

TO: Jenny Abba Ketchings  
South Carolina Court of Appeals  
PO Box 11629  
Columbia SC 29211

RE: Case 2018-001907  
Anthony Brooks vs State

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MAR 07 2019

S.C. SUPREME COURT

Dear Ms. Ketchings:

Please see the enclosed motion regarding this Appeal.

Please have those documents filed and send me a clock date stamp copy

photo number 2019

Very truly yours,

Allen Brown  
Anthony Brooks 313800  
BPCS  
444 Broadview Rd  
Columbia SC 29202

cc: Samuel F. Arthur III Esquire

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MAR 07 2019

S.C. SUPREME COURT

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SOUTH CAROLINA COURT OF APPEALS

Alton Brooks  
Plaintiff

Case # 2018-001907

vs.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
CHRISTOPHER WILLIAMS CAPT. IT, ROOD, CAPT DUFFY,  
MAJOR EARLY, CHURCH, SGT TUCKER, ARMY ENLOE  
AND JOEL RIVERA, KENNETH MITCHEL, OFC MARTIN  
AND SOUTH CAROLINA BUDGET AND CONTROL BOARD  
Defendants

Plaintiff's motion for rehearing  
en banc and or reinstatement of  
case and objection to the clerk of  
court's February 7th 2019 letter and  
submission of the court's December 6th 2018  
order and for the court to rule on  
his January 23rd 2019 motion and the court's  
January 15th 2019 order

Plaintiff moves the court for rehearing of case en banc as provided by SC, Rules  
APP Rule 214. Hearing or rehearing of case by the court of APPEALS en Banc,  
(A) when hearing or rehearing en banc will be ordered, it shall require the affirmative  
vote of six members of the court of APPEALS to hear or rehear an appeal or other  
proceeding en banc; A hearing or rehearing en banc is not favored and ordinarily will not  
be ordered except (1) when consideration by the full court is necessary to secure or maintain  
uniformity of its decisions, or (2) when the proceedings involve questions of exceptional  
circumstances.

Plaintiff moves for a rehearing of his January 23rd 2019, Plaintiff's motion to alter  
and amend judgment under SCRPC 59 or relief from judgment as excusable neglect  
under rule 60B1 and for the court to review lower court records of Plaintiff original  
complaint granting in forma pauperis so Plaintiff could proceed on appeal.

Plaintiff submits that on January 15th 2019 the court denied Plaintiff to proceed  
in forma pauperis pursuant to Ex parte Martin 321 S.C. 533, 471 S.E.2d 134 (1995)  
stating that the filing fee must be paid within 15 days of the date of the  
order, stating that Plaintiff's failure to comply with the court's order will  
result in the dismissal of this appeal; the remittitur will be sent in  
accordance with Rule 221, S.C.A.C.R. see exhibit A. The letter was sent by  
Jenny Abbott Ketchings

ON February 7th 2019 Beverly Clark v. Clair Allen sent Plaintiff a letter and  
remittitur sending the case to the lower court see exhibit B with a December 6th 2018  
signed order of the clerk of court; this order is in guidelines with Rule 214 of

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South Carolina Appellate court rules, dismissal and reinstatement, whenever, it appears that an appellant or petitioner has failed to comply with the requirements of those rules, the clerk shall issue an order of dismissal which shall have the same force and effect as an order of the appellate court. The case shall not be reinstated except by leave of the lower court, upon good cause shown, after notice to all parties, the clerk shall remit the case to the lower court or administrative tribunal accordance with 201 unless a motion to reinstate the appeal has been actually received by the court within 15 days of filing of the order of dismissal (the day of filing being excluded)

Plaintiff submits that he received clerk V. Allen clark order on February ~~20th~~ 25th 2019 per signing the mail log at Broad river court, and that Broad River mail room received the order of V. clark Allen dismissal and remittitur February 22nd 2019, See exhibit \_\_\_\_\_

