

JUDICIAL MERIT SELECTION COMMISSION

In the Matter of: Jan Bromell Holmes
Candidate for Family Court Judge District 15

JUDICIAL MERIT
P.
COLU



RECEIVED
DATE 10/28/24

WITNESS AFFIDAVIT
FORM

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement and all supporting documentation, if any, must be completed and the hard copies of all such documents shall be returned to the Judicial Merit Selection Commission by the deadline for complaints in order for the Commission to hear my testimony, and that the deadline for complaints is **12:00 Noon, Monday, October 28, 2024**. I understand I must be available to testify at the Public Hearing, and **failure to appear will result in a dismissal of my complaint.**

In regard to my intended testimony, I will offer information as to the following:

- (1) Set forth your full name, age, address, and both home and work telephone numbers.

Haley Kathryn Capps

Redacted

Emily Capps

Redacted

- (2) Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony.

Michelle Davis Capps

Redacted

Julaan Derrick

Redacted

Karen Davis

Redacted

- (3) State the nature of your testimony regarding the qualifications of the above named judicial candidate, including:
- (a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate;
 - (b) specific dates, places, and times at which or during which such allegations took place;
 - (c) names of any persons present during such alleged actions or possessing evidence of such alleged actions; and
 - (d) how this information relates to the qualifications of the judicial candidate.

**** See attached

- (4) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate.

* See attached

- (5) State any other facts you feel are pertinent to the screening of this judicial candidate.

* See attached

WAIVER

I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the Commission,

I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the Commission to question other parties, including my attorney, concerning the facts and issues of my case.

Emily Capps

Signature

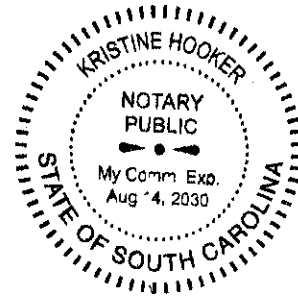
Sworn to me this 26 day of October, 2024

Kristine O'Hooker

L.S.

Notary Public of South Carolina

My commission expires: Aug 14, 2030



Halley Kathryn Capps

Signature

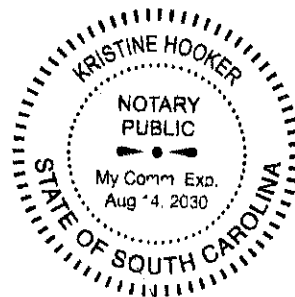
Sworn to me this 26 day of October, 2024

Kristine O'Hooker

L.S.

Notary Public of South Carolina

My commission expires: Aug 14, 2030



We believe that on **December 14, 2018**, Judge Holmes went outside of her jurisdiction when she ordered that our Grandmother take us out of school and bring us to court so that we could observe her sentencing 2 juveniles in DJJ proceedings where the juveniles were handcuffed and shackled. Judge Holmes chose to disparage us and make unfounded slanderous statements regarding our lives and our character. Further, she had the solicitor from DJJ threaten us if we did not go to visitation with our father we would be considered runaways and placed in DJJ. This was emotionally abusive and very traumatic for us both. Neither of us even knew that our parents were in court. Everything that Judge Holmes stated to us was absolutely false and we both felt that we were being extremely gaslit! Never once did either of us ever refuse visitation with our father. HE NEVER CAME TO PICK US UP FOR OVER 2 YEARS! HE NEVER TOLD US HE WANTED US TO STAY WITH HIM! When we would ask him about why we weren't going with him he would just say that he didn't want us to be with him because a court said we had to. There were several times when Emily would ask him directly to come stay with him and he always said no. He was supposed to take us to school on certain mornings and he hardly ever did and when he didn't show he never told us that he wasn't coming he just didn't show. Thankfully, our mom was able to take us. During the hearing we were both shaking and crying so hard, we couldn't even imagine what our father had said about us so that she would say such horrible things to us! She never once asked us any questions to verify any statements that had been made and she never allowed us to speak. Her statements emboldened an already emotionally abusive man. This escalated his mistreatment of us because he knew that no one would hold him accountable. We will never forget the sick smirk on his face while she was speaking so horribly to us and afterwards when we were at his house his mistreatment of us only got worse. In no way do we find her actions to be ethical, show any amount of character or any judicial temperament. We also believe that she violated the below Judicial Canons.

Canon 1 - A judge shall uphold the integrity and independence of the judiciary.

Canon 2-A judge shall avoid impropriety and the appearance of impropriety in all of the judges activities.

Canon 3-A judge shall perform the duties of judicial office impartially and diligently. (2) A judge shall be faithful to the law and maintain professional competence in it. (3) A judge shall require order and decorum in proceedings before the judge. (4) A judge shall be patient, dignified and courteous to litigants and other with whom the judge deals and shall require similar conduct of lawyers and others subject to the judge's direction and control (5) A judge shall perform judicial duties without bias or prejudice. A judge shall not by words or conduct manifest bias or prejudice. (7) A judge shall accord to every person who has a legal interest in a proceeding the right to be heard according to law. A judge shall not permit or consider ex-parte communications or consider other communications made to the judge outside the presence of the parties. (8) A judge shall dispose of all judicial matters promptly, efficiently and fairly. Specifically, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays and unnecessary costs. (9) A judge shall not, while a proceeding is pending or impending in any court, make an public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing

Further we believe that **Section 63-5-80. Cruelty to children** was violated as well.

Whoever cruelly ill-treats, deprives of necessary sustenance or shelter , or inflicts unnecessary pain or suffering upon a child or causes the same to be done, whether the person is the parent or guardian or has charge or custody fo the child, for every offense is guilty of a misdemeanor and upon conviction must be imprisoned not more than thirty days or fined not more than two hundred dollars, at the discretion of the magistrate.

There are many other aspects of this day that are addressed in our mother's complaint against Judge Holmes so we would just encourage you to make certain that you read all of that thoroughly.

Exhibit #1 - Includes all of the evidence that was presented to Judge Holmes prior to her deciding to order us to court. There are parts of the transcript that are not correct and were addressed in our mother's complaint.

STATE OF SOUTH CAROLINA)	IN THE FAMILY COURT
)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY)	
)	DOCKET NO: 2014-DR-26-1563
MICHELLE DAVIS CAPPS)	
)	
PLAINTIFF,)	
)	
VERSUS)	TRANSCRIPT OF RECORD
)	
JOSEPH HAROLD CAPPS JR.)	
)	
DEFENDANT.)	
)	
)	
)	
)	

CONWAY, SOUTH CAROLINA
DECEMBER 14, 2018

B E F O R E:

THE HONORABLE JAN BROMELL-HOLMES

A P P E A R A N C E S:

JULAAN DERRICK, ESQUIRE
ATTORNEY FOR THE PLAINTIFF

ANITA LEE, ESQUIRE
ATTORNEY FOR THE DEFENDANT

ROBIN R. LEWIS
FAMILY COURT REPORTER

EXHIBITS

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24
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NO.DESCRIPTIONEV.

P-7

Text (5-2-17)

05

D-24

Text (4-23-17)

22

D-25

Text (4-23-17)

28

D-26

Texts (8-2, 8-3, 8-4, 7-28)

33

D-27

Texts 11-21, 11-22)

34

D-28

Two Cards/letters

36

D-29

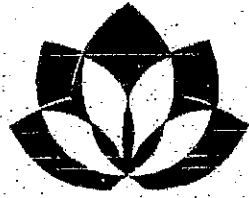
Texts (12-24, 1-1)

37

D-30

Text 12-22-17)

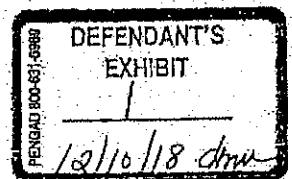
43



PALMETTO
COUNSELING SERVICES

<u>Date (2018)</u>	<u>Persons Included</u>	<u>Time (hours)</u>
May 28	Michelle	0
May 29	Michelle	2
June 11	Michelle	2
June 13	Haley Katherine & Emily	2
June 22	Haley Katherine & Emily	1
June 25	Hal	2
June 29	Hal & Haley Katherine	1
June 30	Michelle	1
July 2	Haley Katherine	1
July 3	Emily	1
July 9	Hal & Emily	2
July 13	Hal, Haley Katherine & Emily	2
July 17	Michelle	1
July 18	Hal, Haley Katherine & Emily	2
July 23	Hal, Haley Katherine & Emily	2
July 27	Michelle	1
July 30	Hal *	2
August 6	Hal, Haley Katherine & Emily	2
August 14	Hal, Haley Katherine & Emily	2
August 18	Michelle	1
August 20	Hal, Haley Katherine & Emily **	2
August 27	Hal, Haley Katherine & Emily	1
September 6	Hal, Haley Katherine & Emily	1
September 7	Michelle	1
September 24	Hal	1
October 23	Hal, Haley Katherine & Emily	1

Kenneth E. Smith, D.Min
Licensed Professional Counselor / Supervisor
Licensed Marriage & Family Therapist / Supervisor



1125 48th Avenue North
Myrtle Beach, South Carolina 29577
P 843-282-1061 F 843-282-1064

Palmetto Counseling Services

Dr. Ken Smith

6-7-18	1.5 hours	\$150
6-8-18	1.5 hours	\$150
6-11-18	1 hour	\$100
6-13-18	1 hour	\$100
6-22-18	1 hour	\$100

Ken Smith
6/22/18

Also:

6/30/18 - 1 hour \$100
7/2/18 - 1 hour \$100 ✓

Total - \$800
80% = \$640

DEFENDANT'S EXHIBIT
2
12/11/18 done

DEFENDANT'S EXHIBIT NO. 2
FOR IDENTIFICATION
DATE 12/11/18 BY [Signature]

Helen M. Bayne, Ph.D.

LMFT

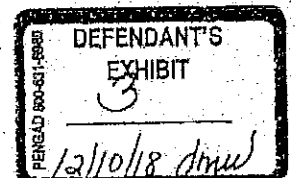
1051 University Forest Drive
Conway, South Carolina 29526
(843) 902-4773
(843) 347-6954

EDUCATION

- March 2007 Doctor of Philosophy, Psychology, Capella University,
Minneapolis, Minnesota
- May 1995 Master of Science, Marriage and Family Therapy, East
Carolina University, Greenville, North Carolina
- May 1977 Bachelor of Science, Education, Charleston Southern University,
Charleston, South Carolina

WORK EXPERIENCE

- October 2002- Present Private practice
Conway, South Carolina
- March 2000- October 2004 Therapist, Waccamaw Center for Mental Health
Socastee High School-Myrtle Beach, SC
Responsibilities: Included providing individual, family, and
group therapy, as well as case management, to high school
students and their families.
- December 1999- March 2000 Needs Assessment Counselor, Charter Behavioral Health Care
Systems, Conway, South Carolina
Responsibilities: Included providing emergency triage
assessments of mental health disorders, including walk-ins and
telephone helpline calls; establishing a working DSM-IV
diagnosis; determining level of care needed and facilitating a
transition to the appropriate level of care.



Michelle Capps: Appointment dates

2017

April

5th
12th
20th

May

1st
17th
23rd
31st

June

6th

July

3rd
17th
24th

August

1st
16th
29th

September

7th
14th
19th
28th

October

5th
12th
24th

November

2nd
9th
21st
29th

December

7th
15th
21st

2018

January

5th
10th
16th
25th

February

7th
15th
22nd

March

8th
19th
27th

May

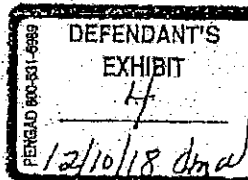
2nd
24th

July

18th

August

7th
14th
23rd



Helen Bayne, PhD LMFT

235 Singleton Ridge Road

Conway, SC 29526

843-902-4773

843-347-6954

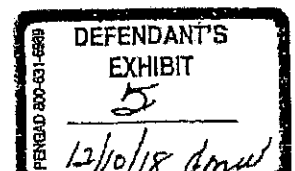
February 14, 2018

Dr. Heidt:

My name is Helen Bayne and I have been seeing Michelle Capps since last April, 2017. I have been given a copy of the court order and understand that I am to be in communication with Mr. Capps' counselor, which the court order states is you. It is my understanding that we are both to communicate with each other and address any and all issues of any alienation between the girls and their father. It is also my understanding that both of us are to submit 3-4 names of suggested counselors for the girls and then Judge Holmes will select a counselor from the recommendations we provide. I am also assuming that if any testifying is needed in any future hearings, we are agreeing to comply.


I have called and left messages at your office on several occasions and have never heard back from you. I am concerned that the girls have not been able to start counseling. In May of 2017 I submitted the following names for counselors for the girls: Edward Connor (843-268-0580), Elizabeth Nixon (843-455-2258), and Marie Woodward (843-410-4943). Ms. Capps informed me that Mr. Capps told the girls that he had started seeing Stephanie Fleming as a counselor and that he had also made an appointment with her for them to attend with him. This concerned me because it is directly against what is in the court order. Ms. Capps has made numerous attempts through emails and phone calls to get her attorney to follow up with Judge Holmes and to select a counselor for the girls. In December of 2017 I was informed that Edward Connor was no longer accepting any new patients so I recommended James Garvey in his place (843-450-0636).

Recently, I was made aware that Dr. Ken Smith was taking new patients (893-282-1061). He is in BCBS network and his office is on 48th Avenue which is very convenient for the girls with their busy school and activity schedules. He has many years experience in treating adolescents and their families with all types of conflict and I highly recommend him as well. My suggested counselors are as follows:



5/30/17

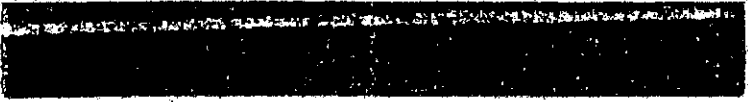
Use from b7c b7d
to give to me for
alienation com. set.

