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MAR 03 2021

SC Court of Appeals

The South Carolina of Appeals

Angel D. Phillips Appellant,

V.

Hartsville Department of Social Service

Appellant Case No. 2020-000058

The Motion to Remand was mailed along with court filing fees by Appellant Angel D Phillips clearly states, that Appellant has a copy of the transcripts.

To answer the direct question of the court, yes: I do have the transcripts that I received from Lisa S. Carter. I will be sending documents of direct communication with Mrs. Lisa S. Carter along with documents over to the Defense Attorney Joseph McClean.

Documents Include

1. Notarize Letter from Appellant Angel D. Phillips to Mrs. Lisa Carter about the transcripts
2. Lisa S. Carter cover page and transcript records of the hearing in the case No: 2019-CP-16- 00705 on November 14, 2019.
3. Notarize Document asking Mrs. Cater who paid for the transcript mail .
4. All copies have been included along with the Appellant direct answer pertaining to the transcripts.

Mrs. Lisa Carter
P.O. Box 1134
Darlington SC
29540

I Angel Phillips are requesting the court audio also transcripts from Civil Case
Dated on 2019-11-15 12:17:35
Case Number: 2019CP1600705
Type: Order/Dismissal

So Ordered: s/Roger E. Henderson

This is a legal Notarized Request on behalf of myself Angel D Phillips

Contact Information:

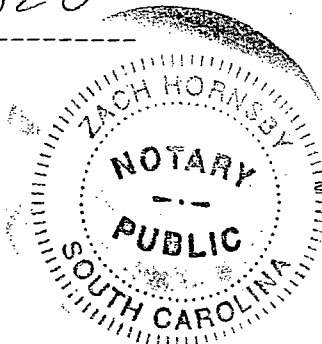
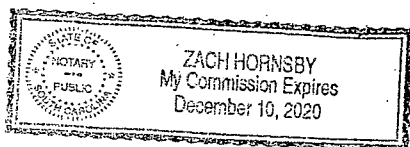
Angel D Phillips
1012 Queen St
Camden SC
29020
Phone number: (803)669-2631
Email: phillipsangel82@gmail.com

Thanks for your time and help with this matter.
May God Bless you and always shine his face upon

Signature: _____

Date: 1/10/2020

Sworn to and subscribed
before me this 10 day of
Jan, 2020



Zachary Henderson

LISA S. CARTER
CERTIFIED COURT REPORTER

P. O. BOX 1134
DARLINGTON, SC 29540
843-992-6592

March 2, 2020

Mr. Angel Phillips
1012 Queen Street
Camden, SC 29020

In Re: Angel Phillips vs. Hartsville DSS
Case No. 2019-CP-16-00705

The Transcript of Record of the hearing in the above case on November 14, 2019
15 pages at \$4.25 per page\$63.75
Postage.....\$5.00

Total\$68.75

Deposit of\$148.75
- \$68.75

Refund of\$80.00

Angel Phillips
4/8/2020

member of NAACP
Civil
Rights movement

LISA S. CARTER
CERTIFIED COURT REPORTER

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DARLINGTON, SC 29540
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March 2, 2020



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1012 Queen Street
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*of Angel Phillips
didn't pay for this transcript or the
deposit of \$148.00 / Refund of \$80.00
this is coercion because I'm poor
and Black its persuading at best...
Case of Political Corruption use of power by
... Attention for must a gain*

LISA S. CARTER
CERTIFIED COURT REPORTER

P.O BOX 1134
DARLINGTON SC 29540

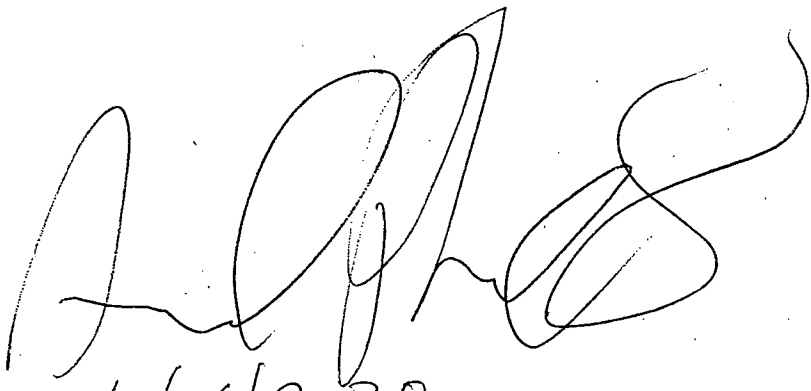
6/8/2020

THIS IS A LEGAL DOCUMENT ASKING WHO PAID FOR THE TRANSCRIPT MAIL ON MARCH 2, 2020 WITH \$80.00 REFUND CHECK. BECAUSE I ANGEL PHILLIPS DIDN'T MAIL YOU MRS.CATER ANY KIND OF DEPOSIT OF \$148.00. THERE IS NO PROOF OF PAYMENT THAT WAS SEND OUT OF MY PERSONAL ACCOUNT OR ANY OTHER FORM OF PAYMENT ON MY BEHALF. I HAVE THE LEGAL RIGHT TO KNOW WHO PAID FOR THE TRANSCRIPT DATED MARCH 2,2020.