Plaintiff submits that his January 23rd 2019 motion exhibit \_\_\_\_\_ attached addressed the order of dismissal and requested that the January 15th 2019 order of the Appellate court be set aside due to excusable neglect and the court to review the record to see that he was granted informia pautins in the lower court and thus shall be allowed to proceede informia pautins on Appeals V. ~~clark~~ clark Allen February 7th 2019 order shall be "rescinded" on the grounds that Plaintiff's motion to set aside judgment was filed the day he placed it in the mail box on January 23rd 2019 to be mailed to the court in guidelines with Rule 27(B) of Appellate court rules and thus V. clark Allen should have not remitt the case to the lower court and Plaintiff's motion to alter or amend judgment or relief under rule 60 B's should have entertained his motion before dismissing the case as reinstatement. Plaintiff objects to V. clark Allen February 7th 2019 letter stating that this court sent a letter requesting the filing fee and a corrected proof of service for your correspondence filed on December 27th 2018 which this court construed as a motion to reinstate the appeal, As of the date of this letter, we have not received those corrections, therefore no further action will be taken on your motion to reinstate. Plaintiff objects and submit that on December 27th 2018 he sent the proof of service correction and that V. Allen clark allegations are untrue. Furthermore Plaintiff without any law access, books and placement on lock up at the hands

of defendant's side and without confiscation and taker of plaintiff's firm and local  
"Box" caused plaintiff to write a letter and motion to the court on December 27th 2018  
so he wouldn't default. This document was not to be construed as reinstatement but  
alleges grounds for reinstatement. ~~On~~ January 15th 2019 The court never stated anything  
about the court construing plaintiff's December 27th 2018 letter as a motion to  
reinstatement. The court sent a letter specifically stating that if plaintiff  
does not pay the filing fee IN 15 days the case will be dismissed see exhibit A  
IN return plaintiff filed his motion in affidavit etc see exhibit C informing  
the court that he is entitled to in forma pauperis quoting RULE 3 c of SCRC and quoting  
Markinez. Nothing in the court's January 15th 2019 order stated anything about  
plaintiff not complying his proof of service. Reason why because plaintiff proof  
of service was corrected IN December. V. Clair Allen Debut close February 7th 2019  
letter enclosed the December 6th 2018 order of the court with a letter sent by  
her stating that plaintiff failed to submit a filing fee and corrected proof of  
service. This is a nullity. see V. Clair Allen February 7th 2019 letter and order  
is capricious or arbitrary if its without a rational basis, is based on ones will and  
not upon any cause of reasoning and exercise of judgment is made at  
pleasure without adequate determining principles or is governed by no fixed  
rules or standards see Ross v. Moffitt supra Hatchett v. South Carolina - District  
Council of Assemblies of God Inc 207 S.C. 107, 226 S.E2d 253 (1976) Turbeville v.  
Morris 203 S.C. 287, 26 S.E2d 821 (1943) Plaintiff submits the V. Clair Allen  
order of February 7th 2019 is not governed by any law and shall be set aside  
as the January 15th 2019 order by Judge is the ruling order of this court during  
in forma pauperis NOT the court's December 6th 2018 order and moves the court to rule on  
his January 23rd 2019 motion and or grant rehearing on the January 15th 2019 order  
by the court dismissing the appeal on grounds of in forma pauperis ~~and~~

I swear under penalty and perjury that the foregoing is true and correct  
This 1<sup>st</sup> day of March 2019 S. CURRY

(P93)

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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS  
letitia H. verdon, circuit court judge

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Case No: 2018-0019-07

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RECEIVED

MAR 07 2019

S.C. SUPREME COURT

Anthony Brooks . . . . . appellant  
vs.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, Charles Williams capt, Hi Root, capt Duffin  
Major Early, Hi church, Sgt Tucker, Army Enloe Ltn, ofc Mitchell, ofc Rivera  
John Dse ofc and SOUTH CAROLINA Budget and control Board . . . . . Respondents

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PROOF OF SERVICE

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I certify that I have served the Appellants motion for rehearing Enbar etc  
and Proof of service by depositing a copy of it in the United States mail postage  
Pre Paid at Broad River Correctional Inst on March 6 2019 addressed to  
Attorney of Record Samuel F. Arthur PO Drawer 1931 Florence SC 29503 and the  
South Carolina Court of Appeals v. Allen Clair PO Box 11629 Columbia SC 29211, I swear  
under penalty and Perjury the foregoing is True and correct.