Lexapro
escitalopram oxalate 

McCarthy, Robert
497-5240

Johnson, Archie
449-8154

Todd, Malissa
446-0541



DEFENDANT'S
EXHIBIT
6
12/10/18 done

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE FAMILY COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
Case Number: 2014-DR-26-1563

Michelle Davis Capps,)
Plaintiff,)

**ORDER BASED UPON
RULE TO SHOW CAUSE**

-vs-)

Joseph Harold Capps,)
Defendant.)

FILED
HORRY COUNTY
2017 APR 11 PM 4:45
RECEIVED
FIFTEENTH JUDICIAL CIRCUIT
HORRY COUNTY SC

HEARING JUDGE:
HEARING DATE:
PLAINTIFF'S ATTORNEY:
DEFENDANT'S ATTORNEY:
COURT REPORTER:

The Honorable Jan Bromell Holmes
January 30, 31, 2017
February 1, 2017
Mary Madison Brittain Langway
Anita F. Lee
H. Eugene Buckner

On June 25, 2014, Plaintiff and Defendant entered into a Custody Agreement which was approved by this Honorable Court on July 14, 2014. Thereafter, on October 3, 2014, the parties were divorced from one another. Unfortunately, although the marriage ended, the strife between the parties did not, as within months of having their Custody Agreement approved, one or both parties were expressing discontent over the conduct of the other.

On February 10, 2015, Defendant sent to Plaintiff a letter indicating that if she would attend counseling, and if she would cooperate with Defendant's efforts to attend counseling with the children, he would not request a Rule to Show Cause hearing. Thereafter, the parties attended counseling with Hal Heidt, and Defendant also attended counseling with the parties' oldest child. Defendant alleges that, after only a few months, Plaintiff ceased this counseling, though she located another counselor for herself and the children. Despite Defendant's protestations regarding Plaintiff's decision to withdraw from counseling with Hal Heidt, as well as his objection to the counselor whom Plaintiff selected for the children, Plaintiff would not reconsider her decision.

Thereafter, on May 6, 2016, Defendant filed a Rule to Show Cause Petition, wherein he sought an order holding Plaintiff in contempt of court as well as corresponding sanctions. The basis of Defendant's Petition is as follows:

1. That Plaintiff did not comply with the final order in regards to the division of personal property, in that she removed the vast majority of furniture and other

DEFENDANT'S
EXHIBIT
12/11/18 draw

Capps vs. Capps
Order Following RTSC
Case Number: 2014-DR-26-1563

CC BY

From: Halnan26 Halnan26@aol.com
Subject: Summer
Date: February 28, 2017 at 11:14 PM
To: Michelle Davis Capps mdcappsc@pm1.com

I would like to take the girls this summer from aug 1 to aug 7. And from July 18 to July 24. Disregard he previous date in June
Sent from my iPhone

DEFENDANT'S
EXHIBIT
8
12/11/18 dmcw
PERGAD 000-51-6589

afloyd@anitaafloydlaw.com

From: halman26@aol.com
Sent: Sunday, November 25, 2018 2:44 PM
To: afloyd@anitaafloydlaw.com
Subject: 5/4/17 e-mail. Alienation Counselling

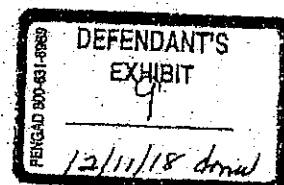
On Thursday, May 4, 2017, halman26@aol.com <halman26@aol.com> wrote:

I need you to provide me the name of the counselor you are seeing for the court ordered alienation counseling and the date(s) you have met with him/her. The counselor is to be in contact with Dr. Heldt.

When I emailed you the dates I wanted to have the girls this summer I had asked H.K. numerous times if she was going to the church retreat. numerous times she told me emphatically "No.". I asked her the day before I sent you the dates and she told me she was not going. I emailed you the dates I was taking the girls this summer. The week after I sent you the dates I talked to H.K. When asked about the mission trip and our trip her response had changed. She told me that "Mom is making me go on the mission trip. I don't have a choice.". Can you explain this please. Either she was not being truthful or your stance on the mission trip changed after you received the email. By forcing her to go on this trip you are taking my time.

I have told HK I want her to go to counseling. She has told me she doesn't need to go, only wants to see that quack Brown, or she refuses to go. She and Emily need to go to counseling. We need to get them into counseling. What are your thoughts?

Thank you



RE: HK/Emily

From: Michelle Davis Capps <mdaviscapps@gmail.com>
 To: halman26 <halman26@aol.com>
 Subject: RE: HK/Emily
 Date: Thu, May 18, 2017 11:50 am

I was confused when I received this e-mail because so many of the questions were the same in your e-mail to me on 5/4/17. I responded to that e-mail on my phone & I later realized that it didn't go through – sorry for the confusion.

Below is your 5/4/17 e-mail & I will do my best to answer your questions.

I need you to provide me the name of the counselor you are seeing for the court ordered alienation counseling and the date(s) you have met with him/her. The counselor is to be in contact with Dr. Heidt.

When I emailed you the dates I wanted to have the girls this summer I had asked H.K. numerous times if she was going to the church retreat. numerous times she told me emphatically "No.". I asked her the day before I sent you the dates and she told me she was not going. I emailed you the dates I was taking the girls this summer. The week after I sent you the dates I talked to H.K. When asked about the mission trip and our trip her response had changed. She told me that "Mom is making me go on the mission trip. I don't have a choice.". Can you explain this please. Either she was not being truthful or your stance on the mission trip changed after you received the email. By forcing her to go on this trip you are taking my time.

I have told HK I want her to go to counseling. She has told me she doesn't need to go, only wants to see that quack Brown, or she refuses to go. She and Emily need to go to counseling. We need to get them into counseling. What are your thoughts?

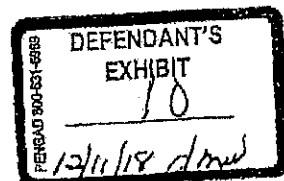
Thank you

First off I need you to be very careful in your wording and your statements to others regarding what the court ordered and what it did not. You and I both are to obtain counseling to address the issue of alienation with our children. The court did not find either of us in contempt or guilty of alienation. You making false or inflammatory statements is harassing and slanderous.

I have been seeing Dr. Helen Bayne since the beginning of April, 2017. I am sorry that you were not made aware of this – I had made my attorney aware of this and I assumed that the information had been passed on to you and Anita. Dr. Bayne is aware that she and Dr. Heidt will be in communication.

I think that the confusion you are having in regards to Haley Kathryn going to Montreat is your confusing it with the "mission trip" in your talks with her. The high school mission trip was set for July 16-July 22 in Gainesville, Georgia. Haley Kathryn never wanted to go on this mission trip and we never had any plans for her to go on this trip. Montreat is from July 23 – July 29. Just as a point of information the high school mission trip has now been cancelled – I am not sure of the reasons.

I am following the orders of the court and Haley Kathryn & Emily will begin counseling when Judge Holmes selects their new therapist. Any recommendations by that therapist for



additional counseling with you or all of us will be followed. At this time I do not feel that it is appropriate for Haley Kathryn or Emily to see any other therapists other than the one Judge Holmes selects.

The girls and I are going to the mountains with my family during the first week in August.

I hope that I have answered your questions please now answer mine:

What are you requiring of Haley Kathryn in order for you to buy her a car?

Just to clarify the Facebook page "Horry County for sale or trade anything goes" clearly shows the exact date and time any items are posted. The furniture that you were selling was posted on Thursday, May 11th at 6:00am. I assume that this is done to help any potential buyers know how long something has been available and if they might have room to barter or negotiate.

From: halman26@aol.com [mailto:halman26@aol.com]
Sent: Monday, May 15, 2017 1:43 PM
To: mdaviscapps@gmail.com
Subject: HK/Emily

I am going to see Stephanie Fleming about possible counseling for H.K. and myself.

You stated that you had already made plans for the week in August I want to take the girls out of town. What are your exact plans/dates/location? I don't want to chose the same location. What dates are you not busy with the girls? When I asked before to switch weekends with you, it was made clear to me that all of your weekends were planned with things and that you can not switch. What times this summer do you not have things planned?

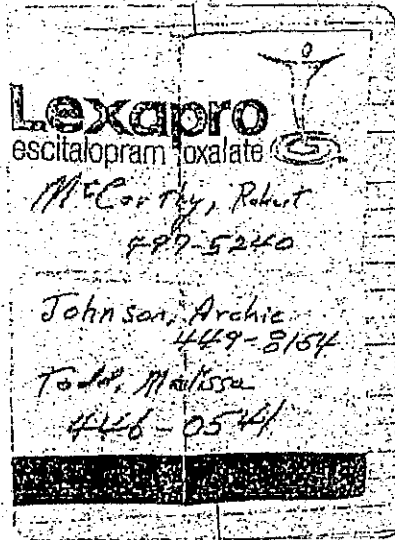
HK told me that she was definitely not going to Montreat numerous times. She told me after I sent you the summer vacation times that you were "Making her go." and she "didn't have a choice". Can you explain this?

Hal.



Michella

Mar 30, 2017, 7:27 AM



Here are three names of therapists given to me by Dr. Heidi. These are three names you can choose from to contact for your alternation counseling ordered by the court.

iMessage

DEFENDANT'S EXHIBIT
11
12/11/18 dmas



Michelle

Here are three names of therapists given to me by Dr. Held. These are three names you can choose from to contact for your alienation counseling ordered by the court.

In the future for parental permission slips you need to put my name on them if there is an accident instead of Lisa Waller's. I told Lisa about this and she does not want her name placed on the permission slip as someone to contact instead of me.

Your Blue Cross Blue Shield refund check was placed in the mail but did not get sent out yesterday. Would you like me to give it to you tomorrow morning or would you like me to mail it to you today?



iMessage



bpotter@anitafloyd.com

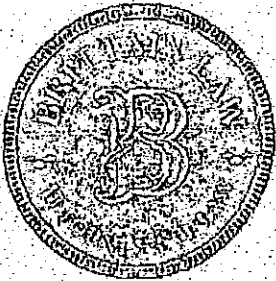
From: Renee Nye <renee@brittainlawfirm.com>
Sent: Friday, May 12, 2017 2:17 PM
To: afloyd@anitafloyd.com
Cc: bpotter@anitafloyd.com
Subject: RE: Capps vs. Capps

Good afternoon,

Michelle was seeing Dr. Helen Bayne (843-902-4773) but has recently began seeing Dr. Elizabeth Nixon (843-455-2258).

Dr. Bayne had recommended either Edward Connor (843-268-0580) or Marie Woodward (843-410-4943) as possible counselors for the girls.

I will put this information in letter format as well next week when Mary Madison is back in the office, but I wanted to respond to your letter with the names of her counselor.



Renee Nye | Paralegal to Mary Madison Brittain Langway, Esq.
Brittain Law Firm, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
M 843.449.8562
F 843.945.9941
www.brittainlawfirm.com



CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the IRS, we inform you that any US Federal Tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (I) avoiding penalties under the internal revenue code or (II) promoting, marketing or recommending to another party any transaction or matter addressed herein. This advice may not be forwarded (other than within the taxpayer to which it has been sent) without our express written consent.

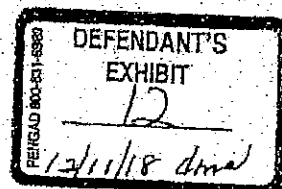
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From: afloyd@anitafloyd.com [mailto:afloyd@anitafloyd.com]
Sent: Friday, May 12, 2017 12:50 PM
To: Mary Madison Langway <marymadison@brittainlawfirm.com>; Renee Nye <renee@brittainlawfirm.com>
Cc: Bridget Potter <bpotter@anitafloyd.com>
Subject: Capps vs. Capps
Importance: High

Please see attached letter.. High importance. Thank you.

1

657



ANITA R. FLOYD
A PROFESSIONAL CORPORATION
Telephone: (843) 248-3206
Facsimile: (843) 248-7173

1115 Third Avenue
Conway, SC 29526

P. O. Box 1482
Conway, SC 29526-1482

December 5, 2017

Via Email

The Honorable Jan Bromell Holmes
Judicial Center Complex
401 Cleland Street, Suite 238
P. O. Box 479
Georgetown, SC 29442

Re: Michelle Davis Capps vs. Joseph Harold Capps
Case Number: 2014-DR-26-1563

Dear Judge Holmes:

You may recall this case, which was a RTSC you heard from January-30-February 1, 2017, with an agreement being reached on the third day of court. One of the provisions of the agreement was that the names of proposed counselors to address alienation issues of the children would be submitted to you, and that you would make the final decision regarding where the children would attend counseling.

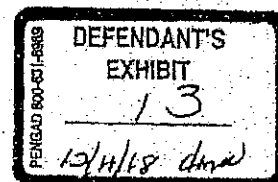
Mary Madison has proposed the following counselors for the children:

- Edward Conner
- Elizabeth Nixon
- Marie Woodward

I contacted these counselors because I wanted to know if they specialized in alienation issues, as I understand that is now a recognized sub-specialty in mental health issues. I have yet to hear back from Edward Conner. Marie Woodward told me that she does not work with children and she does not handle alienation issues. Elizabeth Nixon also told me that she does not handle alienation issues, but she suggested Tamara Willard or Wanda Lucas. Tamara Willard does not specialize in alienation, and although Wanda Lucas indicated that she has handled alienation issues, after reviewing her website I do not think that is a specialty or even a sub-specialty of hers.

