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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Carmen Mullens, Circuit Court Judge

Appeal No. 2023-000227
Case No. 2020-CP-10-01315

Caine Henry,

Appellant,

v.

Medical University of South Carolina,
Medical University of South Carolina
Department of Public Safety, and Kevin
Kerley,

Respondents.

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Caine Henry
PLAINTIFF(S)

Medical University Of South Carolina et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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

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

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

Motion to Dismiss is Denied. Procedurally this matter should be presented at a Motion for Summary Judgment.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/22/2021 .

Caine Henry for Caine Henry
Caine Henry for Caine Henry

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Caine Henry VS Medical University Of South Carolina , defendant,
et al

Case Number: 2020CP1001315

Type: Order/Electronic Form 4

R. Markley Dennis Jr., 2060

R. Markley Dennis Jr., 2060

Electronically signed on 2021-06-22 09:04:17 page 3 of 3

Caine Henry
PLAINTIFF(S)

Medical University Of South Carolina et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
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 Other
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 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
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- DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):
 Affirmed; Reversed; Remanded;
 Other

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

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

Plaintiff Caine Henry filed a Motion to Compel on August 11, 2021 and was heard by this Court the week of September 27, 2021 on the briefs. Upon careful review of the submissions to the Court, Plaintiff's Motion to Compel is hereby DENIED as the subpoena at issue does not comport with Rule 45 of the South Carolina Rules of Civil Procedure.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/27/2021 .

Caine Henry for Caine Henry
Caine Henry for Caine Henry

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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Charleston Common Pleas

Case Caption: Caine Henry VS Medical University Of South Carolina , defendant,
et al
Case Number: 2020CP1001315
Type: Order/Electronic Form 4

So Ordered

s/Jennifer B. McCoy #2764

Electronically signed on 2021-10-27 14:29:41 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
)	
Caine Henry,	)	C/A No. 2020-CP-10-01315
)	
	)	<i>Plaintiff,</i>
)	
Versus	)	ORDER GRANTING DEFENDANTS'
	)	MOTION FOR SUMMARY JUDGMENT
)	
Medical University of South Carolina, Medical)	
University of South Carolina Department of)	
Public Safety, and Kevin Kerley,)	
)	
)	
	)	<i>Defendants.</i>

This matter is before the Court on the Defendants’, Medical University of South Carolina, Medical University of South Carolina Department of Public Safety and Kevin Kerley, (hereinafter “Defendants”), Motion for Summary Judgment. The Defendants bring their motion on the grounds that there is no genuine issue of material fact raised by Plaintiff and that they are entitled to judgment as a matter of law because (1) the Plaintiff has failed to present proof concerning essential elements for his causes of action of defamation: libel/slander, civil conspiracy, and negligence; and (2) intentional infliction of emotional distress is barred by the South Carolina Tort Claims Act against these Defendants. Based on the record and undisputed material facts, the Defendants’ Motion for Summary Judgment is hereby GRANTED.

BACKGROUND

The Plaintiff, Caine Henry, has asserted causes of action including defamation: libel/slander, intentional infliction of emotional distress, civil conspiracy, and negligence against the Defendants. The issues presented in the Plaintiff’s Complaint arise from a welfare check conducted by the North Charleston Police Department and Charleston County Mental Health Mobile Crisis Unit at the Plaintiff’s home in 2019 after the Plaintiff had sent various emails to the
ROA p. 10

Defendants and SLED. The specific emails shortly before the welfare check bore subject lines of “with a bullet” and “shooting Officer Register in the head.” Notably, the Plaintiff has conceded that conducting the welfare check was reasonable under the circumstances. The Plaintiff contends that an alleged unknown individual or entity provided defamatory statements to the North Charleston Police Department, leading officers to believe he was armed and threatening to shoot anyone that came to his door. The Plaintiff further alleges all Defendants conspired together to cause harm to him and were negligent in the following particulars: failing to accurately and properly conduct an internal investigation into the false statements given to a police officer; failing to initiate a requested incident report from the Plaintiff; failing to take a written statement from the Plaintiff; making arrest threats against the Plaintiff; failing to address concerns based on inaccurate information; defaming the Plaintiff; and failing to exercise the degree of care and prudence which a reasonable person should exercise.

