

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

RECEIVED

Case No. 2015CP1002824

MAR 07 2019

David Scot Lynd

S.C. SUPREME COURT

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

Appelate 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 Lynds 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*.<sup>[2]</sup> 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.<sup>[2]</sup> 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.

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David scot Lynd

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Mesquite TX 75150

469-323-1751

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**Exhibit**

Division and Dawn Caldwell in her individual capacity).<sup>2</sup> As a result, all portions of the above appeal have now been remitted to the circuit court.

This Court has now received various documents from you in an envelope post-marked December 26, 2018. Since the remittitur has been sent by the Court of Appeals as to all portions of the appeal, appellate jurisdiction over this case has ended. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007). Therefore, no action will be taken on any of these documents by this Court.

Very truly yours,

A handwritten signature in black ink, appearing to be a stylized 'D' followed by a long horizontal line.

CLERK

cc: James Jordan Johnson, Esquire  
~~David Leon Morrison, Esquire~~  
Timothy Alan Domin, Esquire  
Christopher Thomas Dorsel, Esquire  
Sandra J. Senn, Esquire  
The Honorable Jenny Abbott Kitchings

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<sup>2</sup> While you filed a petition for rehearing regarding this order, it appears the Court of Appeals took no action on the petition since failed to pay the filing fee required by Rule 240 of the South Carolina Appellate Court Rules.

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 a 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 filed 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 accts*), 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 appendix 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 remove 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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Below is the initial page of the filing ; odd you could not decipher what it was.

**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**

**Appelate case # 2016-002024**

**CERTIORARI TO THE SOUTH CAROLINA SUPREME COURT**

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

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 Jennv Kitchens

Deputy Clerk Claire Allen

South Carolina Court of Appeals

RECEIVED

MAY 02 2018

SC Court of Appeals

This notice is as required under 1988 and the precedents under *Felder v. Casey*. This