson signed. It appears that Dr. Holmes sent the notice of appeal within 30 days of the receipt of written notice of the Order she was seeking to appeal.

The mention of *Doe v. Duncan* in the Clerk's February 26th letter seems to indicate that the Clerk is considering the July 29th notice to be invalid as it was signed only by Dr. Holmes. The rule, however, only requires that the Appellant serve a notice of appeal on "respondents" not on the Court, within the 30 days. The Notice of Appeal that Mr. Johnson filed accurately reports and describes the service on the Respondents by Dr. Holmes, gives the Court notice that the Respondents were served and includes the notice and proof of service that Dr. Holmes sent to the Respondents as an exhibit, not as an independent filing. (A copy of Mr. Johnson's notice of appeal and attachments is attached) Thus the *Doe v. Duncan* ruling should not raise any issue here.


Chalmers C. Johnson
Attorney for the Appellant

March 24, 2018

Chalmers C. Johnson
2965 Beach Drive, E.
Port Orchard, WA 98366
(425) 999-0900
Chalmersjohnson@gmail.com

August 9, 2017

By Fax: 803-734-1839

Clerk of Court
S.C. Court of Appeals
1220 Senate St.
Columbia, SC 29201

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AUG 14 2017

SC Court of Appeals

RE: Homies v. Becker, et al.
Case No. 2007-CP-10-1444

Dear Clerk of Court:

The Respondent in this matter was served with a notice of appeal by mail on July 29th. The Appellant received a copy of the Order by mail on June 30th. I am entering a notice of appeal, with the notice and proof of service showing that Respondent was served with a notice of the appeal within thirty days of the Appellant's receipt of the Order under appeal. I have enclosed the following:

1. Original Notice of Appeal, with attachments;
2. Original Proof of Service for Notice of Appeal and attachments and one copy of the Proof of service;
3. A copy of the Order being appealed;
4. SASE.

Would you please file the Notice of Appeal and return a clocked copy of the proof of service to me in the enclosed SASE? Thank you.

Sincerely,


Chalmers C. Johnson

Cc:
Charleston County Clerk of Court
Circuit Court
100 Broad Street, Ste. 106
Charleston, SC 29401

Mary M. Caskey
1201 Main St. #2200
Columbia, SC 29201

P.S. Filing fee of \$100 Enclosed as well.

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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

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AUG 14 2017

SC Court of Appeals

Doe (C. Holmes),

Appellant,

v.

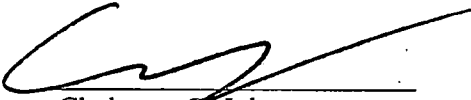
J. Y. Becker, Manton Grier,
and Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,

Respondents.

NOTICE OF APPEAL

The Appellant appeals the attached order of the 9th Judicial Circuit Judge entered June 23, 2017. The Order was post marked as mailed by the Court on June 26, 2017 and was received by Appellant on June 30, 2017. Appellant served a notice of this appeal on Respondent by mail on July 29, 2017. A copy of the notice and proof of service for that mailing are attached. The undersigned hereby gives notice to the Courts of his appearance and of the service of the notice of appeal in this matter.

Dated: August 9, 2017


Chalmers C. Johnson
2965 Beach Street, E.
Port Orchard, WA 98366
(425) 999-0900
chalmersjohnson@gmail.com
Attorney for the Appellant

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

Doe (C. Holmes),

Appellant,

v.

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

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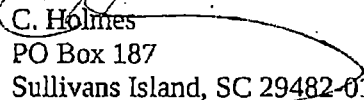
SC Court of Appeals

Respondents.

NOTICE OF APPEAL

The Appellant appeals the order of the 9th Judicial Circuit Judge entered June 23, 2017. Pursuant to Rule 203 and controlling precedent, the Appellant timely files and serves Respondents. All parties required to be served have been served.

Dated 07.29.17


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

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

Cynthia Holmes,

Appellant,

v.