Please note that I am not denigrating any of the counselors named above. Indeed, they all enjoy very fine reputations. However, a counselor who specializes in addressing alienation issues is what you have indicated is needed in this instance.

1



THE BRITTAIN LAW FIRM, P.A.
ATTORNEYS AT LAW
4614 OLEANDER DRIVE
MYRTLE BEACH, SOUTH CAROLINA 29577

THOMAS C. BRITAIN
MARY MADISON BRITAIN LANGWAY
A. PRESTON BRITAIN
T. CASE BRITAIN, JR.

843-449-8562
FAX 843-497-6124
www.brittainlawfirm.com

May 17, 2017

VIA EMAIL

Anita Floyd
1115 Third Avenue
Conway, SC 29526

RE: Hal Capps vs. Michelle Capps
Case No.: 2016-DR-26-931

Dear Anita,

My client has been in counseling with Dr. Helen Bayne. Her first appointment with her was on April 5, 2017; April 12, 2017; April 20, 2017; May 1, 2017 and she also has an appointment scheduled for today, May 17, 2017. Dr. Bayne has been given a copy of the final order and is fully aware of the purpose of counseling.

Dr. Bayne has not heard from Dr. Heidt but would be happy to hear from him. Her contact information is 843-347-6954.

Dr. Bayne recommends that the girls would benefit from seeing one of the following counselors. It is my understanding that these names will be submitted to Judge Holmes for her choosing of who the children will counsel with: Edward Connor (843-268-0580; Elizabeth Nixon, LPC (843-455-2258) or Marie Woodward, LPC (843-410-4943).

My client has informed me that Mr. Capps took it upon himself to schedule a counseling appointment for himself and Haley Kathryn with Stephanie Fleming. Kindly advise why he felt the need to do so as Judge Holmes was specific in her direction that she be the one to choose the counselor for the children.

I will discuss the brick columns with my client and address that issue in a separate letter.

Thank you for your time and attention to this matter, I look forward to hearing from you soon.

Very truly yours,
THE BRITTAIN LAW FIRM, P.A.

Mary Madison Brittain Langway

Mary Madison Brittain Langway
MMBL:rlm

Enclosures: as stated
cc: Michelle Capps (via email)

JULAAN DERRICK

Attorney at Law

DORSEY W. STRICKLAND

Associate Attorney

1422 4th Ave.
P.O. Box 286
Conway, SC 29526

(843) 488-0881
Fax: (843) 488-0884
www.jdlaw.com

May 24, 2018

VIA EMAIL ONLY

Anita F. Lee
1115 Third Avenue
Conway, SC 29526

RE: Michelle Davis Capps vs. Joseph Harold Capps
File No. 2014-DR-26-1563

Dear Anita:

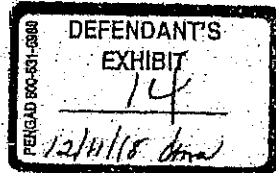
I am responding to the letters you have written in the past several weeks.

In regards to the child support and alimony checks, my client has opened a separate account so he can deposit the checks into it. The account is at TD Bank and the account number is #4346532751.

In regards to the penis picture he accidentally sent to his youngest child, both my client and myself find his explanation quite unbelievable. I am assuming he and his wife were together at home talking about the electrodes planted on his genitals, which makes one question why did he have to send her a penis picture? Why not pull up the picture and say, "Look at this, darling." Further, there are no electrodes on the penis in the picture! What was he showing her?

According to Michelle, she was with him when he was in dental school and was involved in a pudendal nerve conduction study. The electrodes were not attached to his genitalia, but placed on a nerve in his leg, which relayed feelings into his genital area, so his story was not even factual, nor did it make any sense.

Emily did get the picture. It was very upsetting to her. Your client could have chosen to call Michelle and ask her to intercept the text, but he didn't. The last text Emily got from him before the penis picture at 8:07 p.m. was a text at 7:22 a.m. that morning, so he was not texting her earlier in the evening. It is hard to imagine after twelve (12) hours, she was still in the "stream" with Shari and the text was inadvertently sent to her. He did text her an apology the next morning when she was in school. He sent a very inappropriate picture, while he intended to or not, to the same child that was exposed to his pornography in the past.



Anita Floyd Lee
Page 2
May 24, 2018

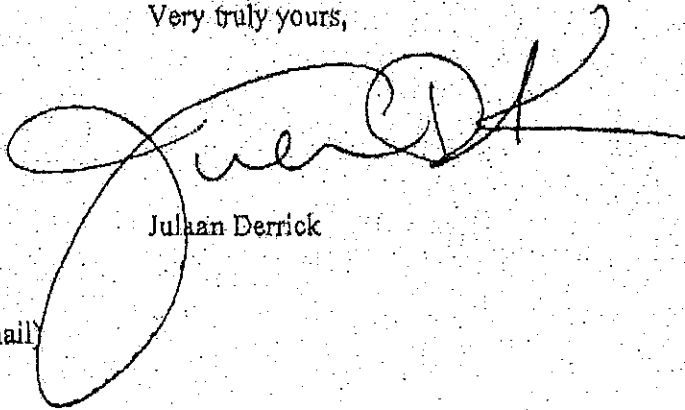
I have not responded to the comments you have made concerning Michelle and her alleged alienation. You wrote in your letter of April 26th that "he's been trying to have a relationship with his children for years and that was made impossible after the parties' separation." I believe he has worked hard to alienate himself from his children. However, he chooses to blame Michelle, instead of realizing it is his own neglect and bad behavior that has harmed his relationship with his children. It is difficult sometimes for people to take responsibility for damaging relationships and it is much easier to blame someone else.

Your client has not exercised any of his weekend visitation for over a year. He did not exercise any of this summer visitation last year and did not request any time for this summer. Further, he is planning a trip to Italy with his wife beginning June 9th and will probably be out of the country for Father's Day weekend. He got engaged this past year and never discussed it prior with the girls, nor were they informed of, or invited to his wedding. He allowed posts about his wedding to be on social media prior to telling his children he had gotten married. He failed to exercise his Christmas visitation, and he did not give the girls anything for Christmas. I guess he thought that was appropriate for children that needed to be in DSS custody.

I have instructed Michelle to get them in to see Ken Smith. They need to start seeing someone and our not being able to agree to someone should not be preventing them from receiving the counseling they need. Your client is fine to contact Ken Smith and participate as he sees fit.

With kind regards, I am

Very truly yours,



Julian Derrick

JD/dc
c: Michelle Davis Capps (via email)

bpotter@anitifloydlaw.com

From: afloyd@anitifloydlaw.com
Sent: Friday, May 25, 2018 11:28 AM
To: jdl@jdlaw.com
Cc: bpotter@anitifloydlaw.com
Subject: Capps vs. Capp

Julaan,
My client does not agree with Ken Smith. Further, the court order requires that the parties either submit the issue of counseling to the court or that they agree. If your client continues to ignore my client on this issue, it will only be one more issue at the upcoming Rule to Show Cause. I have suggested numerous counselors, all of whom have good experience with alienation. Ken Smith is more of a marriage counselor and he does not specialize in alienation. Further, I have no idea what your client's relationship is or may be with Ken.

Please re-consider this unilateral decision and instead let's together get this addressed. Thank you.

Anita Floyd Lee

Attorney At Law
afloyd@anitifloydlaw.com
1115 Third Avenue
Conway, SC 29526
843-248-3206
843-248-7173 FAX

CONFIDENTIAL & PRIVILEGED:

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ANITA R. FLOYD
A PROFESSIONAL CORPORATION
Telephone: (843) 248-3206
Facsimile: (843) 248-7173.

1115 Third Avenue
Conway, SC 29526

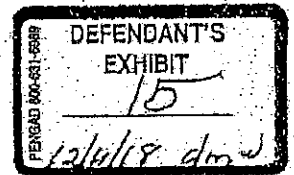
P. O. Box 1482
Conway, SC 29528-1482

April 26, 2018

Hand Delivered

Ms. Juliaan Derrick
1422 Fourth Avenue
Conway, SC 29526

Re: Michelle Davis Capps vs. Joseph Harold Capps
Case Number: 2014-DR-26-1563



Dear Juliaan:

As you may be aware, Michelle Capps contacted her bank and basically put a hold on her account so that no one could make a deposit into the account except her (or someone at her direction). Until that point in time, my client had arranged for direct deposits to satisfy his alimony and child support obligation. From the time of the parties' agreement, until about one year ago, there was never a problem with my client making a direct deposit into Ms. Capps' account. Further, there was never any indication that my client had attempted to do anything other than make a deposit into her account, though even if he had, that would have never been allowed based upon the rules of the banking industry.

Initially, my client went to another branch to make the deposit, but Michelle has apparently now made sure that every branch knows that my client is not to make a deposit into her account. At my direction, Dr. Capps is not going to mail the checks, as I believe that would result in Ms. Capps filing an affidavit that my client was not timely. I may have included this in my client's affidavit in support of a RTSC, but if I did not, I believe Ms. Capps' actions could be interpreted as a form of harassment which would support the court finding her in contempt.

If we cannot resolve this, my client will ask that the court allow for payment through the clerk, with his payment being reduced by the amount he will have to pay for going through the clerk of court. As this is a most unique issue, I have no idea what a court will do, though the timing of Ms. Capps' actions corresponds closely to the timing of Dr. Capps giving his now-Wife Sherri a diamond engagement ring. I am not insinuating anything, as I have no idea why Ms. Capps made this decision; I only know that the timing is curious.

Dr. Capps would like to continue making direct deposits, though if that is not acceptable, please provide a reasonable alternative. Dr. Capps does not want to

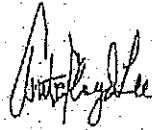
interact with Michelle Capps at all, as those interactions have not been productive since the parties separated from one another. Thus, dropping the check-off at her house is not a viable alternative for Dr. Capps. Mailing certified checks is an additional cost which is unnecessary when he can arrange for a transfer from his account to her account, or can make the deposit on the way home from work.

I am sending you the alimony and child support check which is due Ms. Capps for the month of May. Please deliver this to her and ask her for a better and more permanent arrangement for the following months. If there is some concern she has about the deposits into her account, I am sure the bank will assure her that my client has no way to access her account even if he had such a desire.

I appreciate your assistance.

In kind regards, I am

Yours Very Truly,



Anita F. Lee

AFL/bjp

Enclosures

cc: Joseph Harold Capps



America's Most Convenient Bank®

STATEMENT OF ACCOUNT

MICHELLE DAVIS CAPPS

Redacted

Page: 1 of 6
Statement Period: Jul 18 2017-Aug 17 2017
Cust Ref #: 4315931661-655-E-***
Primary Account #: 431-6931661

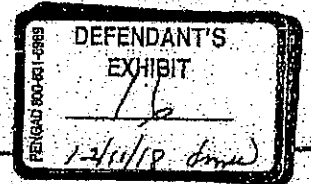
TD Relationship Checking

MICHELLE DAVIS CAPPS

Account #: Redacted

ACCOUNT SUMMARY

Table with 4 columns: Description, Amount, Description, Amount. Rows include Beginning Balance, Deposits, Electronic Deposits, Other Credits, Checks Paid, Electronic Payments, Ending Balance, Average Collected Balance, Interest Earned This Period, Interest Paid Year-to-Date, Annual Percentage Yield Earned, Days in Period.



DAILY ACCOUNT ACTIVITY

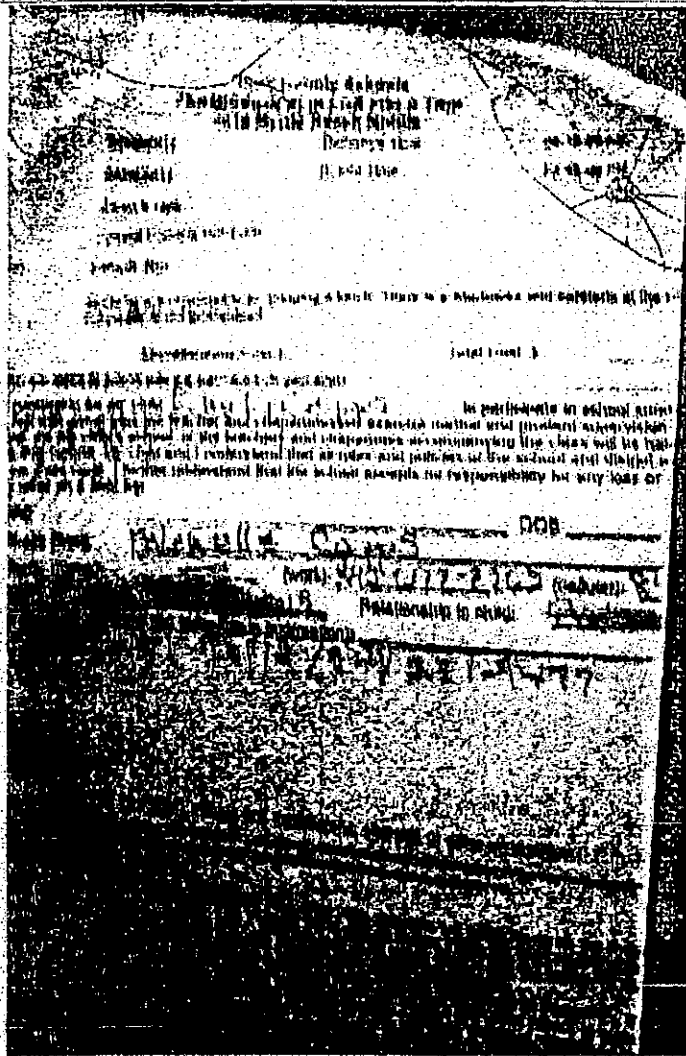
Table for Deposits with columns: POSTING DATE, DESCRIPTION, AMOUNT. Rows for 08/01 DEPOSIT (9,500.00 and 3,500.00) and Subtotal: 13,000.00.