THIS A LEGAL NOTARIZE DOCUMENT, I WILL NOT PERJURE MYSELF TELLING THE UNTRUTH OVER TRANSCRIPT OR A DEPOSIT OF \$148.00. I HAVE THE CIVIL RIGHT TO BE TOLD THE TRUTH AND NOTHING BUT THE TRUTH SO HELP YOU GOD.

IN RE: ANGEL PHILLIPS VS. HARTSVILLE DSS

CASE NO. 2019-CP-16-00705



6/8/2020

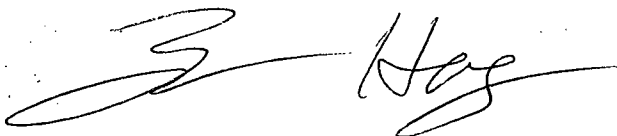
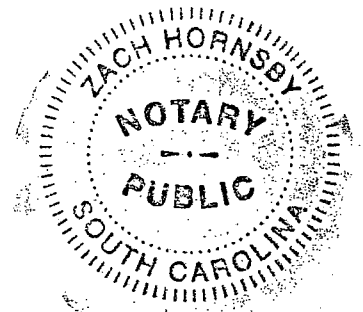
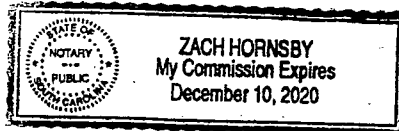
CONTACT INFORMATION

Angel Phillips

1012 QUEEN ST CAMDEN SC 29092

PHONE NUMBER: (803) 669-2406

Email: *Phillips angel82@Gmail.com*



I N D E X

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WITNESSES

PAGE

(NO WITNESSES INTRODUCED DURING HEARING)

(NO EXHIBITS INTRODUCED DURING HEARING)

1 MR. McLEAN: Good morning, Your Honor.

2 THE COURT: Yes, sir.

3 MR. McLEAN: Joe McLean. I represent the defendant.

4 There are two matters pending before the court this
5 morning. First is the plaintiff's motion for discovery.
6 And the second is the defendant's motion to dismiss. I
7 think they both need to be heard. Certainly if you grant
8 the motion to dismiss I think that would make the motion
9 for discovery moot. But if you deny the motion to dismiss,
10 the motion for discovery should be heard and ruled upon.
11 We'll proceed in whichever order the court request. But the
12 motion for discovery was filed first and perhaps it would
13 make sense to hear that one first.

14 THE COURT: Okay.

15 MR. McLEAN: That would also give the court some
16 factual background as to what brings us here today.

17 THE COURT: Okay. Sir, you can have a seat. You
18 may proceed Mr. McLean with your argument.

19 MR. McLEAN: Motion for discovery is the plaintiff's
20 motion.

21 THE COURT: Oh, I'm sorry. I didn't see that.

22 MR. McLEAN: It's actually attached to the summons
23 and complaint. It's the last page of the summons and
24 complaint.

25 THE COURT: Okay.

1 MR. McLEAN: And so that's the plaintiff's motion.

2 THE COURT: I'm sorry.

3 MR. McLEAN: I'll be glad to proceed in order that
4 the court request.

5 THE COURT: Okay. All right. Your name, sir?

6 MS. PHILLIPS: My name is Angel Phillips and I am a
7 female.

8 THE COURT: Okay. I'm sorry.

9 MS. PHILLIPS: It's okay.

10 THE COURT: All right. Ms. Phillips, let me hear
11 from you first with regards to your motion.

12 MS. PHILLIPS: My motion to discover?

13 THE COURT: Ma'am?

14 MS. PHILLIPS: Your Honor, my motion?

15 THE COURT: Your motion that you made.

16 MS. PHILLIPS: Yes, sir, my motion to discover?

17 THE COURT: Yes.

18 MS. PHILLIPS: It's ---

19 THE COURT: Would you stand please when you address
20 the court.

21 MS. PHILLIPS: I'm sorry. I do apologize. My motion
22 to discover is based off the lack of evidence in the civil
23 case that was actually -- it was actually perpetrated by
24 the person that called DSS that made the fraudulent report
25 to begin with. And the motion to discover is basically in-