Prison mail Box rule

March 6 2019

S. Raymond Brooks  
Anthony Brooks 313000  
BRCI  
444 Broad River Rd  
Columbia SC 29106

LEGAL MAIL

Exhibit A

January 15th 2019 order of dismissal

**LEGAL MAIL**

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# The South Carolina Court of Appeals

Altony Brooks, Appellant,

v.

South Carolina Department of Corrections, Christopher Williams, Capt., Lt. Root, Capt. Duffy, Major Earley, Lt. Church, Sgt. Tucker, Amy Enloe LPN, Ofc. Mitchum, Ofc. Rivera, John Doe Ofc., and South Carolina Budget and Control Board, Respondents.

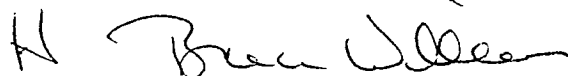
Appellate Case No. 2018-001907

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## ORDER

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The motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.



FOR THE COURT

Columbia, South Carolina

cc:

Altony Brooks, #313000  
Samuel F. Arthur, III, Esquire  
John Gatling Hofler, III, Esquire

**FILED**

January 15, 2019

COPY

Exhibit B

v. Clair Allen February 7th 2019 letter of dismissal and order of December 14th 2019  
Dismissal that v. Clair Allen dismissed that was renewed upon reinstatement  
on January 15th 2019 in which the court should have set aside but did not  
By oversight. as well as remittitur that should have never been sent to  
The lower court due to plaintiffs objections and motion to alter or mend etc.

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## 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](http://www.sccourts.org)

February 07, 2019

Altony Brooks, 313000  
McCormick Correctional Institution  
386 Redemption Way  
McCormick SC 29899

Re: Altony Brooks v. SCDC  
Appellate Case No. 2018-002057

Dear Mr. Brooks:

This Court sent a letter requesting the filing fee and a corrected proof of service for your correspondence filed on December 27, 2018, which this Court construed as a motion to reinstate the appeal. As of the date of this letter, we have not received these corrections. Therefore, no further action will be taken on your motion to reinstate.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Samuel F. Arthur, III, Esquire  
Paul B. Wickensimer

COPY

# The South Carolina Court of Appeals

Altony Brooks, Appellant,

v.

South Carolina Department of Corrections, Christopher Williams, Capt., Lt. Root, Capt. Duffy, Major Early, Lt. Church, Sgt Tucker, Amy Enloe LPN, Ofc. Mitchum, Ofc. Rivera, John Doe Ofc., and South Carolina Budget and Control Board, Respondents.

Appellate Case No. 2018-002057

The Honorable Letitia H. Verdin  
Greenville County  
Trial Court Case No. 2016CP2304303

\_\_\_\_\_  
ORDER  
\_\_\_\_\_

Appellant has failed to submit the \$250.00 notice of appeal filing fee, as required by Rule 203 of the South Carolina Appellate Court Rules, and letter of this Court dated November 20, 2018. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina  
cc:  
Altony Brooks, 313000  
Samuel F. Arthur, III, Esquire

FILED

December 6, 2018

COPY



# 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](http://www.sccourts.org)

February 07, 2019

The Honorable Paul B. Wickensimer  
Courthouse  
305 E North St  
Greenville SC 29601-2121

## REMITTITUR

Re: Altony Brooks v. SCDC  
Lower Court Case No. 2016CP2304303  
Appellate Case No. 2018-002057

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclosure

cc: Altony Brooks, 313000  
Samuel F. Arthur, III, Esquire

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Exhibit D.

Showing Plaintiff didn't receive v. clair Allen letter and order of dismissal until ~~January~~ February 22nd 2019 at Broad River correctional and that Broad River mail room received it on February 22nd 2019.