Table for Electronic Deposits with columns: POSTING DATE, DESCRIPTION, AMOUNT. Rows for 08/11 ACH DEPOSIT (7,805.64) and 08/14 DEBIT CARD CREDIT (12.50) and Subtotal: 7,818.14.

Table for Other Credits with columns: POSTING DATE, DESCRIPTION, AMOUNT. Row for 08/17 INTEREST PAID (0.26) and Subtotal: 0.28.

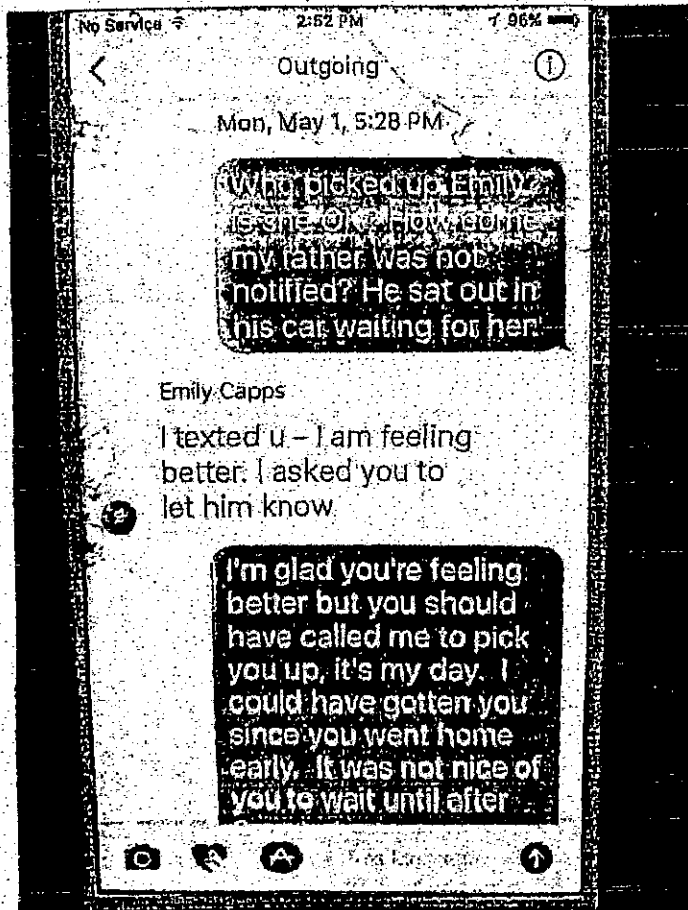
Table for Checks Paid with columns: DATE, SERIAL NO., AMOUNT, DATE, SERIAL NO., AMOUNT. Rows for dates 07/21 to 08/04 and Subtotal: 1,884.00.

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com

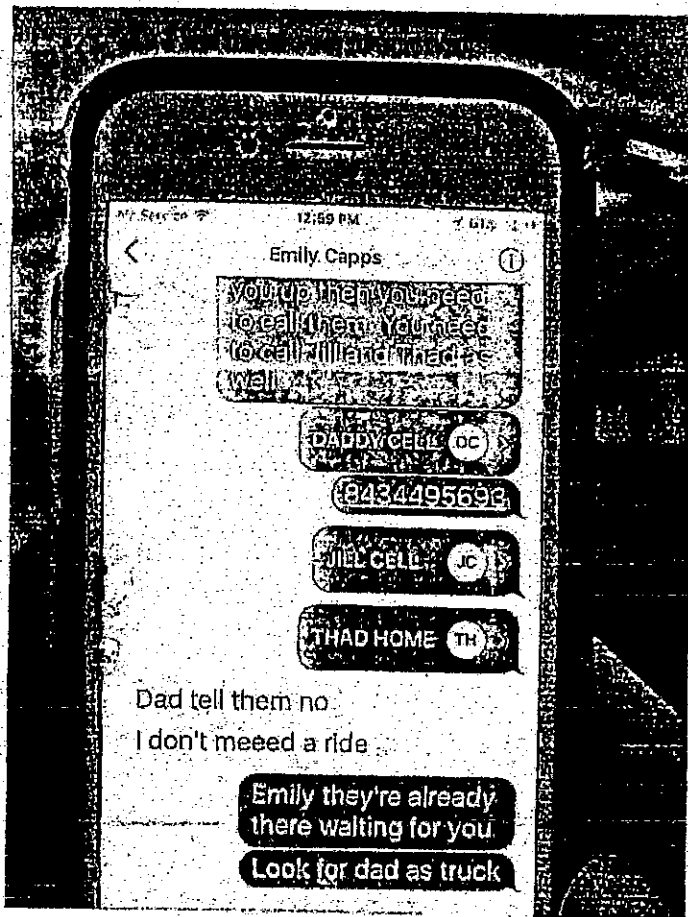


Lisa Wallen was listed as contact rather than A
* Attached to RTSC

PERGAD 300-831-5883
DEFENDANT'S
EXHIBIT
17
12/11/18 drcw



Defendant's #18
not sure why this wasn't marked



Tue, Jan 23, 7:49 AM

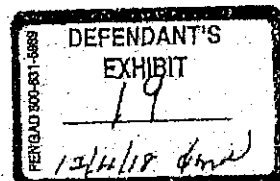
Hey girls I love you both and
hope you have a great day at
school

Tue, Jan 30, 3:41 PM

HK

Hey dad Emily and I really
miss u and wanna spend time
with u and neither of us have a
lot of homework tonight so we
thought we could meet at
fiesta mexicana around 6:30
or 7 just whatever works best
for u. I would rly like for it to
just be the three of us since
we have so much to talk about
and we haven't seen u in so
long. I love u

Tue, Jan 30, 6:38 PM





HK



A Emily



Wed, Jan 31, 5:13 PM

A Emily



Still want to do dinner?

Yes that would be great I'm not getting out of work until six. We can meet at fiesta at seven.

HK



I love and miss u but I really wanted it to be just the three of us and it's also late for me to go tonight because I have homework and I want to see the super moon

A Emily



~~I would like to have it be just the two of us but can you give me a ride to dinner~~

~~OK I'll probably be leaving~~



iMessage





Tue, Jan 30, 6:38 PM

Hello HK. I just finished seeing a patient and I'm still at the office. I had made plans to see mama and dada tonight then head home. I miss you all too and want to see you. Can we plan a time instead of doing something spur of the moment?

HK

Sorry for the short notice we had both realized that we didn't have homework tonight so it would have been convenient. When and where would u like to meet? and pls tell mama and dada that we say hi



Tue, Jan 30, 8:34 PM



iMessage





Wed, Jan 31, 5:13 PM

A Emily

Still want to do dinner?

Yes that would be great if I'm not getting out of work until six. We can meet at fiesta at seven.

HK

I love and miss u but I really wanted it to be just the three of us and it's also late for me to go tonight because I have homework and I want to see the super moon

A Emily

~~I would like to have it be just the two of us but can you give me a ride to dinner~~

~~@HK, I'm probably not available~~

📷 🗣️ iMessage 📷



HK



A Emily



the super moon

A Emily

I would like to have it be just the two of us but can you give me a ride to dinner.



OK. I'm probably not leaving here until 6:00 anyways. We can meet at 7:15 or do it another night

A Emily

Could you pick me up there?

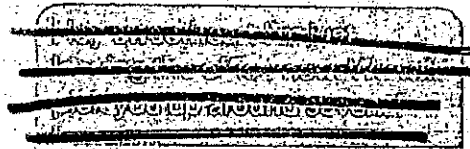
Or from my house



On your way to fiesta



?



iMessage





Hey sweetheart I'm just leaving the office now. We will pick you up around seven. I love you

A Emily

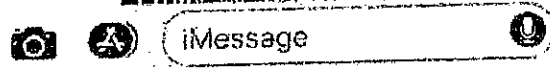
Okay

Love you too



Thu, Feb 1, 8:35 PM

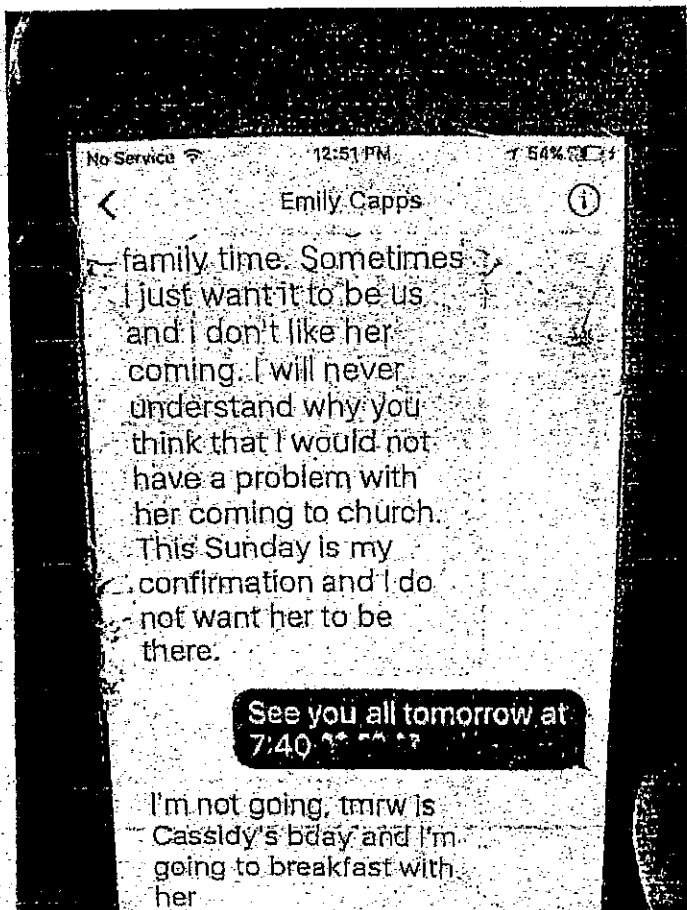
Emily, we had a great time



3/30/17

No Service 12:51 PM 54%
Emily Capps
Thu, Mar 30, 8:56 PM
Look dad this is kinda about what hk texted to you. I completely support and agree with everything that she said. There is a line and you have crossed it with bringing her to all of our events. I am sick and tired of her showing up to things that I expect to be just me and you, and her always intruding on our family time. Sometimes

DEFENDANT'S EXHIBIT
20
Leticia Dowd





Sun, Feb 25, 6:37 PM

I'm off work tomorrow, so we can grab dinner early, around 5 if that works for you & Emily

Or we can go Tuesday?

HK

tuesday would probably be better for me.

would it just be the three of us?

No

HK

are we ever gonna be able to spend time alone with u

~~I do want to have dinner~~
~~with you guys~~
~~later in the week~~



iMessage





HK



are we ever gonna be able to spend time alone with u

I certainly hope so. Dinner Tuesday at Crave? We can meet you two there at 6:30

HK



what r u envisioning needing to happen for us to spend time alone with you?

We'd love to take you to dinner Tuesday night if you would like to go.

HK



~~u didn't answer my question~~

Wed, Feb 28, 5:24 PM

~~Hey and I'm sorry about that~~



iMessage





2018

Thu, Mar 15, 11:08 AM

Hey girls I'm getting out of work at six. What time are you thinking you will run? I know your meet starts at five. Please tell me or give me a heads up. I would like to see you both

HK

I'm not comfortable with u coming at this point because I want us to work on our relationship more before u start coming to my events

Thu, Mar 15, 3:41 PM

~~I'd be great to work on our relationship too. Can we be connecting.~~

~~any let me know when we would like that or does it make~~



iMessage





2018
K. W. D. in
town
2017
What over
NYC

Fri, Apr 20, 2:56 PM

Hey sweetheart I know you have your prom tonight I'd like to be there or at least see you, if you don't want me there I respect your wishes. Please know I love you and I hope you are safe and have a good night.

Fri, Apr 20, 5:34 PM

I love u too and I'm just not comfortable with that at this point but thank u for understanding and I hope I can see u soon

Mon, Apr 30, 10:22 AM

Hey HK hope you're having a great day in school. Jill is



iMessage



T-Mobile LTE

9:46 PM

33%

Search



[haleykathryyn]: rayenaish started a live video.
Watch it before it ends!

MESSAGES

19m ago

mom

Keep ur phone close to him if u r recording pls

MESSAGES

40m ago

mom

Pls record if u can

MESSAGES

1h ago

dad

To you & Emily

😊 here

MESSAGES

1h ago

Emily

To you & dad

Where r u

MESSAGES

1h ago

Emily

PERGAD 800-851-8888

DEFENDANT'S
EXHIBIT

22

12/11/18 done

Judge

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
Michelle Davis Capps,)
Plaintiff,)
-vs-)
Joseph Harold Capps, Jr.,)
Defendant.)