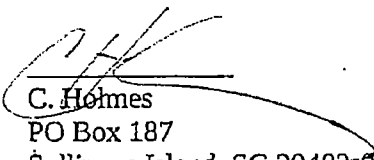
James Y. Becker, Manton Grier,
and Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,

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. #2200, Columbia, SC 29201.

Dated July 29, 2017


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

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

Doe (C. Holmes),

Appellant,

v.

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

Respondents.

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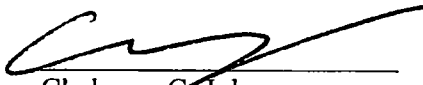
SC Court of Appeals

**PROOF OF SERVICE FOR
NOTICE OF APPEAL**

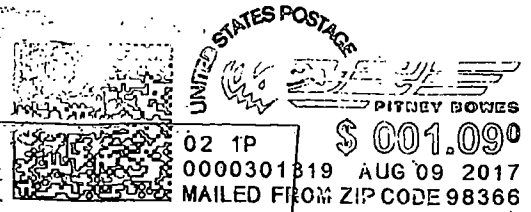
I certify that, on August 9, 2017, I faxed a copy of a cover letter and the notice of appeal, with attachments, as well as this proof of service, to the SC Court of Appeals and mailed a copy of each as well to the Respondent's attorney and the Charleston County Clerk of Court at:

Charleston County Clerk of Court
Circuit Court
100 Broad Street, Ste. 106
Charleston, SC 29401

Mary M. Caskey
1201 Main St. #2200
Columbia, SC 29201


Chalmers C. Johnson
2965 Beach Street, E.
Port Orchard, WA 98366
(425) 999-0900
chalmersjohnson@gmail.com
Attorney for the Appellant

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WA 986
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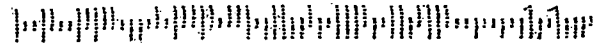


Chalmers Johnson
GSJones Law Group, P.S.
1155 Bethel Ave.
Port Orchard, WA 98366

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SC Court of Appeals

Clerk of Court
S.C. Court of Appeals
1220 Senate St.
Columbia, SC 29201

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

9th Judicial Circuit Court Judge

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App. Case No. 2017 - 001717
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
For APPELLANT'S MEMORANDUM
RE: SERVICE OF NOTICE OF APPEAL

I certify that I have served a copy of the APPELLANT'S MEMORANDUM RE: SERVICE OF NOTICE OF APPEAL on the Respondents by depositing a copy of it in the United States Mail, postage prepaid, addressed to Mary M. Caskey on this date at 1201 Main St., 22nd fl., Columbia, SC 29201. I have also transmitted a copy to Ms. Caskey by email at mcaskey@hsblawfirm.com as a courtesy to avoid delay.

March 24, 2018


Chalmers C. Johnson
Attorney for the Appellant

Chalmers C. Johnson
2695 Beach Drive, East
Port Orchard, WA 98366
(425) 999-0900
chalmersjohnson@gmail.com

March 24, 2018

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

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APR 02 2018
SC Court of Appeals

By Fax: 803-734-1839 (10 pages total)

Re: Holmes v. Becker et al
App. Case No. 2017-001717

Dear Clerk of Court:

I am sending you, by mail, this Memorandum in response to your letter of February 26th. As this letter is being sent from the West Coast, and may see some postal delay, I am faxing you a copy today so that the Court can see that I timely responded to the February 26th request.

Enclosed for filing please find the following:

1. Original Appellant's Memorandum Re: Service of Notice of Appeal with attachments
2. Original Proof of Service
3. Copy of the Proof of service and SASE

Will you please file the original documents and return a clocked copy of the proof of service to me in the enclosed envelope? Thank you.

Sincerely,


Chalmers C. Johnson

Cc: with enclosures, by fax 1-803-734-1839;

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

mcaskey@hsblawfirm.com

Chalmers Johnson
GSJones Law Group, P.S.
1155 Bethel Ave.
Port Orchard, WA 98366

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SC Court of Appeals

Clerk, South Carolina Court of Appeals
Post Office Box 11629
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