

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

G. Edward Welmaker, Circuit Court Judge  
Case No. 2012-CP-23-00003

RECEIVED

FEB 02 2013

SC Court of Appeals

Lyman Russell Rea, Marc Rea,  
Melissa Rea, William Rea and  
Millicent Lindauer

Plaintiffs,

Of Whom Lyman R. Rea is,

Appellant.

v.

Greenville County Detention  
Center

Respondent.

PROOF OF SERVICE

I certify that I have served the Record on Appeal on the Greenville County Detention Center by depositing a copy of it in the United States Mail, postage prepaid, on January 31, 2013, addressed to their attorney of record, Christopher R. Antley, Devlin & Parkinson, P.A., Post Office Box 10387, Greenville, South Carolina 29603.

January 31, 2013

Lyman R. Rea

Lyman R. Rea  
c/o HC 77 Box 681 BB  
Pittsburg, MO 65724  
Ph. 1-417-993-4340

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

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v.

Greenville County Detention  
Center

Respondent.

---

RECORD ON APPEAL

---

Lyman Rea  
c/o HC 77 Box 681 BB  
Pittsburg, Missouri 65724  
Ph. 1-417-993-4340  
Appellant

Christopher R. Antley  
Devlin & Parkinson, P.A.  
Post Office Box 10387  
Greenville, South Carolina 29603  
Ph. 1-864-242-4050  
Attorney for Respondent

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Order of June 22, 2012

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2012CP2300003

FILED  
CLERK OF COURT  
GREENVILLE, SC  
MAY 3 9:29 AM

Lyman Russell Rea William Rea Millicent Lindauer	Marc Rea Meliissa Rea	Greenville County Detention Center
PLAINTIFF(S)		DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
---------------	---

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

Plaintiffs have failed to prosecute this case pursuant to Rule 41(b) SCRPC. Therefore, Defendant's Motion to Dismiss is GRANTED.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk:

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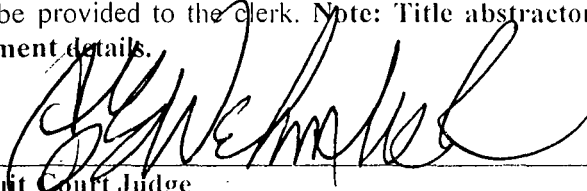
**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

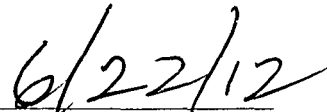
The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**



Circuit Court Judge

2137

Judge Code



Date

---

Complaint

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Lyman Russell Rea, Marc Rea,  
William Rea, Melissa Rea,  
Millicent Lindauer **Plaintiff(s)**

vs.

Greenville County Detention Center

IN THE COURT OF COMMON PLEAS

CASE NO. ~~2011-CP-23-~~

2012-CP-23-00003

COMPLAINT

(Plaintiffs seek maximum damages the state law will allow.)

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
JAN 3 2012

JAN - 3 A 10: 21

(JURISDICTION)

1. Lyman R. Rea has been a resident of Greenville County, South Carolina since about 1985.
2. The other plaintiffs listed are family members of Lyman R. Rea.
3. The actions of the defendants toward the plaintiff occurred within the boundary of Greenville County, South Carolina.
4. The Court has jurisdiction in this action and venue is proper.
5. The plaintiff, Lyman R. Rea, asks for a trial by jury.

(COMPLAINT OF THE PLAINTIFF)

1. The plaintiff, Lyman R. Rea, alleges that he was subjected to cruel and unusual punishment for some part of some 14 months by the following:
  - a. Prescription glasses taken away from 2/18/2010 to 4/13/2011 (some 14 months).
  - b. Toiletry bag not distributed from 2/18/2010 to 11/1/2010 (some 8½ months).
  - c. No hand or liquid soap provided from 2/18/2010 to 6/18/2010 (some 4 months).