1 depth information that I'm allowed - that basically I'm not
2 allowed to have - simply have, even though I'm representing
3 myself in this case. So there are some things that I can
4 speak on. There are some things that I can't speak on
5 because I don't have the complete case file. I have a
6 redacted case file and that's the reason why I'm asking for
7 the unredacted case file so I can proceed. But I do have
8 certain evidence that come into play to show why I'm asking
9 for this motion. I have entered exhibits into this court
10 case, A through N. Basically, DSS made a lot of fraudulent
11 reports and I have the evidence to prove that they lied on
12 their own statements. This is a child that was, that I
13 have raised all my life and he was there and he suffered
14 abuse at the home where they put him at. And I don't see
15 any reason for this case to be dismissed because I have all
16 the evidence to prove and back up exactly what I'm saying
17 and I have it in exhibits and I have -- however you want me
18 to proceed with this or I don't know if I just need to give
19 you this paperwork and let you look over. But I don't
20 understand. The only reason why they would want the motion
21 to dismiss -- for me not -- first of all, they want a
22 motion to dismiss because the allegations proved that not
23 only the person that perpetrated this crime is the one that
24 made all the fraudulent reports. And not only that she was
25 also the one that they place my child in a house with her

1 felon husband, had him shooting automatic weapons. And so
2 -- and I have all of that. I also have where she was just
3 recently, the perpetrator in this crime, is Amy Phillips,
4 and she was recently screaming and hollering to all of my
5 family members that she called DSS on me and he was
6 threatening my life in front of my child and my whole
7 family which I have police reports proving that. So it's
8 almost as if what DSS have given them, they gave them the
9 right, the simple right to sit here and torment me and
10 torment my child. There was no case found at all saying
11 that I done anything wrong or perpetrated anything to help,
12 I mean, to hurt him. I was basically in a car accident. I
13 was also in the woods for three days. I was dehydrated. I
14 needed medical attention. How this came, I spoke with the
15 people in North Carolina they told me that South Carolina
16 completely done this. All of my records have been amended
17 in North Carolina as we speak. They don't understand this
18 because my uncle picked up Xavier. Xavier was safe. I
19 took him to a -- I made it to a church. When I made it to
20 the church that was the safest place I knew to take him
21 because I was gushing - I have the police report here - I
22 was gushing blood out of my head and I fell into a ditch.
23 And when I woke up, sir, I was surrounded in the water. My
24 clothes were completely wet and I was dehydrated. I was
25 waking up in different places. When I was found by the

1 sheriff's department I cooperated with them. I told them
2 who I was. Where I was from. That I was in a wreck. I
3 asked him about my child. There was nothing with DSS
4 involved until I came to South Carolina and my cousin
5 perpetrated this whole ordeal and I can legally prove that
6 she done this. And I am -- I don't understand how this
7 case can be dismissed when it's -- it's botched, the whole
8 case is botched off of hearsay. And I have documentation
9 to prove that this did not take place and this did not
10 happen and I've got like mentation prove that DSS lied.
11 They said I had drugs in my system. I have my toxicology
12 report saying I had no drugs in my system. They said he
13 had drugs in his system. I have his toxicology report
14 proven that he had no drugs in his system. I have the
15 paperwork saying that I'm was the perpetrator. Then I have
16 the paperwork, basically, going back -- recant saying I
17 wasn't the perpetrator and I did not victimize him. I took
18 care of him my whole life. I don't have any biological
19 children ---

20 THE COURT: Okay. Tell me what it is that you're
21 seeking by way of discovery? What you want to discover?

22 MS. PHILLIPS: The -- the -- I want -- I want the
23 person that perpetrated this, um, she made an affidavit to
24 the DSS intake worker that this happened. This never
25 happened. And then not only that, they turn around and

1 gave my child to this perpetrator ---

2 THE COURT: I'm asking you what do you want?

3 MS. PHILLIPS: I want -- I want the the record
4 redacted.

5 THE COURT: The what?

6 MS. PHILLIPS: The records, the records unredacted.
7 And I want this case -- and I want this case withheld
8 because I don't understand. How can I make him explain
9 any of this? Like this is -- this is not how I raised him.
10 I didn't raise him to believe that the police -- that
11 people would come against you and do things like this to
12 you and he ---

13 THE COURT: Okay. I don't need to hear all of
14 that. I just need to hear what you're actually seeking,
15 okay.

16 MS. PHILLIPS: Yes, sir, I'm sorry ---

17 THE COURT: Okay.

18 MS. PHILLIPS: --- for going on but that's basically
19 what I'm seeking today that this case is upheld and the
20 motion to discover is upheld.

