

-----Original Message-----

From: ds <dscotlyn@yahoo.com>

Sent: Sunday, March 3, 2019 2:34 PM

To: Koffskey, Dawn V. <DKoffskey@sccourts.org>

Subject: Improper Clerk Conduct

see attached filings and letter copied below; referencing Clerk Daniel Shearhouse's conduct

Daniel Shearhouse

3-3-19

Crook of the Court

PO Box 11330

Columbia South Carolina 29211

Ojection!

This is a Request for Sanctions against the South Carolina Supreme Court clerk Daniel Shearhouse

Please be advised I have been fwd a copy of your letter Of 2-26-2019 that you sent to the Court of Appeals. Your little crooked game to delay the Writ of Certification is the same lame shit Jenny Kitchens and is why she is personally named in the ACLU suit for her interference In my filings. So go ahead play your games, you will get yours in the end. I am naming you personally in a amended civil rights petition for the same violations.

Be on Notice: your conduct interfering with my filings is criminal conspiracy!

Be on notice the filings captioned below:

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

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
Appellate case # 2016-002024

CERTIORARI TO THE SOUTH CAROLINA SUPREME COURT

This was and is a properly filed Appeal to the South Carolina Supreme Court addressing the illegal and improper remitters. Your Letter of 1-3-2019 stating the remitters filed are some kind of estoppel to the Writ, and receipt of the filings of the Writ of Certification postmarked 12-26-2018, with your lame and crooked attempt to pretend you "didn't understand them" or viewed them as "various Documents" truly shows your ignorance.

You go and reference the rulings and orders, (after discussing it with Jenny Kitchens) in a childish attempt to try and justify her errors as some proper procedure. The Writ you acknowledged receiving, was properly and timely filed to appeal EXACTLY what you are claiming ended the appeal. That is EXACTLY what is being appealed to the Supreme Court, and Federal Court.

THIS IS THE SAME DUNBASS ploy that Kitchens used in the COA case to try and make it appear Lynd is acting improper and filing improper, that is incorrect, in a stall tactic to make the so called "corrected" filing late and therefore improper.

This is a criminal act of conspiracy by you, Daniel Shearhouse to impede Lynd's due process right to file with The Supreme Court of South Carolina.

Be advised the Writ of Certification YOU received and acknowledged on 12-26-2018, was correct and properly filed under the South Carolina Rules of Civil procedure. Be advised that is and was a good faith effort to appeal to the South Carolina Supreme Court and conforms to the precedents in;

Hebbe v. Pliler, 627 F. 3d 338 - Court of Appeals, 9th Circuit 2010

Haines v. Kerner 404 US 519, 92 S. Ct. 594, 30 L. Ed. 2d 652 - Supreme Court, 1972 Hughes v. Rowe, 449 US 5 - Supreme Court 1980 Estelle v. Gamble, 429 US 97 - Supreme Court 1976 proceeded pro se, his complaint "must be held to less stringent standards than formal pleadings drafted by lawyers," as the Supreme Court has reaffirmed since Twombly. See Erickson v. Pardus, 551 U.S. 89, 94, 127 S.Ct. 2197, 167 L.Ed.2d 1081 (2007) (per curiam). Iqbal incorporated the Twombly pleading standard and Twombly did not alter courts' treatment of pro se filings; accordingly, we continue to construe pro se filings liberally when evaluating them under Iqbal.[7] While the standard is higher, our "obligation" remains, "where the petitioner is pro se, particularly in civil rights cases, to construe the pleadings liberally and to afford the petitioner the benefit of any doubt." Bretz v. Kelman, 773 F.2d 1026, 1027 n. 1 (9th Cir. 1985) (en banc).

"however inartfully pleaded" are held "to less stringent standards than formal pleadings drafted by lawyers . . ." Haines v. Kerner, 404 U. S. 519, 520 (1972). See also Maclin v. Paulson, 627 F. 2d 83, 86 (CA7 1980); French v. *10 Heyne, 547 F. 2d 994, 996 (CA7 1976). Such a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Haines, supra, at 520-521.[7] And, of course, the allegations of the complaint are generally taken as true for purposes of a motion to dismiss. Cruz v. Beto, 405 U. S. 319, 322 (1972).

Coto Settlement v. Eisenberg, 593 F.3d 1031, 1034 (9th Cir.2010). We apply the standard for reviewing complaints that the Supreme Court recently adopted in Ashcroft v. Iqbal, namely, that a complaint may survive a motion to dismiss only if, taking all well-pleaded factual allegations as true, it contains *342 enough facts to "state a claim to relief that is plausible on its face." Ashcroft v. Iqbal, ___ U.S. ___, 129 S.Ct. 1937, 1949, 173 L.Ed.2d 868 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)).