- d. No modest shower facilities provided from 2/18/2010 to 6/18/2010 (some 4 months).
- e. Underwear kept from the plaintiff from 2/19/2010 to 11/15/2010 (some 9 months).
- f. No correspondence pack provided from 2/18/2010 to 11/1/2010 (some 8½ months).
- g. No footwear given from ap. 2/19/2010 to 6/18/2010 (some 4 months).
- h. An intimidator was periodically sent by the plaintiff's room to bang on the window from ap. 12/7/2010 to 3/21/2011 (some 3½ months).
2. The plaintiff, Lyman R. Rea, alleges that he was subjected to false arrest on 2/18/2010.
3. The plaintiff, Lyman R. Rea, alleges that he was falsely imprisoned from 2/18/2010 to 4/13/2011 (some 14 months).
4. The plaintiff, Lyman R. Rea, alleges that his Miranda rights were violated in that his rights were not read to him at the time he was handcuffed nor was he informed as to the charges against him on 2/18/2010.
5. The plaintiff, Lyman R. Rea, alleges that his religious rights were violated in that his New Testament that he had on his person when he was handcuffed was taken away from 2/18/2010 until ap. 6/18/2010 (some 4 months).

Dated 12/24/2011

Lyman R. Rea  
Lyman R. Rea  
571 Perry Ave.  
Greenville, SC 29611

c/o HC 77 Box 681 BB  
Pittsburg, MO 65724

---

Answer of Greenville County Detention Center

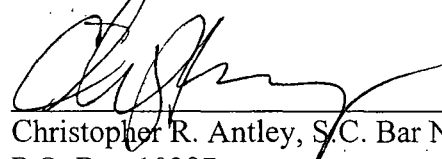
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	C.A. No. 2012-CP-23-00003
	)	
Lyman Russell Rea, Marc Rea, William	)	
Rea, Melissa Rea, Millicent Lindauer,	)	
	)	
Plaintiffs,	)	
	)	<b>DEFENDANT'S MOTION TO DISMISS</b>
vs.	)	<b>PURSUANT TO RULES 12(b)(2) AND</b>
	)	<b>12(b)(5), SCRCP</b>
Greenville County Detention Center,	)	
	)	
Defendant.	)	

**TO: THE PLAINTIFFS**

YOU WILL PLEASE TAKE NOTICE that on a day no-sooner than the 10<sup>th</sup> day after the filing of this motion, the Defendant, Greenville County Detention Center, which is filing this motion solely for the purpose of addressing issues concerning personal jurisdiction and insufficient service of process, will move this Court to issue an Order, dismissing the case due to insufficiency of service of process and lack of personal jurisdiction over Greenville County Detention Center.

The Defendant bases this motion on the pleadings filed in this case, applicable rules of the South Carolina Rules of Civil Procedure, applicable case and statutory law, and a supporting memorandum if the Court requires one to be provided.

DEVLIN & PARKINSON, P.A.



Christopher R. Antley, S.C. Bar No. 13631  
P.O. Box 10387  
Greenville, SC 29603  
(864) 242-4050  
(864) 242-4277-Facsimile

February 27, 2012  
Greenville, South Carolina

Attorney for Defendant

3

Transcripts of Proceedings of June 18, 2012



I N D E X

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E X H I B I T S

(NONE)



1 THE COURT: Oh, he's out?

2 MR. ANTLEY: He's in Missouri, I believe.

3 THE COURT: Oh, is he?

4 MR. ANTLEY: Yes, sir. So if y'all will  
5 pay for the flight, I'll be happy for the  
6 transport.

7 THE COURT: Did you notify him of the ---

8 MR. ANTLEY: I did, Your Honor. I've got  
9 something for y'all on that.

10 THE COURT: What time was this one?  
11 10:30?

12 MR. ANTLEY: Yeah. I may be -- I guess  
13 we're on time.

14 THE COURT: So we're not early.

15 MR. ANTLEY: Your Honor, we sent it to  
16 two addresses, which he has with the Court, as  
17 well. He has two addresses; a Greenville address  
18 and a Missouri address. The second page has a copy  
19 of the Greenville address coming back returned.  
20 The Missouri address did not. It went back  
21 regular. We have had correspondence with him in  
22 the past where he has returned -- sent us letters  
23 back saying, thank you for telling us about this  
24 filing, or whatever, at the Missouri address. So  
25 when he signed his pleadings even, it was Lyman

1 Russell Rea, 571 Perry Avenue, Greenville, South  
2 Carolina; and it says under that, care of that  
3 Pittsburg, Missouri address. So Your Honor, we've  
4 sent it everywhere we know to send it to him, and  
5 to the address is where he has provided his  
6 information on his own pleadings, so it's the only  
7 information the Court has, as well. I don't know  
8 how else to notify him?