21 THE COURT: Okay. All right. Mr. McLean,
22 response? If you could give me a little more background
23 please, sir?

24 MR. McLEAN: Yes, sir, I will. In June of 2016, DSS
25 took Ms. Phillips son into protective custody, emergency

1 protective custody. In August of 2016 the, after
2 investigation and assessment, the matter was determined to
3 be unfounded and the child was returned to Ms. Phillips.
4 She has now brought this action for damages against DSS
5 alleging that it improperly took protective custody of her
6 child. What she is seeking is the identity of the reporter
7 of the alleged neglect which was found, which was deemed
8 unfounded. She is seeking an unredacted copy of the child
9 protective services file from DSS because she wants to
10 determine who made the report that led to her child being
11 taken into protective custody. She has been provided with
12 a redacted copy of that file which protects the identity of
13 the reporter as required by law. And we have -- we have
14 advised her of that. It was sent to her by certified mail
15 and she signed for it. So we know that she has an
16 unredacted copy of the file. But what she seeks is a,
17 excuse me, she has a redacted copy of the file, I misspoke.
18 What she seeks is a unredacted copy which to discover the
19 identity of the reporter and as the court, as Your Honor
20 knows that's strictly protected by the statutes. The
21 sStatues are 63-7-940 as well at 67-7-1990. The identity
22 of a reporter is to be strictly protected. Therefore, DSS
23 contends that it has given her all she's entitled to which
24 is a redacted copy of the file which she wants more and we
25 oppose that.

1 THE COURT: All right, sir.

2 MR. McLEAN: We oppose that at this stage of the
3 proceedings. At some later point if the case is not
4 dismissed, which we will discuss in a minute, there is a
5 mechanism under the law for her to potentially get that
6 file. The court has review it, in camera review and make
7 certain determinations as to admissibility, but were not to
8 that point yet in this case. This is a new case. And we
9 do have a motion to dismiss pending which we feel, if
10 granted, will make the motion for discovery moot.

11 THE COURT: All right. Why don't we go ahead and
12 address your motion to dismiss.

13 MR. McLEAN: Thank you, Your Honor. The motion to
14 dismiss is a 12 (b) (6) motion based upon the statute of
15 limitations. There are other grounds for dismissal but for
16 today we're staying strictly within the pleadings and we
17 believe that the suit was filed too late.

18 THE COURT: Hang on a minute. I'm sorry, go ahead.

19 MR. McLEAN: Again, briefly, the child was taken
20 into protective custody in June of 2016. In August of 2016
21 the case was found or deemed unfounded and Ms. Phillips was
22 advised of that fact by a letter from DSS. The letter was
23 dated August 5, 2016 and a copy of that letter is attached
24 to her complaint. Suit was not filed until July of 2019.
25 Of course, the court is aware under the Tort Claim Act we

1 operate with a two-year statute of limitation. And the suit
2 was filed closer to the three year anniversary of the
3 letter advising Ms. Phillips that the case was unfounded.
4 It is our position, Your Honor, that that letter in August
5 of 2016 putting her on notice if the case was unfounded was
6 a objective reasonable notice to her of that she may have
7 some cause of action. Certainly nothing happened after
8 that letter was sent. The case was closed. DSS had no
9 further involvement with this family or with this child.
10 So if she ever knew at any time that or had a suspicion
11 that her child was wrongfully removed from her by the
12 State, it would've been when she received the letter from
13 DSS in August of 2016. She waited until July of 2019 to
14 file the suit. That's beyond the two-year statute of
15 limitations. No verified claim was filed. She did file a
16 complaint with the Office of Inspector General for the
17 State of South Carolina. And that, too, is attached to her
18 complaint. But that does not meet the requirements of a
19 verified claim that would extend the statute from two years
20 to three years. So based purely on the pleadings, purely
21 on the record that is before the court this action is
22 barred by the two-year statute of limitations and we
23 request that it be dismissed.