IN THE FAMILY COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
Case Number: 2014-DR-26-1563
AFFIDAVIT OF ATTORNEY'S FEES

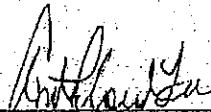
Personally appeared before me, Anita Floyd Lee, Esquire, who, after first being duly sworn, deposes and states as follows:

1. That she is the attorney for the Defendant in the above-titled action.
2. That she was admitted to the South Carolina Bar in 1985 and since that time has been engaged in private practice, and presently is a sole practitioner in Conway, South Carolina.
3. That she is actively engaged in trial practice practicing in the Family Law area.
4. That she incorporates herein Rule 407 of the South Carolina Appellate Court Rules, Rule 1.5 of the Rules of Professional Conduct, and further call the attention of the Court to the holdings in *Nienow vs. Nienow*, 268 S.C. 161, 232 S.E. 2nd 504 (1977), *Atkinson vs. Atkinson*, 279 S.C. 454, 309 S.E. 2nd 14 (S.C. App. 1983); *EDM vs. TAM*; 307 S.C. 471, 415 S.E. 2nd 812 (1992); *Sherman vs. Sherman*, 307 S.C. 280, 414 S.E. 2nd 809 (S.C. App. 1992); and *Glasscock v. Glasscock*, 304 S.C. 158, 403 S.E. 2nd 313 (1991), concerning the factors and criteria which should be considered in setting of attorney's fees. I rely upon the discretion of this Court in determination of the amount of fees based, among other things, upon the Court's file, the Court's knowledge of the litigation between the parties, which reflects the nature, extent and difficulty of the services rendered, the time necessarily devoted to the case, the beneficial results accomplished, the fact that there is no contingency compensation in domestic relations cases, the professional standing of counsel, and the fees customarily charged in this area for similar legal services.
6. That she is informed and believes that during the preparation of this case, the time spent as set forth more fully hereinbelow, was necessary for the protection of her client's interests.

DEFENDANT'S
EXHIBIT
22
12/10/18 dmw

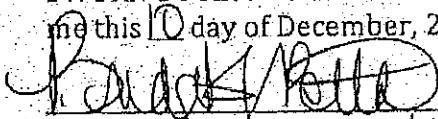
7. That the undersigned, in accordance with her time and expense records which are maintained on a daily basis, states to the Court that she has necessarily expended 84.63 hours in the preparation of this motion, that she charges \$350.00 per hour, and that she has incurred costs totaling \$646.75, for a total amount of fees incurred by client of \$30,267.42.
8. That based on the time necessarily devoted to this case and the other criteria which have been held to be relevant in the setting of attorney's fees, costs and suit money, and the fact that the undersigned, on behalf of her client, requests that this Court review the file herein, together with this Affidavit, and that the Court award unto your Affiant a sum which may be determined by the Court to be reasonable as attorney's fees, costs and suit money, and that the Plaintiff be required to pay the same within a reasonable time and may be determined by this Court.

FURTHER THE AFFIANT SAYETH NOT.



Anita Floyd Lee

SWORN TO AND SUBSCRIBED before
me this 10 day of December, 2018.



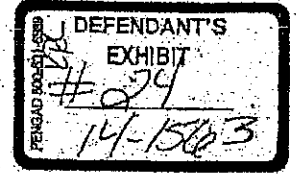
Notary Public for South Carolina
My Commission Expires: 4/3/2023



HK



Apr 23, 2017, 9:40 PM



I can't wait to tell mama and dada all of the shit and lies that you've pulled in the car ride tomorrow. Should I tell them about how I found that chip in your bathroom from a brothel a while ago? Should I tell them how you yanked my hair? Should I tell them how you dangle the promise of a car in front of me whenever I call you out on your bullshit? How you said you couldn't afford to keep me and



Text Message





HK



afford to keep me and emily in the house yet you are still living there and seem to be doing more than fine financially? How you lied to me and emily about that wedding not having any kids coming so you could bring Sherri instead of us? How you let that bitch move all of our furniture into one room when you had been seeing her for only a couple months at the time just because she's insecure? You are being a manipulative liar and this is not how a good



Text Message





HK



financially? How you lied to me and emily about that wedding not having any kids coming so you could bring Sherri instead of us? How you let that bitch move all of our furniture into one room when you had been seeing her for only a couple months at the time just because she's insecure? You are being a manipulative liar and this is not how a good father acts.

Or maybe I just won't get in the car.

I'm sorry you feel this



Text Message



since it's my duty to
take & pick up the girls
from school (Monday
4/24), my parents will
be doing it in my place.
I've made
arrangements and it's
your position to back
me on this. My parents
are excited to be able
to spend time with their
granddaughters
tomorrow, even if it's
only a few minutes to
and from school. So,
know that both of my
parents will be at your
house at 7:40 am in the
morning and each will
take the girls to school
separately as their

4.23.17

DEFENDANT'S
EXHIBIT
25
14-1563

separately so that
neither is late. If this
does not take place,
then it is showing me
and the court that you
are not willing to co-
operate or to have the
girls mind the rules as
parents that we set for
them. Again, I
appreciate your
cooperation and if you
are unwilling to make
this happen, please let
me know now.

This is btw you & the
girls as it is ur time with
them & does not
involve me. You make
no effort to foster any

no effort to foster any
type of relationship btw
the girls & ur parents
therefore having them
show up to take or pick
them up from school
makes them very
uncomfortable. In all of
ur trips out of town & in
all of the days &
opportunities u have
chosen to miss you
have never once had
anyone fill in for you
with any responsibility.
I feel that u should
think of what is in the
best interest of the girls
- not just u getting your
way. HK called your
parents - spoke w/

parents - spoke w/
both of them -
expressed how she
would like to see them
soon but that she did
not need a ride
tomorrow to or from
school. HK has had AP
Lang homework & a
ton of AP Euro
homework to complete
- Emily has her English
EOC exam tomorrow
morning - neither of
them need any stress
or drama.

My parents will be at
your house at 7:40am
to get the girls and take
them to school

them to be in the
morning. It's
something I am
organizing with you,
their mother, because
it's our job to co-
parent. If you so chose
not to comply, I will be
contacting my attorney
tomorrow. Good night

Mon, Apr 24, 12:48 PM

FYI - both girls have
told me that they r not
getting rides home
from school from ur
parents & that u r fine
with this - is this
correct????

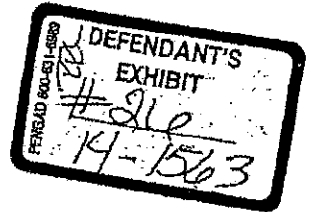


Michelle



Tuesday 8:53 PM

HK was in a car wreck. She was the only one in the car. A city bus had stopped along Kings Hwy - turns out they don't have designated areas to stop- just wait until they r flagged down & then stop. She glanced down & when she looked up she realized the bus was stopped. She tried to break hard but still hit the bus. She was fine initially but started to feel sore so I took her to Beach Urgent to get checked out & they said she was fine & had no injuries/fractures - just bruising. Both air bags went off & the whole front end of her car is smashed in - we r pretty sure it's totaled. 9 passengers on the bus claimed they were injured & were taken to the hospital to be checked out. Other passengers heard them laughing & making statements that they were fine but were just doing it for the money. I emailed you as well to make sure that you receive this & are aware.



Thursday 10:58 AM

Jeff was a little behind this morning - he just started- will let u know when we r home. I have been told that you are trying to tell people that I didn't tell u about Emily having her wisdom teeth removed & that needs to stop. This has been a very difficult week & your slandering me is not

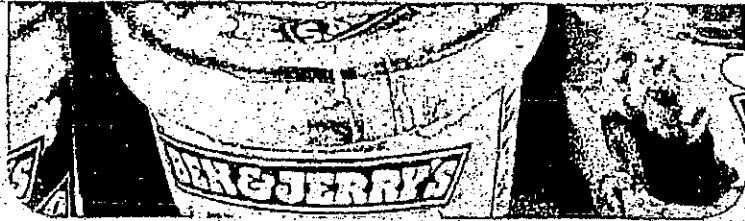


about me





HK



Hey

Fri, Jul 28, 8:59 AM

Hey ❤️

Wed, Aug 2, 8:51 AM

Good morning sweetheart hope you're feeling OK. It's very very important that you rest do not be active and make sure you are eating well. Rest is the best thing. It would be good to google injury after airbag deploys or what to expect after a car accident

Thu, Aug 3, 7:34 PM

Hello HK. How are you feeling? How is Emily doing?

Fri, Aug 4, 3:14 PM

Hey HK. Just trying to see how you're doing after your wreck and how Emily is doing after her WT appointment yesterday. I love you both

Delivered



iMessage



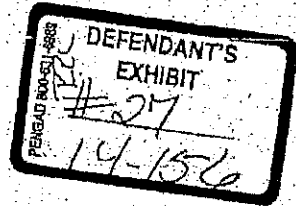
August 19

3:59 PM

Edit

Tue, Nov 21, 10:38 AM

Hey girls would you like to have Thanksgiving dinner at noon with me on Thursday? Love you and miss you both.



Wed, Nov 22, 12:17 PM

Hey girls what's up? I miss you and would like to see you over Thanksgiving break. Yes

Wed, Nov 22, 5:30 PM

HK

I'd love for the three of us to get together over the break and I love and miss you too



HK



A Emily



Wed, Nov 22, 6:50 PM

We are all going to eat tomorrow at 12 it would be great if you could join us

HK

I can't tomorrow because I already made plans since you haven't been trying to see us beforehand or said anything about thanksgiving

I would like to see you this break though I miss u

When are you free

HK

Can it be the three of us? And what about Sunday for lunch?



HK



A Emily



HK

I can't tomorrow because I already made plans since you haven't been trying to see us beforehand or said anything about thanksgiving

I would like to see you this break though I miss u



When are you free

HK

Can it be the three of us? And what about Sunday for lunch?



Wed, Nov 22, 9:03 PM

Lunch Sunday sounds great. Sheri and I would love to take you girls out to eat.

DEFENDANT'S
EXHIBIT
28
14-1563
PCNGAD 800-831-6989

Dad,

MMA MEMORANDUM

I've been thinking about you every day since you left. I know you are doing well out there, but I miss you. I hope you are happy and healthy. I know you are a great person and I hope you find love. I know you are a great person and I hope you find love. I know you are a great person and I hope you find love.

I hope you are doing well. I know you are a great person and I hope you find love. I know you are a great person and I hope you find love. I know you are a great person and I hope you find love.

I hope you are doing well. I know you are a great person and I hope you find love. I know you are a great person and I hope you find love. I know you are a great person and I hope you find love.

I hope you are doing well. I know you are a great person and I hope you find love. I know you are a great person and I hope you find love. I know you are a great person and I hope you find love.

I hope you are doing well. I know you are a great person and I hope you find love. I know you are a great person and I hope you find love. I know you are a great person and I hope you find love.

Dad

15 Dec 2017

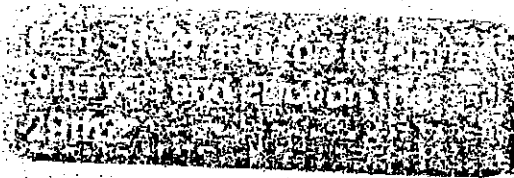
Dear Emily,

I want to write a short
note & express a few thoughts I
have you. There is not a day
that goes by that I'm not thinking
about you. What are you doing?
What are you eating? The
uniform situation? What are
you doing after school? etc. I am
thinking about all the fun
times & experiences we are
missing out on. I want to
be a part of your life. My
family wants to be a part of
your life. You have my
unconditional love & the
love of many others. I

want to be a part of
your life, to help guide
you & give advice. I want
to be there for you &
make memories. I am a
good dad & I do promise I
will do much to offer you.
Fathers need their daughters
& daughters need their
fathers.

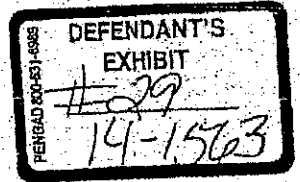
Love you,
Dad.

15 Nov 2017



Probably yah

At fiesta?



Sun Dec 23 4:52 PM

Emily I love you I hope you have a great Christmas Know that I am always thankful to be your dad and I hope and pray for your happiness and well-being.

Mon Jan 13 10:00 AM

Let's start the new year with love



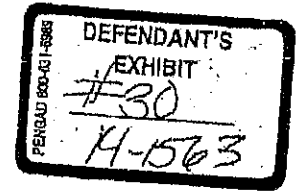
December 22, 2017

Edit

1:40 PM

Yesterday 5:38 PM

Want to go have dinner with Elliott and I at fiesta on either the 27th or the 28th?



Today 12:34 PM

?

Hey Sweetheart. Don't know if you remembered or not but I'm going out of town with mama, dada, Sherri, Thad, JILL and Reed after Christmas. I asked you both several times. You and HK you said you did not want to go. I will be out of town then. I have been trying to contact you both about Christmas - gifts, seeing you both, spending time together with the family but I get no response. I am excited about meeting Elliot. I know he is a nice guy and I've heard a lot



December 22, 2017

Edit

2:06 PM

Emily Gapps

~~no response I am excited about~~
~~meeting Elliot. I know he is a~~
~~nice guy and I've heard a lot~~
~~about him and his family. Hope~~
~~you and HK got the cards I~~
~~dropped off with Mrs Wilson at~~
~~school last Friday. You only have~~
~~one childhood and you only~~
~~have one dad. I love you.~~

I love you too

So do you want to see me
before Christmas? I've been
trying hard but it seems as if I
get no response

Can Sherril and I go to dinner
with you and Elliot on the 29th?

Probably yah

At fiesta?