9 THE COURT: When did he file this?  
10 January of '11. Or '12. It was just filed in  
11 January.

12 MR. ANTLEY: Yes, Your Honor, that's  
13 correct. I have not even answered. I opted to  
14 file this motion instead for a motion to dismiss.

15 THE COURT: So did you send the letter to  
16 -- let's see, you sent it May the 30th. So in  
17 plenty of time.

18 MR. ANTLEY: Yes, Your Honor, I sent it  
19 as soon as we got the notice, essentially.

20 THE COURT: And you've not heard from him  
21 at all?

22 MR. ANTLEY: Not this time, Your Honor.  
23 I've got several -- everything I've sent to the  
24 Greenville address throughout the case has been  
25 yellow, come back, ---

1 THE COURT: You haven't heard anything  
2 from the Missouri address?

3 MR. ANTLEY: No. But I haven't had a  
4 returned envelope either from the Missouri address,  
5 which is at least some evidence that it's being  
6 picked up there.

7 THE COURT: All right. Mr. Lopez, have  
8 you heard anything from Mr. Rea?

9 MR. LOPEZ: No, sir, I have not. The  
10 Court sent notice to that address in Missouri.

11 MR. ANTLEY: He could possibly be -- I  
12 mean there's people out there right now. I  
13 sincerely doubt ---

14 THE COURT: Where is Mr. Ford? We'll get  
15 Mr. Ford to go sound his name outside. I don't  
16 guess he's in a different courtroom.

17 MR. ANTLEY: In his first lawsuit, he  
18 included Brian Williams and NBC News, so ...

19 THE COURT: Okay.

20 MR. LOPEZ: I sounded three times and  
21 there was no response.

22 THE COURT: Okay. His name has been  
23 sounded outside the Court three times with no  
24 response from anyone. It's thirty-five minutes  
25 past the hour in which the case was set. Adequate

1 notice has been given.

2 Did you tell him what time the hearing was?

3 MR. ANTLEY: We said whatever was in that  
4 letter, Your Honor. I'd have to look back.  
5 Normally we do, but I don't want to make a  
6 representation without ---

7 THE COURT: The letter I have just says  
8 it'll be on June the 18th.

9 MR. ANTLEY: That's true, Your Honor.  
10 There's a -- this is -- okay. That was a follow-up  
11 letter, Your Honor. Let me show you what --  
12 originally the hearing had been scheduled for May  
13 10th, 2012. And I didn't make a copy of this  
14 because I didn't think about this. This is the one  
15 where we told him it had been rescheduled to June  
16 18th at 9:30 a.m.

17 And so my secretary, I think, probably when we  
18 got closer, I just said, look, because this guy is  
19 like 99.9 percent no-show, let's just send him an  
20 additional letter and remind him that he's got a  
21 hearing that day.

22 So the May 30th letter actually, you're right,  
23 did not include a time. It did include, though,  
24 the day and your name as the judge. But we had  
25 previously sent another letter when it was moved --

1 when the hearing itself was moved in which we gave  
2 him all that information, Your Honor. We sent it  
3 again to the same address and the same method,  
4 receipt back, return receipt -- no return receipt,  
5 but just a yellow sender, person not there to take  
6 it, and then to Missouri and it came back as I said  
7 -- it didn't come back as if I mailed you a letter  
8 and you opened it. That's the way it went.

9 THE COURT: All right. So you told him  
10 it was at nine thirty on June the 18th, and then  
11 you sent him another letter about the hearing would  
12 be on June 18th and actually on the docket it's set  
13 for ten thirty.

14 MR. ANTLEY: You're right, Your Honor.

15 THE COURT: On June the 18th. It's not  
16 been thirty-five minutes now. I thought it was at  
17 ten o'clock. It was really ten thirty it was set.  
18 It's past ten thirty.