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**South Carolina Court of Appeals**

JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

**RECEIVED**

FEB 22 2019

BRCI  
MAIL ROOM

Hasler

02/07/2019

US POSTAGE

\$00.50<sup>00</sup>



ZIP 29201  
011D12602824

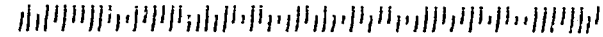
*Brooks*

FEB 18 2019

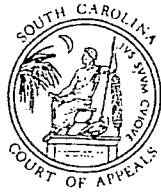
MCCI  
MAIL ROOM,

ALTONY BROOKS, 313000  
MCCORMICK CORRECTIONAL INSTITUTION  
386 REDEMPTION WAY  
MCCORMICK SC 29899

*S. Myers*



COPY



# 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) 734-1893  
FAX: (803) 734-1839  
www.sccourts.org

January 15, 2019

Altony Brooks, #313000  
McCormick Correctional Institution  
386 Redemption Way  
McCormick SC 29899

Re: Altony Brooks v. SCDC  
Appellate Case No. 2018-001907

Dear Mr. Brooks:

Please see the enclosed order regarding this appeal.

Failure to comply with the Court's order will result in the dismissal of this appeal.  
The remittitur will be sent in accordance with Rule 221, SCACR.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

cc: Samuel F. Arthur, III, Esquire  
John Gatling Hofler, III, Esquire

Exhibit C

plaintiff's January 23rd 2019 filed motion in affidavit to alter or amend  
Judgment and or set aside judgment of January 18th 2019 order of dismissal.

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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS

Letitia H. Verdin, Circuit Court Judge

Case No: 2018-0019-07

Altony Brooks . . . . . Appellant

V.

South Carolina Department of Corrections, Christopher Williams Capt, Lt, Reetz Capt Pulit,  
Major Early, Lt. Church, Sgt Tucker, Sgt Eric Wilson, etc Mitchell, etc Rivera  
John Doe etc. and South Carolina Budget and Control Board . . . . . Respondents

PROOF OF SERVICE

I certify that I have served the Appellants motion in affidavit to  
alter or amend Judgment under SCRPC 512 or relief from Judgment  
as excusable neglect under SCRPC 60 B 1 by depositing a copy of it  
in the United States mail postage, pre-paid at McCormick Correctional Inst,  
on January 23<sup>rd</sup> 2018 addressed to his attorney of record Samuel F. Arthur  
PO Drawer 1931 Florence SC 29503 and The South Carolina Court of  
Appeals v. Clair Miller PO Box 11429 Columbia SC 29211. I swear  
under penalty and perjury the foregoing is true and correct

Prison mail Box 144

January 23rd 2018

Samuel F. Arthur  
Altony Brooks 31300  
MCE  
8810 Redemption Blvd  
McCormick SC 29899

TO: SOUTH CAROLINA COURT OF APPEALS  
PO Box 11629  
Columbia, S.C. 29211

RE: ALTONY BROOKS VS. SCOT et al case # 2018-001907

Dear Jenny Abbot Kitchins,

Enclosed is petitioner's motion for rehearing En banc and proof of service.  
Please have these documents filed with a clock date stamp copy and returned to  
me.

Thank you ALTONY BROOKS

ALTONY BROOKS 313000  
BROT  
4444 Broadriver Rd  
Columbia SC 29016

Date March 2019

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SOUTH CAROLINA COURT OF APPEALS

Alford Brooks  
Plaintiff

Case: 2018-001907

v.  
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
CHRISTOPHER WILLIAMS, WARDEN, FEDERAL CORRECTION  
INSTITUTION #2019, MICHAEL SUTHERLAND, WARDEN,  
AND SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
~~DEPARTMENT OF CORRECTIONS~~

Plaintiff motion in affidavit to  
alter and amend judgment  
under S.C.C.P. 54 or relief from  
judgment as excusable neglect  
under 60 B1 and for the court to  
review lower court records of Plaintiff's  
original complaint regarding informal  
leave so Plaintiff could proceed <sup>in</sup> appeal