<u>I N D E X</u>				
<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
MICHELLE DAVIS CAPPS				
Ms. Derrick	8		190	
MRS. LEE		104		202
DR. HAROLD M. HEIDT				
MRS. LEE	207		254	
MS. DERRICK		237		264
SHERRY CAPPS				
MRS. LEE	270		299	
MS. DERRICK		290		
<u>E X H I B I T S</u>				
<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>	
P-8	Email-In Re: Deposit checks		Pg. 16	
P-9	Email-In Re: Counseling		Pg. 20	
P-10	Email-In Re: Ski weekend		Pg. 38	
P-11	Texts about Haley Kathryn		Pg. 39	
Pg. 12	Texts about J.V. Game and Hibiscus		Pg. 51	
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P-14	Email-In Re: Father's Day		Pg. 60	
P-15	Email-In Re: Summer visitation		Pg. 66	
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21			
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23			
24			
25			

Helen Bayne, PhD LMFT

235 Singleton Ridge Road

Conway, SC 29526

843-902-4773

843-347-6954

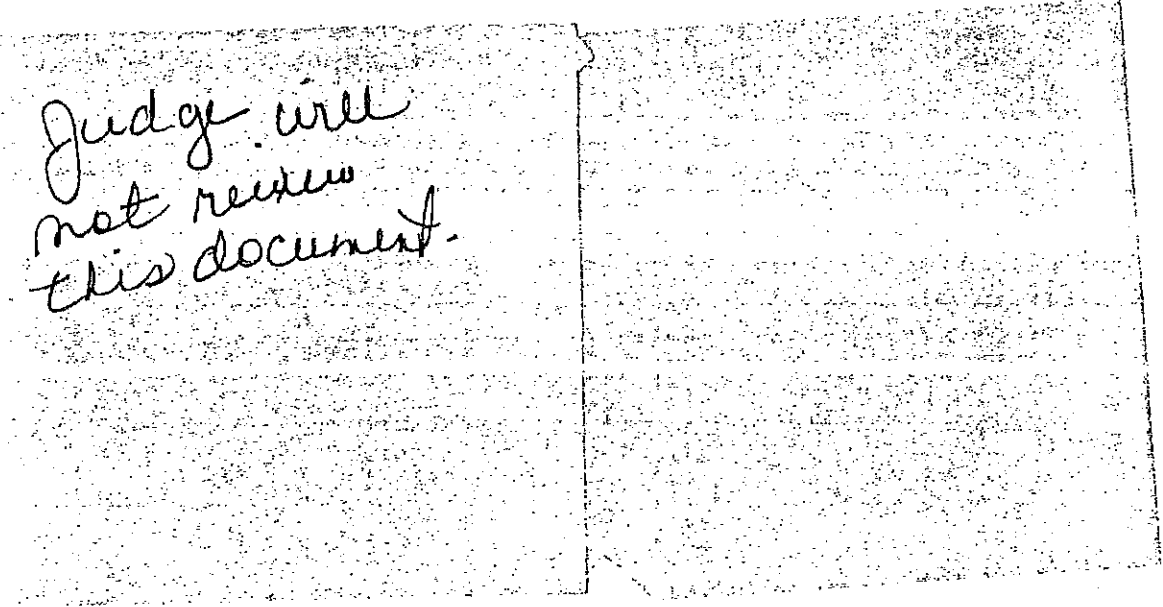
November 22, 2017

To Whom It May Concern:

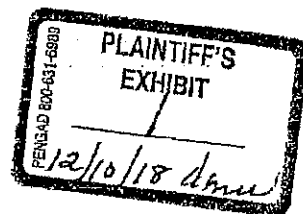
I tried to call Hal Heidt at Michelle Capps' request several times. I got his answering machine each time and left a message. I did not receive a return call from him.



Helen Bayne, PhD
LMFT



Judge will
not review
this document.



Chat with dad

4/4/2017 8:04:30 AM - 4/4/2017 8:04:41 AM

Export Details:

Device Phone Number 1 (843) 222-2849

Device Name hk's phone

Device ID 3ad92c1ffd4e52904f893ff1ecd43d75eb02d1a5

Backup Date Tuesday, January 30, 2018 9:22 PM

Backup Directory C:\Users\User\AppData\Roaming\Apple Computer\MobileSync\Backup\3ad92c1ffd4e52904f893ff1ecd43d75eb02d

IOS 11.2.2

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with iExplorer v4.1.14.0

Participants:

+1 843-251-9477, dad

Tuesday, April 04, 2017

dad

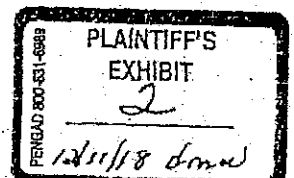
HK before you can go I need to talk to Dr. Mrs. Chambers

8:04 AM

Haley Kathryn Capps



8:04 AM



Chat with dad

4/10/2017 6:46:50 PM - 4/12/2017 9:29:02 PM

Export Details:

Device Phone Number 1 (843) 222-2849

Device Name hk's phone

Device ID 3ad92c1ffd4e52904f893ff1ecd43d75eb02d1a5

Backup Date Tuesday, January 30, 2018 9:22 PM

Backup Directory C:\Users\user\AppData\Roaming\Apple Computer\MobileSync\Backup\3ad92c1ffd4e52904f893ff1ecd43d75eb02d

iOS 11.2.2

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with Explorer v4.1.14.0

Participants:

+1 843-251-9477, dad

Monday, April 10, 2017

dad

Hey sweetheart I can pick u up from work and I'll give u the spending money then for the trip.

6:46 PM

Haley Kathryn Capps



6:53 PM

dad

.

6:56 PM

Tuesday, April 11, 2017

dad

Hey sweetheart what's up

5:27 PM

Haley Kathryn Capps



5:35 PM

dad

Great, hope you have enough money and I hope your phone stays charged ❤️❤️❤️

5:50 PM

Haley Kathryn Capps



5:53 PM

Chat with dad & Emily

4/8/2017 10:39:55 AM - 4/8/2017 10:39:55 AM

Export Details:

Device Phone Number 1 (843) 222-2849
Device Name hk's phone
Device ID 3ad92c1ffd4e52904f893ff1ecd43d75eb02d1a5
Backup Date Tuesday, January 30, 2018 9:22 PM
Backup Directory C:\Users\user\AppData\Roaming\Apple Computer\MobileSync\Backup\3ad92c1ffd4e52904f893ff1ecd43d75eb02d1a5
iOS 11.2.2
Current Time Zone (UTC-05:00)-Eastern Time (US & Canada)
Created with iExplorer v4.1.14.0

Participants:

+1 843-251-9477, dad



+1 843-446-5040, Emily

Saturday, April 08, 2017

dad

Good morning girls. Want to grab some lunch today? What are your plans? HKI still haven't heard anything from Tom Chambers about your trip. I need to get details before you go

10:39 AM

Haley Kathryn Capps

I was asleep sorry

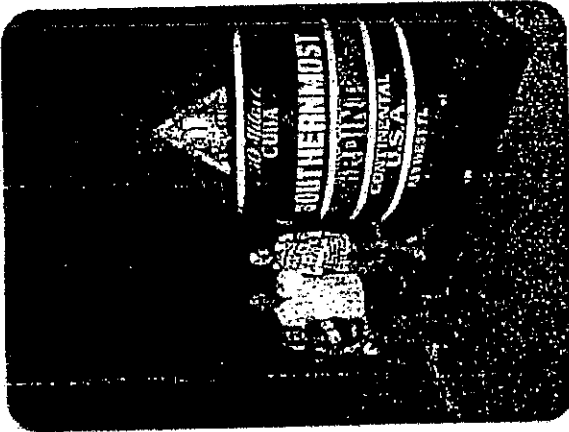
2:12 PM

dad

No problem can you call me please

2:12 PM

dad



9:52 PM

Hey what's up

9:52 PM

Monday, April 17, 2017

Haley Kathryn Capps

going to sleep

12:10 AM

dad

OK I love you and I'm getting back home tomorrow around six

12:13 AM

dad

Hey getting ready to board

12:49 PM

Haley Kathryn Capps

Cool have fun be safe

12:51 PM

dad

Kk miss you

12:51 PM

Haley Kathryn Capps

Miss u too

1:45 PM

dad

Getting ready to taxi in Atlanta.

4:58 PM

Haley Kathryn Capps

Nice when will u land in mb

5:00 PM

dad

6:07 ish

5:02 PM

dad

Still n line for departure

5:02 PM

dad

Hey sweetheart I'm dropping off family would like to see it for a second

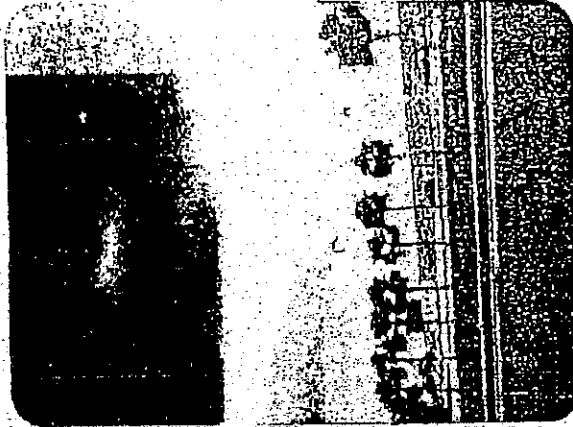
6:59 PM

Haley Kathryn Capps

Hey just got out of shower

7:05 PM

Haley Kathryn Capps



7:31 PM

We r passing a kiteboarding comp

7:31 PM

dad

HKI betwe're having more fun than you are

9:33 PM

dad



9:33 PM

Haley Kathryn Capps

I just ate Cheesecake Factory so maybe not

9:57 PM

dad

Hey, I love you hope you're having a great time call me if you can

9:57 PM



Haley Kathryn Capps

Love u too and on the way home

10:05 PM

dad

Kk be careful

10:26 PM

Haley Kathryn Capps

Ok love u

10:29 PM

Sunday, April 16, 2017

dad

Happy Easter hope u r going to church

10:03 AM

dad

Call me please

10:40 AM

Haley Kathryn Capps

Thank you for that

10:24 AM

Haley Kathryn Capps



10:24 AM

Saturday, April 15, 2017

Haley Kathryn Capps

Photo



6:02 PM

Lead by captainhoratio on tagellancrunch and 3 others
smileyeyebhatt Don't believe me?

dad

6:02 PM

dad

Oooooooooops

6:08 PM

Haley Kathryn Capps

Did u get any other ones

6:09 PM

Haley Kathryn Capps

lol

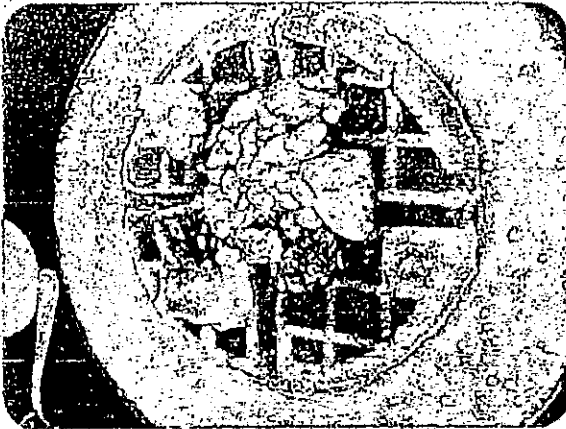
6:11 PM

dad

Can't show them

6:11 PM

dad



10:16 AM

Haley Kathryn Capps

That looks so good omg

10:19 AM

Haley Kathryn Capps



10:19 AM

dad



10:23 AM

dad

GN I love you

10:22 PM

Haley Kathryn Capps

Good night love u too

10:22 PM

Haley Kathryn Capps

Almos there

10:22 PM

dad

Great. Hope you wished A Emily a happy birthday today

10:23 PM

Haley Kathryn Capps

I did don't worry

10:23 PM

Wednesday, April 12, 2017

dad

Hope u r having a good time.

8:32 PM

Haley Kathryn Capps

Thanks

9:13 PM

dad

Just got home a little bit ago I love you call me if you can tonight if not no big deal hope you still have a lot of cash Ola 🙏💰💰💰

9:14 PM

dad

🙏

9:15 PM

Haley Kathryn Capps

Oh my god dad

9:28 PM

dad

What?

9:28 PM

Haley Kathryn Capps

The laser effect

9:28 PM

dad

Oh that's old. Have fun talk to you later love you

9:28 PM

Haley Kathryn Capps

Leave us to a

9:29 PM

Chat with Hal

4/2/2017 2:30:34 PM - 4/2/2017 2:46:44 PM

Export Details:

Device Phone Number +1 (843) 222-1671

Device Name Michelle Capps's iPhone

Device ID 277ebcb7ddf314bb5d4163dd0b18e8410f6377d8

Backup Date Monday, October 22, 2018 1:06 PM

Backup Directory C:\Users\user\AppData\Roaming\Apple Computer\MobileSync\Backup\277ebcb7ddf314bb5d4163dd0b18e8410f6

iOS 12.0.1

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with Explorer v4.2.6.0

Participants:



+1 843-251-9477, Hal

Hal

Please tell HK to bring the car over and she is not going out with her friends this afternoon

2:30 PM

Hal

You need to take her phone away from her as well or I will do it when she gets here,

2:32 PM

MyProfile:Michelle Capps

Are you seriously trying to punish her for saying a cuss word when the only reason she said it is b/c you were pulling her hair & trying to yank her - while you were yelling at her??

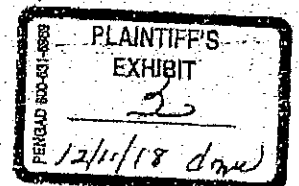
2:41 PM

Hal

You were not privy to the situation or the conversation or the circumstances surrounding that. Please send her over here now with the truck. Send Emily over here now. She is being punished this afternoon please take her phone away if you do not do it when she is here she will not be able to use it.