19 All right. Mr. Antley, I'm going to grant  
20 your motion to dismiss, but I'm not going to make  
21 it effective until the end of the day.

22 MR. ANTLEY: Yes, sir.

23 THE COURT: Just in case he were to  
24 appear. If he does, we'll contact you and have you  
25 come on over.

1                   MR. ANTLEY: I'll be around all day, Your  
2 Honor.

3                   THE COURT: Okay. We'll contact you if  
4 he were to show up. Otherwise at the end of the  
5 day I'll grant your motion to dismiss for failure  
6 to prosecute.

7                   Do you need these letter back? Or I can put  
8 them in the file.

9                   MR. ANTLEY: The one letter I gave you,  
10 can we make a photocopy of it here maybe? The one  
11 that's the transfer letter, because that was the  
12 only one that I did not make beforehand.

13

14

15                   (END OF REQUESTED TRANSCRIPT OF RECORD)

16

1 CERTIFICATE OF REPORTER

2 I, the undersigned Danette P. Hanks, Official  
3 Court Reporter for the Thirteenth Judicial Circuit of  
4 the State of South Carolina, do hereby certify that  
5 the foregoing is a true, accurate, and complete  
6 transcript of record of all the proceedings had and  
7 evidence introduced in the trial/hearing of the  
8 captioned case, relative to appeal, in the Circuit  
9 Court for Greenville County, South Carolina, on the  
10 18th day of June, 2012.

11 This transcript may contain quoted material.  
12 Such material is reproduced as read by the speaker.  
13 I do further certify that I am neither of kin,  
14 counsel, nor interest to any party hereto.

15 January 5, 2013

16

17

18

19

20



Circuit Court Reporter

---

\*Transcripts of Proceedings of February 18, 2010

\*According to a letter of December 12, 2012 to the Plaintiff from Court Reporter Ms. Hollie M. Jenkins, these transcripts do not exist. (Please see page 26.)

---

Other Matters or Documents



**DEVLIN & PARKINSON, P.A.**

ATTORNEYS AT LAW

POST OFFICE BOX 10387

GREENVILLE, SOUTH CAROLINA 29603-0387

www.devlinparkinson.com

April 23, 2012

JOHN R. DEVLIN, JR.  
E. BROWN PARKINSON, JR.  
CHRISTOPHER R. ANTLEY

PHONE (864) 242-4050

FAX (864) 242-4277

STREET ADDRESS:  
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SUITE 201  
GREENVILLE, SC 29601

EMILY T. WHITNEY  
JENNIFER BREAUX HOWE

Lyman Russell Rea  
571 Perry Avenue  
Greenville, SC 29611

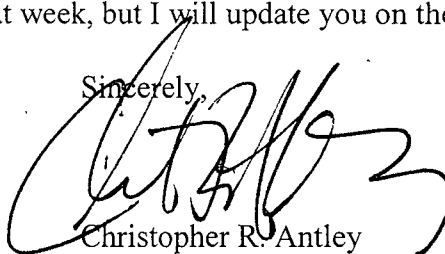
Lyman Russell Rea  
c/o HC 77 Box 681 BB  
Pittsburg, MO 65724

**RE: Lyman Rea, et al. v. Greenville County Detention Center**  
**C.A. No.: 2012-CP-23-00003**

Dear Mr. Rea:

Enclosed please find a copy of the latest revised hearing notice for the Defendant's Motion to Dismiss in the above matter. As you will note, the hearing has been rescheduled from May 10, 2012 to June 18, 2012, beginning at 9:30 a.m. at the Greenville County Courthouse. A judge has not yet been assigned for that week, but I will update you on the judge at a later date.