So I put you on Notice if you want to quote law that doesn't apply to pretend to generate an excuse for your actions and the COA actions then we can just see what the ACLU case name you for this conduct creates.

This is your FINAL NOTICE: the writ filed on 12-26-2018 and fees paid and cleared is to be properly and timely filed before the Supreme Court of South Carolina. It is clear and concise an Appeal/Writ of Certification of the remitter improperly filed and the appeal dismissed in the Court of Appeals.

David scot Lynd
2605 Rustown
Mesquite TX 75150
469-323-1751
dscotly@yahoo.com

Exhibit

Daniel Shearhouse

2-20-19

Clerk of the Court
PO Box 11330
Columbia South Carolina 29211

Sir,

Since you have refused to return any of the 6 calls placed to your office I am writing (with tracking) in reference to the letter you sent dated 1-3-19, received on 1-30-19 (27 days later).

The 'various Documents' you reference are a properly filed writ of certification/appeal to the South Carolina Supreme Court, per both the rules, and the 2 orders issued prior by the South Carolina Supreme Court, stating to re-file after the COA finished are refused to finish the appeal.

The ILLEGAL and IMPROPERLY filed remittitur you reference, is what this filing is over, and I will not allow you to call and have the COA correct their error like you have done on the other filings. They refused to set it, BECAUSE there is no ruling that can be made other than in my favor. All fees were paid, deposited and cleared. This alleged error is on their end. But the state of SC can't have a fair hearing on it without exposing the state to liability, clear and without dispute. So the COA clerk Kitchens has attempted to hold up the filings to stop a ruling.

(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.

Lynd filed with the Supreme Court, it sent it back to the COA, the COA refused to set it to be heard, therefore while waiting for a ruling that the COA was required to make, there is nothing an appellant can do. The COA tried to claim Lynd refused to remove IOP from the brief and refused to hear it till then. Lynd filed a new brief on that order.

SORRY, the COA cannot specify what grounds to include in a brief, this was done to specifically create a technical breach, because if removed those grounds cannot be argued in a higher court later on.

The SC supreme Court is required to hear the writ on those grounds alone! A COA justice cannot dictate to an appellant what grounds it may or may not appeal.

These filings are being interfered with due to the facts they are against the State Of South Carolina, IOP Police Department, all of which have been confessed and admitted to 3 separate times UNDER OATH! A clear conflict of Interest.

Same as the COA that refused to accept Money orders, with ridiculous claims of filled in incorrectly, refusing to post filings sent with tracking #'s, having clerks request new court orders from the trial court

AFTER! the initial appeal briefs have been filed, (a felony) so to get a new order benefitting The STATE OF S.C. to erroneously counter errors argued in the brief.

So you, acting in concert (a felony) with Kitchens, the COA, and the State, by acting as if you can't determine what the brief or filing was by sending a letter trying to imply the received Writ if Cert, was to you "various documents" in a lame attempt to pretend and cover up your crime.

That is why the ACLU got involved, the numerous other issues filed with this Supreme Court, and then conveniently the COA corrected the mistakes, either the day of receipt, or the following day the filing is received by SC Supreme Court Clerks Office. The filing is then refused, But as a mater of record, the \$100 fee is never returned, but clears the bank, (odd the different bank acct's), raises questions about how the COA knew to fix the errors, if no one at your clerk's office was acting in concert with them to impede the filings and time limits.

I suggest you check the filings dates, and COA corrections, and the fee payments, before the subpoena to federal court.

Odd as a clerk who can't give legal advice, you then make a legal determination, which you can't do either. My filing was proper and fees paid, you as a clerk don't have the capacity to stop it, regardless of how much you want to interfere with it to protect the crooked state of South Carolina.

I have a properly file writ of certification with appendicx and exhibits, I expect it to be heard, in the meantime,

CONSIDER THIS A MOTION TO:

REMOVE THE MATTER TO FEDERAL COURT, I david Lynd want the appeal and writ of Cert foiled with this court remover to federal court.

As well as; FORMAL REQUEST

THIS IS A FORMAL REQUEST FOR THE SUPREME COURT TO INVESTIGATE THE FAILURE OF THE STATE AND COA TO INVESTIGATE THE CIVIL RIGHTS VIOLATIONS.

These violation were formal filed on 5-2-2018. NO ACTION OR INVESTIGATION HAS HAPPENED.

David scot Lynd
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Mesquite TX 75150
469-323-1751
dscotly@yahoo.com

Below is the initial page of the filing ; odd you could not decipher what it was.

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Civil Rights Violation filed 4-3-2018 received 5-2-2018