2:43 PM

I am not going to let our children play us. We need to coparent. Take her phone away please and send them here



They r on the way - I have her phone & she was texting me while it was all going on yesterday & Emily said the exact same story

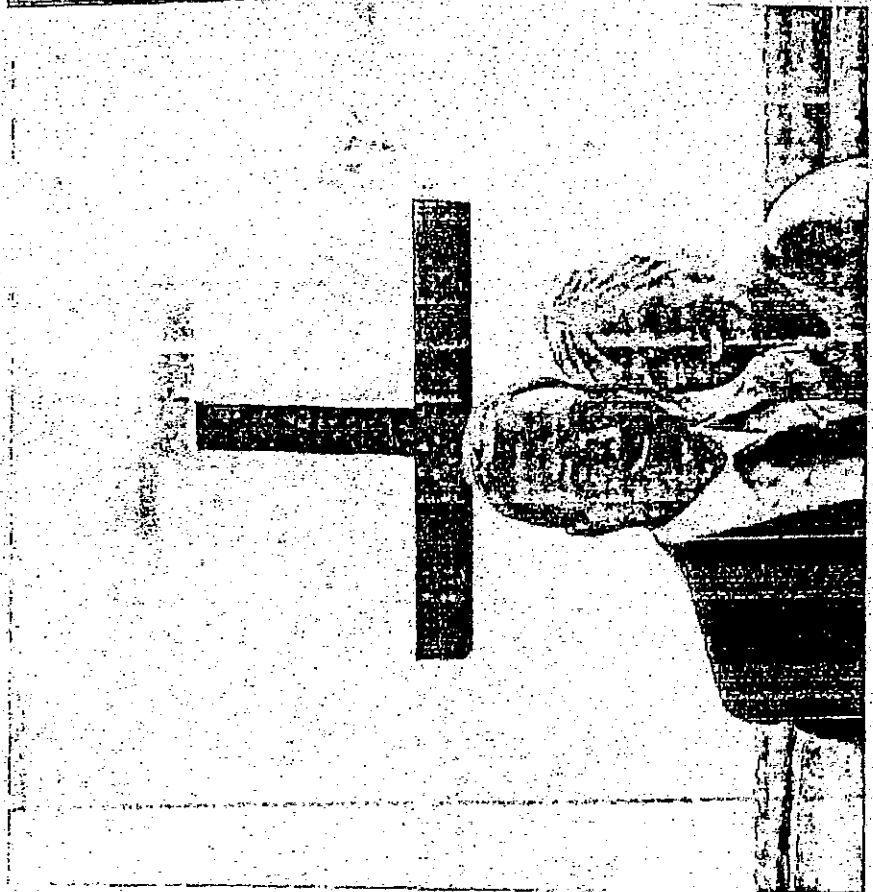
2:46 PM



Sherri Capps is with Hal Capps.

January 2 at 6:27 PM · 🌐

Can't think of a better way to start the New Year 🍷🍷🍷



Hal Capps checked in to Halls Chophouse with Sherri Capps.

December 31 at 6:22 PM · 🌐

Happy New Year!



PLAINTIFF'S EXHIBIT
12/31/18 chapp

164

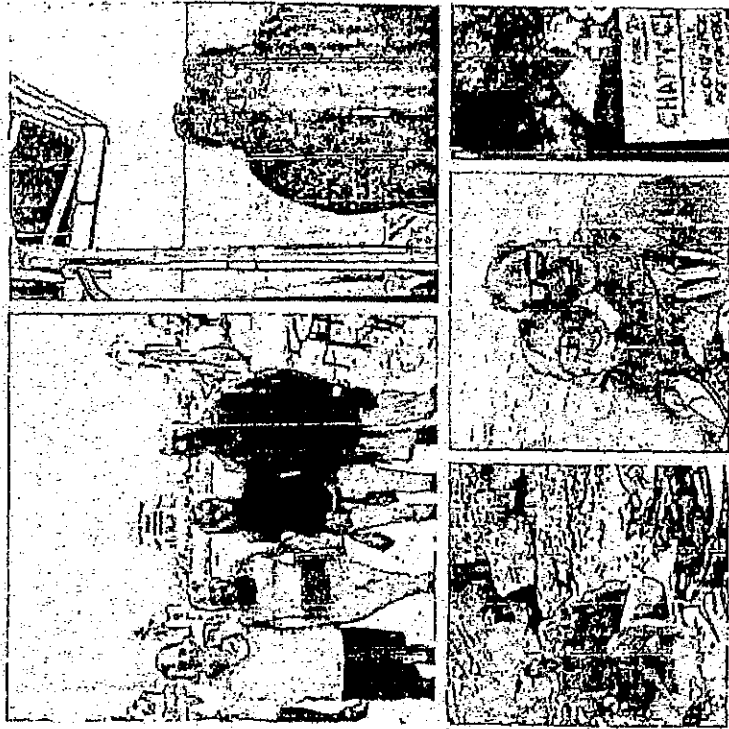
13 Comments



Sherri Bennett added 12 new photos — with Hal Capps.

Yesterday at 9:24 PM · 🌐

🌿 🍷 ❤️ Exuma 🍹 🍷



👁️ 71

🗨️ 6 Com



Sherri Bennett is with Hal Capps at ♡ Greg Norman Australian Grille.

September 29 at 10:03 PM · 🧑🏻

Happy Friday 😊



June 18, 2017

7:50 PM

Edit

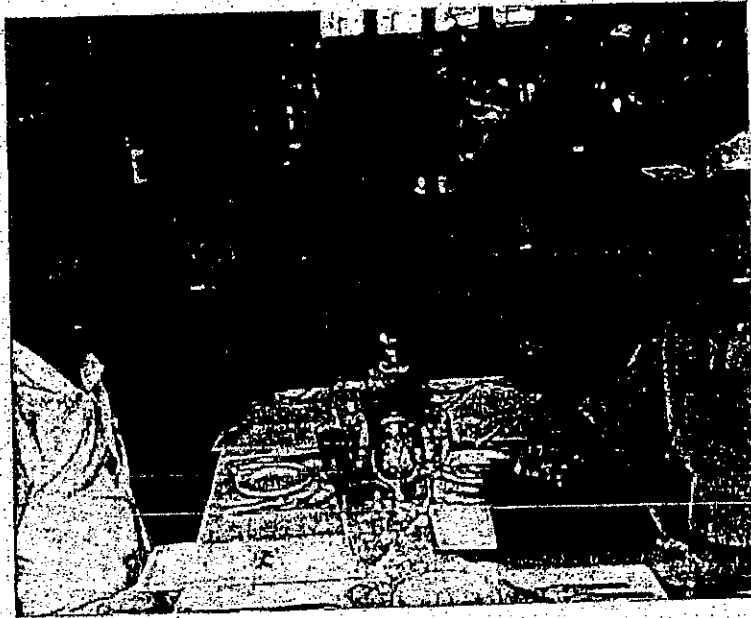




Sherri Bennett is with Hal Capps at Halls Chophouse.

July 15 · Charleston · 🧑🏻‍🦱

Boat by day...Halls by night

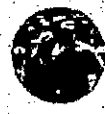


👍👍 87

2 Comment

👍 Like

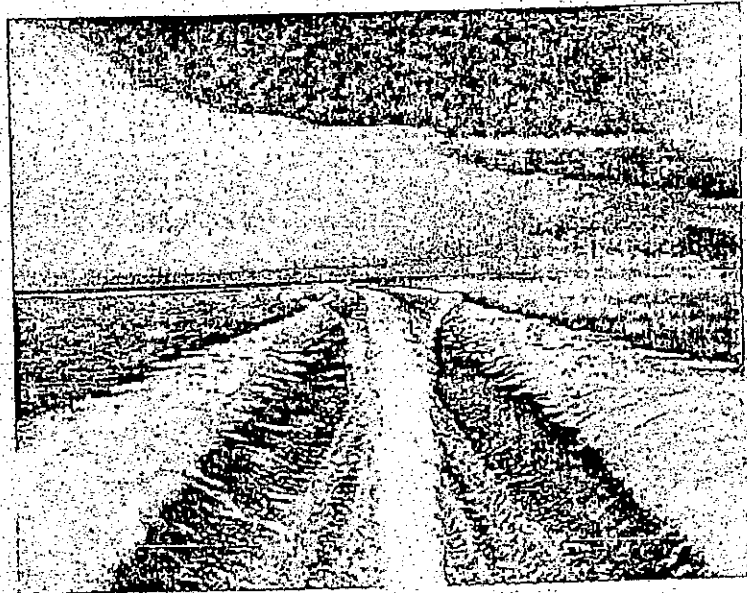
💬 Comment



Sherri Bennett

July 16 · Isle of Palms · 🧑🏻‍🦱

Running from the storm 🤪



👍👍 32

4 Comments

👍 Like

💬 Comment

12/2/2018



Sherri Bennett is with Hal

...



Hal Capps is with Sherri
Capps at Epcot - Walt
Disney World.

September 22 · Orlando, FL · 🇺🇸

...

