

APPEAL IN A CIVIL CASE  
THE STATE OF SOUTH CAROLINA

**RECEIVED**

In The Court of Appeals

SEP 17 2018

SC Court of Appeals

Case#: 2016-002024

APPEAL FROM CHARELSTON COUNTY

Court of Common Pleas

Kristi Harrington, Circuit Court Judge  
Dennis Markley, Circuit Court Judge

Case No. 2015CP1002824

David Scot Lynd

VS

Isle of Palms

Dawn Caldwell,  
Individually and in her capacity as an Officer of the Isle of Palms Police  
Department

South Carolina Law Enforcement Division

**NOTICE OF ERROR AND REQUEST FOR CORRECTION AND  
REHEARING**

Now comes David Lynd who notifies the court of error by the clerks. The clerk's office issued an order for the court, dated 8-24-18, that arrived in the mail 9-6-18;

stating Appellant has failed to file an amended brief and the appeal has been dismissed.

This is an attempt to retaliate for the Civil rights violation filed against chief justice and clerk for the court of appeals. A clear case of have your cake and eat it too.

First that order of March 22, 2018, and July 10, 2018 is currently on appeal with the S.C. Supreme Court, and shows to be on the COA's docket. (*see copy exhibit A, file stamped by the COA clerks upon receipt*)

The Clerks claims all of these appeals are the same appeal and not separate, proof is the docket.

Lynd filed a notice of appeal on the final order as this COA Chief Justice Lockemy is trying to imply is the law, the clerk won't accept it, as a separate appeal.

*03/08/2018 Notice of Appeal (Civil) - Second or subsequent (final order issued by lower court)*

The court clerk rolled it in to the same appeal. So either this is all the same appeal, and 1 appeal, or if it is different appeals then each order would be a different appeal. It would have to be for this dismissal to stand, the clerks will not file it that way. EVEN thou Lynd filed a separate Notice of Appeal.

2<sup>nd</sup>, The Amended brief was filed 3-8-18 along with a cover letter of preservation of issue on appeal included in the brief for the S.C.S.C.

along with the civil rights violation. Which is still unacted on!!!!!!!!!!!!

*See docket of COA and exhibit B 05/02/2018 Correspondence - Incoming (Other)*

Lynd expects a formal investigation by the AG's office initiated as per the court duty.

An objection to the new trial court order, still Unheard!!!!

*03/08/2018 Correspondence - Incoming (Other) (Objection to trial court's new order of 2-26-18)*

Multiple motions and request are unheard and currently in Limbo, but the clerks claim a 2nd amended brief was due, by an order that is pending in the Supreme Court.

The final brief has not even been requested yet by the clerks because all of this is still pending, much less an out of the blue arbitrary dismissal. It is clear the clerks did this on Lockemy request, because he is trying to cover for Isle of Palms.

AND SAME AS EVERY ORDER IN THIS CASE FROM TRIAL LEVEL, TO COA LEVEL IS ALL DISMISSED DUE TO A TECHNICAL ERRORS, in an attempt to avoid having IOP formally put any response on the record.

This is nothing more than that, a clear and obvious attempt to cover for IOP and Lockemy's buddies at Clawson & Staubes. Because once they have to respond to the conversion committed by IOP, and failure to give Cert. notice, that their officer, Caldwell, has already admitted too, under oath.

No justice can deny Lynd's claim and case, then face the scrutiny afterwards. This is a S.C. statutory requirement of conversion, and notification requirement, that they IOP don't have. And any attempt to file a response and lie is going to get Domin disbarred, so to avoid IOP losing, the courts have to dismiss the case prior to a response from IOP and its counsel.

03/08/2018 Correspondence - Incoming (Requesting Information Regarding Case Status)

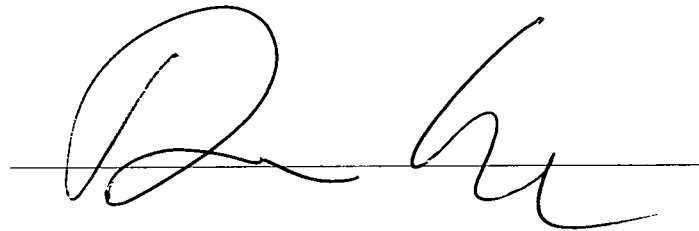
In summary, the orders named in the dismissal are under writ of Cert, to the Supreme Court. This writ tolls the orders of March 22, 2018, and July 10, 2018, and the time to file the amended brief is not currently due, even though it is already filed.

**(a) Rehearing.** Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court. A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court. No return to a petition for rehearing may be

filed unless requested by the appellate court. Ordinarily, however, rehearing will not be granted in the absence of such a request. No petition for rehearing shall be allowed from an order denying a petition for a writ of certiorari under Rule 242, SCACR.

**(b) Remittitur.** The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal. If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court. Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur.

Therefore the writ to the Supreme Court is pending and the appeals court initial brief is not due.

A handwritten signature in black ink, appearing to read "D Lynd", is written over a horizontal line.

David scot Lynd

2605 Rustown

Mesquite TX 75150

469-323-1751

[dscotly@yahoo.com](mailto:dscotly@yahoo.com)

THE STATE OF SOUTH CAROLINA

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PROOF OF SERVICE

I hereby certify that the above named parties were served this reply by U.S.P.S. mail on 9-7-2018 to the address on file with the court shown below.

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SC Court of Appeals

A handwritten signature in black ink, appearing to read "D Lynd", is written over a horizontal line.

David Lynd

Timothy Domin  
126 Seven Farms Dr.,  
Ste. 200  
Charleston SC 29492

Dorsel, Christopher Thomas  
3 Wesley Drive  
Charleston SC 29407

Morrison, David Leon  
7453 Irmo Dr.,  
Ste. B  
Columbia SC 29212

**CERTIORARI TO THE SUPREME COURT OF SOUTH CAROLINA**

**THE STATE OF SOUTH CAROLINA**

**In The Supreme Court of South Carolina  
From the Court of Appeals**

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AUG 14 2018

**APPEAL FROM CHARELSTON COUNTY**

S.C. SUPREME COURT  
**RECEIVED**

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**Court of Common Pleas**

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**VS**

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**South Carolina Law Enforcement Division**

**Appellate case # 2016-002024**

**CERTIORARI TO THE SOUTH CAROLINA SUPREME COURT**

**Legal notice of claim for a civil rights violation of due process and equal protection.**

**Davi Lynd**

**vs**

**Chief Judge Lockemy**

**Clerk of the Court Jenny Kitchens**

**Deputy Clerk Claire Allen**

**South Carolina Court of Appeals**

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MAY 02 2018

SC Court of Appeals

**This notice is as required under 1988 and the precedents under *Felder v. Casey*. This is an official claim of rights violations and must be processed as such.**





The South Carolina District Courts, and the South Carolina Court of Appeals has embarked on a campaign to Avoid Lynd being reimbursed for the theft of property by the Isle Of Palms. This is and was an intentional act to violate Lynd's equal protection and due process rights under Federal Law.

After the theft by Isle of Palms Police Dept, the District and Appeals Courts under over 25 different South Carolina statutes were bound by the statute to apply the law,,, not reinterpret it, and issue an order of conversion and restitution. The statutes are very clear and DO NOT have a statute of limitations, theft/conversion under South Carolina law has NO statute of limitations,

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SC Court of Appeals

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