24 THE COURT: Thank you. Any response, Ms. Phillips?

25 MS. PHILLIPS: Yes, sir. From ---

1 THE COURT: Stand up please.

2 MS. PHILLIPS: I'm sorry, again. From what I was told
3 by a civil attorney that it was a three year statute of
4 limitations and I did try to seek here and get legal advice
5 and legal help and the law firms that I contacted, they
6 told me that this case was to big for them to handle and I
7 needed to find a bigger law firm. So it's not as if I sit
8 here and just waited. I sit here and filed this. Ma'am, I
9 mean, sir, I'm sorry, Your Honor, I was -- I was in a bad
10 horrible car accident. I was confused. I didn't know what
11 happened to me. There are all kind of things that happened
12 during this timeframe when --I needed medical assistant.
13 I came home and my child needed me. He was not there. He
14 was being held. I mean, -- I mean, medically, medically I
15 was confused. I was totally confused. Anyone in my
16 position would be totally confused. I explained to the DSS
17 worker, I don't understand over a car accident why this,
18 why this is happening. Like -- and I don't understand how
19 do you take and give my child to the same person that made
20 this complaint with a felon husband that had, you know, --
21 so I didn't understand any of this. And I tried to -- I
22 tried my best to get legal advice. And that's the reason
23 why I reached out to the Attorney General's Office to sit
24 here and get their advice and what I was told was the
25 caseworker and the, um, the DSS worker was determined, ah,

1 was fired because of this. I'm like -- and I only done
2 what I was told. And I was told that it was a three year
3 statute of civil cases. And that's the reason why I filed
4 -- this is the reason why I filed because the case was
5 closed on 8/20 -- oh, wait, 8/03/2018 and I filed 7/ 0, I
6 mean, 7/3/2019. That was a 30 day -- that was 30 day
7 window within the statute. I mean, and I looked on the
8 Internet and I talked to other attorneys and they said it
9 was a three year statute on civil cases.

10 THE COURT: Okay. Ms. Phillips, you realize that
11 the fact that someone gave you erroneous information is no
12 basis for me to extend the period of time you can bring a
13 lawsuit. And the law is what the law is, do you
14 understand?

15 MS. PHILLIPS: Yes.

16 THE COURT: All right. Do you have an email
17 address, ma'am?

18 MS. PHILLIPS: Yes.

19 THE COURT: What's your email address?

20 MS. PHILLIPS: It's phillip ---

21 THE COURT: I'm sorry.

22 MS. PHILLIPS: --- p-h-i-l-l-i-p ---

23 THE COURT: Start over?

24 MS. PHILLIPS: It's Phillip, p-h-i---

25 THE COURT: Phillips what?

1 MS. PHILLIPS: It's Phillips, P-h-i-l---

2 THE COURT: I got that.

3 MS. PHILLIPS: --- l-l-i-p-s-a-n-g-e-182@gmail.com

4 THE COURT: Okay. All right. What I'll do is I'll
5 send you both an email this afternoon with regards to my
6 ruling.

7 MR. McLEAN: Thank you, Your Honor.

8 THE COURT: Okay.

9 (CONCLUSION OF THE HEARING ON NOVEMBER 14, 2019)

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CERTIFICATE

1
2
3 I, the undersigned Lisa S. Carter, Official Court
4 Reporter for the Fourth Judicial Circuit of the State
5 of South Carolina, do hereby certify that the
6 foregoing is a true, accurate, and complete excerpt of
7 transcript of record of all the proceedings had and
8 evidence introduced in the hearing of the captioned
9 cause, relative to appeal, in the Fourth Circuit Court
10 for Darlington County, South Carolina, on the 14th day
11 of November, 2019.

12 I do further certify that I am neither of kin,
13 counsel, nor interest in any party hereto.
14
15
16

17 _____
18 Lisa S. Carter
19 Circuit Court Reporter

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March 2, 2020

RECEIVED

MAR 03 2021

SC Court of Appeals

PROOF OF SERVICE

UNITED STATES COURT OF APPEALS
[SOUTH CAROLINA]

Case No. 2020-000058

(Defense Attorney) JOSEPH P. McLean

Respondent,

v.

Angel D. Phillips

Plaintiff,

PROOF OF SERVICE

I certify that I have served the (Defense Attorney) JOSEPH P. McLean Respondent, for The Department of Hartsville DSS on 03/1/2021 by depositing a copy of the Appellate response to the Appeals court.

(Letter Dated) 02/23/2021 along with all documents that has been send over by the Appellate

Angel D. Phillips

CERTIFIED MAIL on, 02/25/2021.

Plaintiff

03/1/ 2021

S/ Angel D Phillips

Angel D. Phillips

1012 Queen Street

Camden, South Carolina 29020;

Angel Phillips
1012 Queen St
Camden SC
29020

RECEIVED
MAR 08 2021
SC Court of Appeals

SC Appellate Court
1220 Senate St
Columbia, SC 29201