Plaintiff states that the January 15th 2019 order signed by the court dismisses the case provided by Ex Parte Martin 321 S.C. 333 (1971 S22) (1995) in which the Plaintiff eventually was able to proceed in forma pauperis, as he meet the requirements of the statute to appeal and receive in forma pauperis upon his appeal to the higher court. Petitioner submits that S.C.C.P. (3) states you may only be allowed to proceed in forma pauperis in your tort action if the court grants you leave to do so. Rule 3 (a) of the South Carolina rules of civil procedure (CR) Plaintiff who desires to file an action in forma pauperis shall file in court a motion to leave to proceed in forma pauperis together with the complaint proposed to be filed and an affidavit ~~and~~ showing the Plaintiff inability to pay the fee required to file the ~~action~~ complaint in the court without ~~the~~ payment of filing fees) therefore if you want to proceed in forma pauperis in any of these actions you will need to make an appropriate motion to the circuit court.

Plaintiff submits that he did not include attach the civil complaint when filing this motion to proceed in forma pauperis and thus the court denies the Plaintiff for submitting the complaint for the courts review to see if he meets waiver. Plaintiff now submits a copy of the initial complaint filed in the Greenville county court of common Pleas that was granted in forma pauperis. Plaintiff further directs the court to the lower court record to review the complaint for in forma pauperis review as judicial notice and grant leave in this court upon that review and plaintiffs motion for leave to proceed in forma pauperis filed in this appeal.

As provided by rule 59 S.C.C.P. Plaintiff moves to alter or amend the judgment and have the court allow Plaintiff to proceed in forma pauperis.

IN the above case or allow petitioner under Rule 60 B to set aside the Judgment  
60 B SCRC (a) states 60 B is substantially the same as code § 15-27-130  
there are two differences, first existing state law provides for relief from a judgment  
taken against him through his mistake, Petitioner submits that he didn't put the  
initial complaint with this Appeal and or in infama pauperis and that he didn't  
file the notice of Appeal believing that all documents from the Greenville county  
court would transfer as due in federal appeal courts upon filing the notice of Appeal.

on this instance this did not take place and this court take it as a way  
to not proceede infama pauperis, petitioner moves to amend the ruling on  
the ground of the court not reviewing the lower court record to grant infama  
pauperis, as if he was able to proceede infama pauperis in the lower court its presumed  
he could proceede infama pauperis in the South Carolina Court of Appeals infama  
pauper in the appeal of the same case at hand, petitioner submits that  
the order granting him infama pauper is with the lower court and he does not  
have it but ~~does~~ directs the court to the lower court to review that petitioner  
indeede proceede infama pauperis in the Greenville county court of common  
pleas in this case on these grounds, petitioner moves to alter or amend or  
set aside Judgment

#### Conclusion

Petitioner shall be granted infama pauperis after done the review of  
the lower court record and the record of this court to grant  
Petitioner infama pauperis in this appeal.

I Swear under Penalties and Perjury that the foregoing is true and correct

This 23rd day of January, 2019

S/ [Signature]

Aitani Boudry 313100

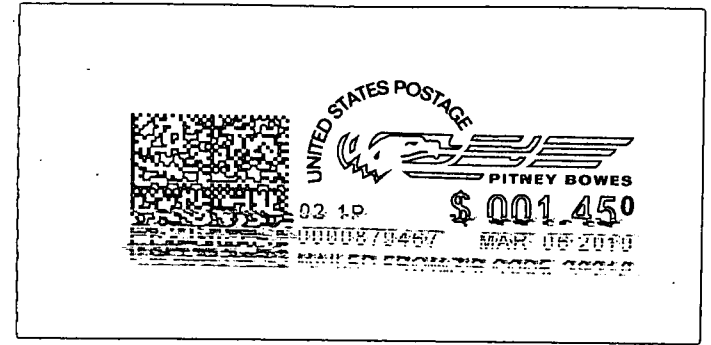
M.F.

2516 Redoubt Court

11600 Mt. Cileus 29599

COPY

Alamy Brooks 3/Baw  
BRCA  
4460 Broadmead  
Columbia SC 29207



SC Supreme Court  
PO Box 11330  
Columbia SC  
29211