Sincerely,



Christopher R. Antley

CRA/jg

Enclosure

*[Faint, illegible text at the bottom of the page, possibly bleed-through from the reverse side.]*

# DEVLIN & PARKINSON, P.A.

ATTORNEYS AT LAW

JOHN R. DEVLIN, JR.  
E. BROWN PARKINSON, JR.  
CHRISTOPHER R. ANTLEY

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May 30, 2012

EMILY T. WHITNEY  
JENNIFER BREAUX HOWE

STREET ADDRESS:  
27 CLEVELAND STREET  
SUITE 201  
GREENVILLE, SC 29601

Lyman Russell Rea  
571 Perry Avenue  
Greenville, SC 29611

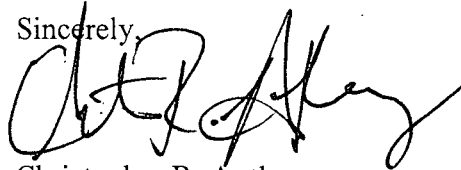
Lyman Russell Rea  
c/o HC 77 Box 681 BB  
Pittsburg, MO 65724

**RE: Lyman Rea, et al. v. Greenville County Detention Center**  
**C.A. No.: 2012-CP-23-00003**

Dear Mr. Rea:

The Honorable G. Edward Welmaker will be the presiding judge at the June 18, 2012 hearing on the Defendant's Motion to Dismiss in the above matter. Judge Welmaker requires that all memoranda be filed with the Clerk of Court and a copy be provided to him at least 72 hours prior to the hearing.

Sincerely,



Christopher R. Antley

CRA/jg



*Rec'd  
12/15/12*

**State of South Carolina**  
**The Circuit Court of the Thirteenth Judicial Circuit**

Hollie M. Jenkins  
Circuit Court  
Reporter

P.O. Box 16506  
Greenville, SC 29606

December 12, 2012

Mr. Lyman Rea  
c/o HC 77 Box 681 BB  
Pittsburg, Missouri 65724

**RE: #2012-CP-23-00003**  
**Lyman Rea, et al. v. Greenville County Detention Center**  
**(Date of Hearing: February 18, 2010)**

Dear Mr. Rea:

I am in receipt of your certified letter postmarked December 3, 2012, requesting the above-referenced transcript. I have reviewed my records and I was unassigned and was **not** scheduled in court on February 18, 2010. I have attached to this letter my assignments for the month of February 2010, to verify this for you.

Also, in your letter, you indicate that the proceedings that you're requesting were before "Judge Vaughn." I have checked the SCJD website and there is **not** a judge by the name of "Judge Vaughn" in circuit or family court in the state of South Carolina. I am a circuit court reporter and would only be scheduled to work in circuit or family court in South Carolina.

Sincerely,

Hollie M. Jenkins  
Circuit Court Reporter

cc: Ms. Desiree Allen

February 2010 [Go To Date]

**Assignment of Court Reporters to Terms of Circuit Court  
February 2010**

**Holiday:  
Mon Feb 15, President's Day**

Reporter Name	2/1/2010	2/8/2010	2/15/2010	2/22/2010
Jenkins, Hollie (Hill)	Greenville GS	Greenville GS		Pickens GS

**Address:**

Hollie M. Jenkins  
Post Office Box 16506  
Greenville, SC 29606

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

G. Edward Welmaker, Circuit Court Judge

Case No. 2012-CP-23-00003

Lyman Russell Rea, Marc Rea,  
Melissa Rea, William Rea and  
Millicent Lindauer  
Plaintiffs,  
Of Whom Lyman R. Rea is, Appellant.

v.

Greenville County Detention  
Center, Respondent.

NOTICE OF APPEAL

Lyman R. Rea appeals the judgment of the Honorable  
G. Edward Welmaker dated June 22, 2012. Appellant received  
written notice of the entry of this judgment on or about  
July 9, 2012.

July 23, 2012

Lyman R. Rea

Lyman R. Rea  
c/o HC 77 Box 681 BB  
Pittsburg, MO 65724  
Ph. 1-417-993-4340

Other Counsel of Record:  
Christopher R. Antley  
Devlin & Parkinson, P.A.  
Post Office Box 10387  
Greenville, SC 29603  
Ph. 1-864-242-4050

Certificate of Appellant

RECEIVED

FEB 02 2013

SC Court of Appeals

With the exception of the Transcripts of February 18, 2010, which, according to Court Reporter Ms. Hollie M. Jenkins, do not exist, the undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

January 24, 2013

*Lyman R. Rea*

Lyman R. Rea  
c/o HC 77 Box 681 BB  
Pittsburg, MO 65724  
Ph. 1-417-993-4340  
Appellant