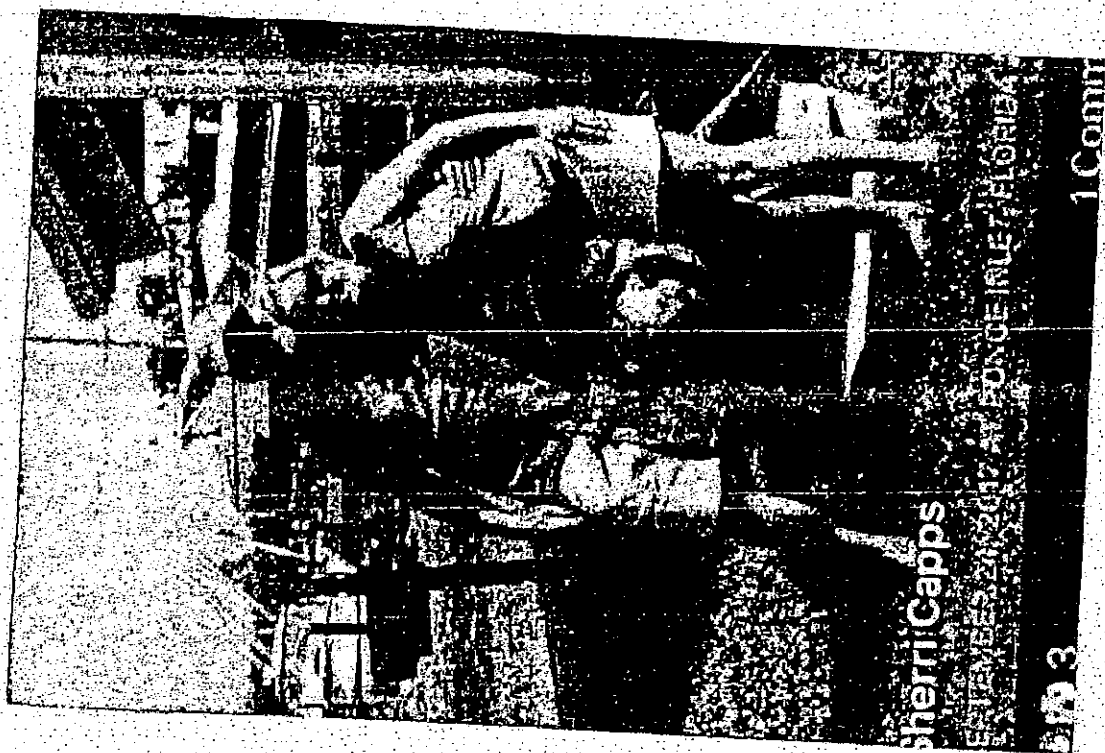


Sherri Capps


With Hal Capps and Jill Capps


SEPTEMBER 24 2017 AT PONCEINLET



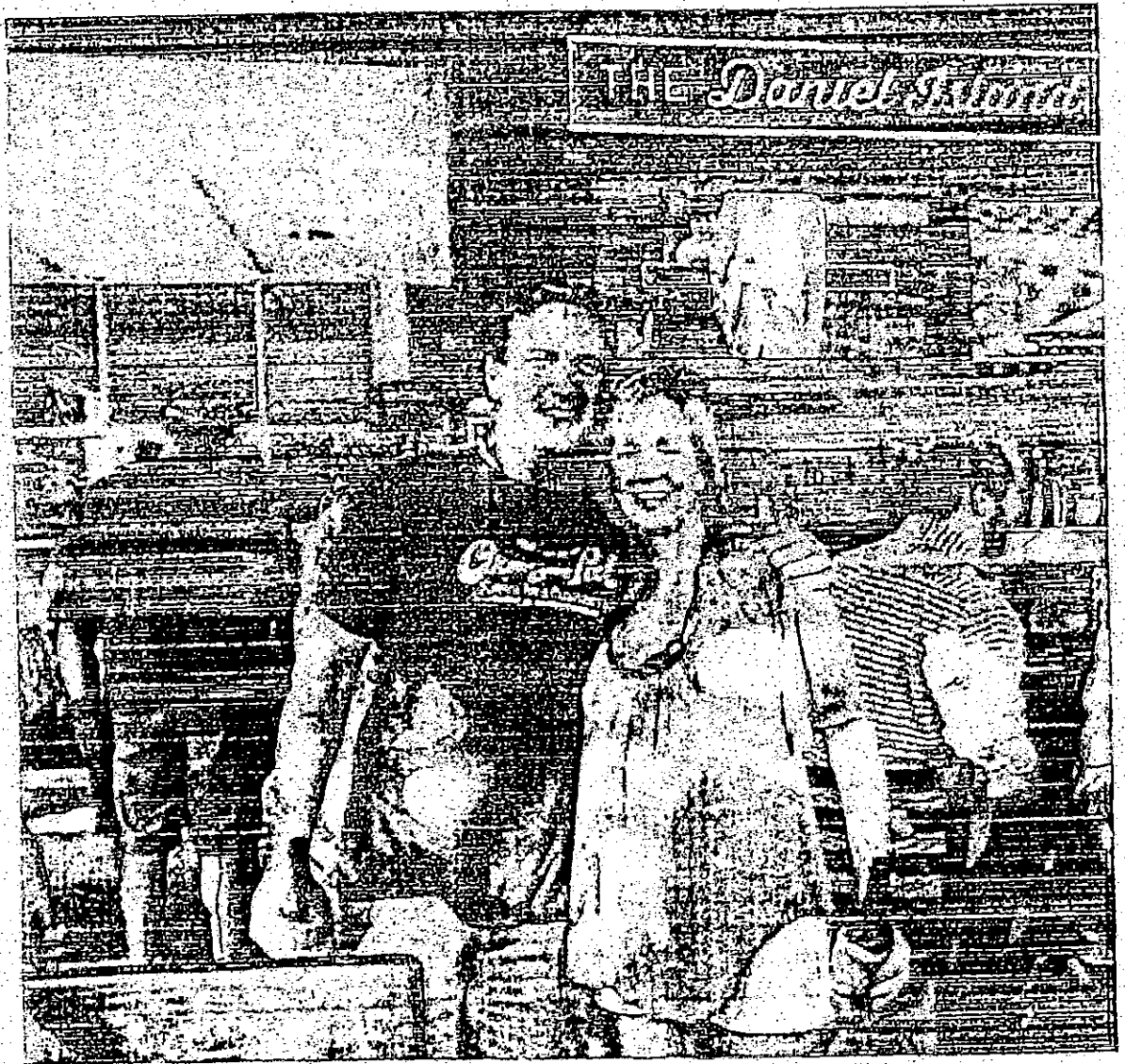




Hal Capps is  attending
Hank Williams, Jr. with Sherr
Bennett at ♡ Volvo Car
Stadium.

July 22 · Charleston · 

Me, my girl and Bocephus

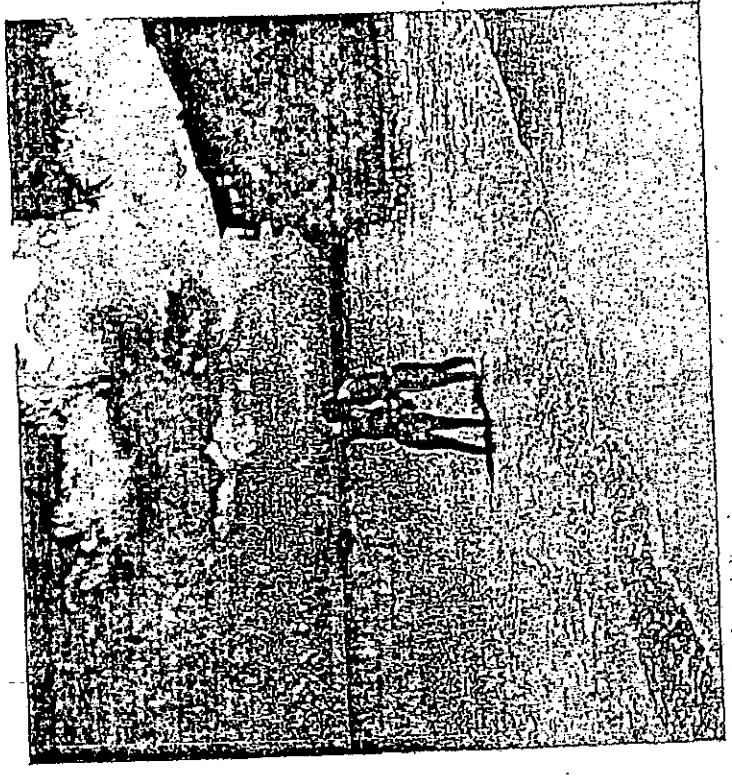


Sherri Bennett is with Hal
Capps at Eden Rock - St
Barths.



June 19 • 🌍

One year later... ❤️❤️❤️

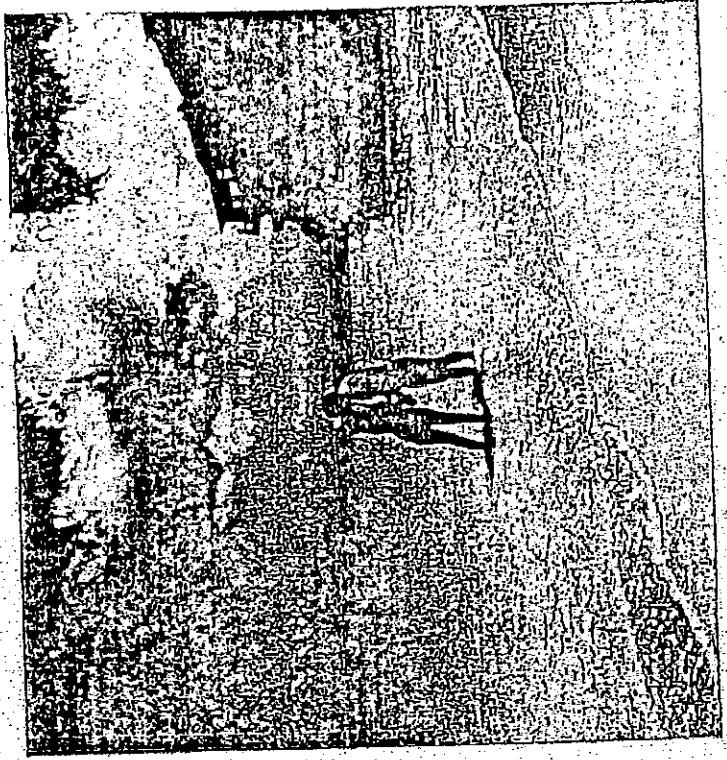




Sherri Bennett is with Hal
Capps at Eden Rock - St
Barths.

June 19 . 🇬🇩

One year later... ♡ ♡ ♡



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September 19, 2017

VIA EMAIL AND
FIRST CLASS MAIL

Anita Floyd
1115 Third Avenue
Conway, SC 29526

RE: Hal Capps vs. Michelle Capps
Case No.: 2016-DR-26-931

Dear Anita,

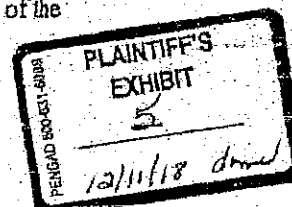
It has come to my attention that the Capps children have not yet seen a counselor. On May 17, 2017, I provided your office with a list of three counselors that Dr. Bayne was suggesting for the girls. Has Dr. Heidt submitted his list of possible counselors to your office? Is your client still seeing Hal Heidt? I have contacted Sharon at Judge Holmes office and she stated that they have not received names of potential counselors as of yet. As you are aware, the Order states that "the two counselors shall recommend 3-4 names of counselors for the children to see. These names shall be submitted to The Honorable Jan Bromell-Holmes, who shall select the counselor for the children from this list".

My client feels that it is very important that the children have counseling especially considering the instances that have occurred during the summer break from school. It is my understanding that Dr. Bayne has called Dr. Heidt on at multiple occasions to discuss this matter with him and he has yet to return her calls.

If you could please provide Dr. Heidt's list of three potential names for counselors to my office, I will forward all of the names to Judge Holmes for her choosing. Dr. Bayne recommended the following counselors: Edward Connor (843-268-0580; Elizabeth Nixon, LPC (843-455-2258) or Marie Woodward, LPC (843-410-4943). If Dr. Heidt is in agreement with Dr. Bayne's recommendations, please advise and I will submit those names to Judge Holmes for her selection so that the girls can begin counseling.

With regards to the brick column matter. My client has always been agreeable to using Rich Kolb and would also agree to use Antwine Matthews or Chapman Construction provided that the work be completed within a reasonable timeframe and that Mr. Capps pay attorney's fees that Michelle has incurred in dealing with the brick columns. If Mr. Capps is not agreeable to these terms, then Ms. Capps will pursue the matter in Magistrates Court.

Ms. Capps will be available on the following dates and times for the contractors to come to her home and meet regarding replacing the columns: September 25th between 12:00 p.m. and 4:00 p.m., September 26th between 12:00 p.m. and 3:00 p.m., September 28th between 12:00 p.m. and 2:00 p.m. and 5:00 p.m. and 7:00 p.m., October 2nd between 1:00 p.m. and 3:00 p.m., October 3rd between 1:00 p.m. and 3:00 p.m. and October 5th between 5:00 p.m. and 7:00 p.m. If the above dates and times do not work with any of the



suggested contractor's schedules, they should contact Mr. Capps directly and she will schedule a time that works for all parties. Please discuss this matter with your client and let me know his thoughts.

Thank you for your time and attention to this matter, I look forward to hearing from you soon.

Very truly yours,
THE BRITAIN LAW FIRM, P.A.

Mary Madison B. Langway

Mary Madison Britain Langway
MMBL:rlh

Enclosures: as stated

cc: Michelle Capps (via email)

Haley Kathryn Capps

I hope ur having a good birthday

3:44 PM

Haley Kathryn Capps

I dropped off a birthday card for u in ur mailbox

3:21 PM

Thursday, November 16, 2017

dad

Hey sweetheart I'm thinking about you now and I hope school is going good for you. I love you and I miss you

10:24 AM

Haley Kathryn Capps

Hey I miss you too and I hope I can see u soon if that's ok

10:25 AM

Thursday, November 23, 2017

dad

Happy thanksgiving I love you

7:41 AM

Haley Kathryn Capps

I love u too happy thanksgiving

10:01 AM

Friday, December 01, 2017

dad

You look beautiful hope you're having fun tonight love you.

9:43 PM

Saturday, December 02, 2017

Haley Kathryn Capps

Thank u I love u too

3:40 PM

Monday, December 04, 2017

dad

Hey hope you had a good day. You need to tell me what you would like for Christmas. My mind that I would like to know as well

3:41 PM

dad

Mama and dada and JILL/Thad would like to know as well

6:21 PM

Haley Kathryn Capps

Money would be nice and I would like to see you with just me u and Emily soon pls

8:53 PM

Wednesday, December 13, 2017

Haley Kathryn Capps

thanks for the response. glad to know u care about seeing me

9:45 PM

Per the court order I'm not allowed to text you after 9 o'clock. I love you

9:51 PM

Haley Kathryn Capos

texted w/ a week ago

9:52 PM

Haley Kathryn Capos

love u too

9:52 PM

Sunday, December 24, 2018

Haley Kathryn Capos

hey I just saw ur voicemail Happy Christmas Even love u and miss u

7:01 PM

dad

I love you too

8:30 PM

Monday, January 01, 2019

dad

Hey sweetheart what's up? Hope you're having a good day. I was hoping we could see you

1:02 PM

Tuesday, January 02, 2019

Haley Kathryn Capos

Emily and I have both tried to reach out to u about seeing u recently and u have never followed up. I would love to see u but the next time I see u I want it to just be me and you and Emily. I really want to see me that shouldn't be a problem. And if u have been told by your attorney that u need to be supervised while u are with us, we suggest u either get help or someone to supervise that way or that u at least find someone that we'd be comfortable with. Also Christmas was a week ago and u never called us on Christmas and when I texted u back u never replied to my text. Also me and Emily no longer want to receive any letters from ur school. I have told Mrs Wilson that we will no longer be accepting them because they are upsetting and disruptive. If u really want to give us a handwritten letter then we live less than 2 minutes away from u and there's no reason why u can't just drop it off at our house. I believe that when u bring letters to our school that you are just doing it to make a show and grandstand. I love u and miss u and I hope that we can rekindle our relationship.

3:25 PM

Chat with dad

5/2/2017 4:55:56 PM - 5/2/2017 9:04:44 PM

Export Details:

Device Phone Number +1 (843) 222-2849

Device Name hk

Device ID efffa9905f33986ea960669da73de7d3f8abbf86

Backup Date Saturday, December 23, 2017 9:01 AM

Backup Directory C:\Users\user\AppData\Roaming\Apple Computer\MobileSync\Backup\efffa9905f33986ea960669da73de7d3f8abb

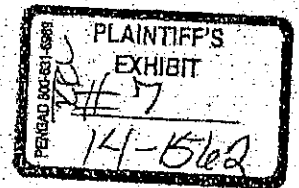
iOS 11.2.1

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with iExplorer v4.1.14.0

Participants:

+1 843-251-9477, dad



Dad I need a car so that I can work this summer and it's gotten to the point where it's necessary for me to have a car. I make good grades, I behave well in and out of school, I've been a good daughter. I have \$2000 right now that I can contribute to a car and I can make monthly payments to you if you front me some of the money. I want a good relationship with you and just because I don't agree or believe everything you say doesn't mean I don't love you. Me getting a car has never been dependent on whether or not we agree with each other, it's been whether I have good grades and a good driving record, which I do. Please consider this.

dad

You want to be an adult, you want to have adult conversations, you do not talk about things like this over a text and more importantly you do not disrespect someone with whom you want something from. It's after 9 o'clock and per the court order we are not supposed to communicate. It used to be 745 until I went to court and got that changed. Good night I love you