LEGAL STANDARD

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” Rule 56(c), S.C.R.C.P. In determining whether any true triable issues of fact exist, the Court should view the evidence in the light most favorable to the non-moving party. *Fleming v. Rose*, 350 S.C. 488, 493 (2002). Naturally, a court considering summary judgment neither makes factual determinations nor considers the merits of competing testimony; however, summary judgment is completely appropriate when a properly supported motion sets forth the facts that remain undisputed. *David v. McLeod Regional Medical Center*, 367 S.C. 242, 250 (2006). Moreover, summary judgment is appropriate where there is a complete failure of proof concerning

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an essential element of the nonmoving party's case, which necessarily renders all other facts immaterial. *Baughman v. At&T*, 306 S.C. 101, 116, 410 S.E.2d 537, 547 (1991).

DISCUSSION

I. Defendants are Entitled to Summary Judgment on Plaintiff's Claim for Defamation: Libel and Slander.

To succeed in a claim of defamation, the plaintiff must prove the following four elements: "(1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication." *Erickson v. Jones St. Publishers, L.L.C.*, 368 S.C. 444, 465, 629 S.E.2d 653, 664 (2006). However, a communication made in good faith on any subject matter in which the person communicating has an interest or duty is qualifiedly privileged if made to a person with a corresponding interest or duty even though it contains matter which, without this privilege, would be actionable. *Murray v. Holnam, Inc.*, 344 S.C. 129, 141, 544 S.E.2d 743, 749 (Ct. App. 2001). "A communication this qualifiedly privileged is not actionable, even though it contain[s] a charge of crime, unless malice in fact be shown." *Cullum v. Dunn & Bradstreet, Inc.*, 228 S.C. 384, 388 90 S.E.2d 370, 372 (1955). Malice is defined as when a person acts by ill will in what he does and says with the design to causelessly and wantonly injure another person. *Id.* at 388-89, 90 S.E.2d at 372.

Here, the Plaintiff has had the opportunity to engage in discovery but presents no specific evidence that any individual associated with the Defendants made defamatory statements and/or libelous statements about the Plaintiff. The Plaintiff has not provided any such statements nor has Plaintiff presented evidence as to whom the alleged statements were made. Therefore, because he cannot prove the first two essential elements of a defamation cause of action, the Plaintiff's claim fails as a matter of law. In addition, even if it were assumed the Defendants had made any

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statements to SLED about the emails received or the conducting of a welfare check, such statements made by law enforcement in such context are, by their very definition, qualifiedly privileged.

Therefore, the Defendants are entitled to Summary Judgment for the Plaintiff's claims for defamation/libel/slander.

II. Defendants are Entitled to Summary Judgment on Plaintiff's Claim for Civil Conspiracy.

In South Carolina, a finding of civil conspiracy requires satisfaction of four elements: "(1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff." *Paradis v. Charleston Cty. Sch. Dist.*, 2021 S.C. LEXIS 56 (2021). Furthermore, "[a] claim for civil conspiracy must allege additional acts in furtherance of a conspiracy rather than reallege other claims within the complaint." *Hackworth v. Greywood at Hammett, LLC*, 385 S.C. 110, 115, 682 S.E.2d 871, 874 (Ct. App. 2009) (overruled on other grounds). In other words, the facts pled in furtherance of the conspiracy must be separate and independent from other wrongful acts alleged in the complaint, and failure to properly plead such acts will merit dismissal of the claim. *Id.* at 115-16.

Here, the Plaintiff generally alleges the Defendants conspired together for the purpose of injuring Plaintiff. In his Complaint and in discovery, he has failed to allege and establish a conspiracy for the purpose of harming the Plaintiff or any alleged acts in furtherance of the alleged conspiracy on the part of the Defendants. Furthermore, under the intracorporate conspiracy doctrine, "an agreement between or among agents of the same legal entity, when the agents act in their official capacities, is not an unlawful conspiracy." *Ziglar v. Abbasi*, 137 S.Ct. 1843, 1867 (2017); *see also Painter's Mill Grille, LLC v. Brown*, 716 F.3d. 342, 353 (4th Cir. 2013) ("The
ROA p. 13

intracorporate conspiracy doctrine recognizes that a corporation cannot conspire with its agents because the agents' acts are the corporation's own). Here, in his Complaint, Plaintiff alleges a conspiracy only among MUSC and its employees who were at all times acting in their capacities as agents of MUSC. Thus, there could be no conspiracy under the intracorporate conspiracy doctrine and Plaintiff's civil conspiracy cause of action fails.

III. The Tort Claims Act Bars Any Attempted Claim for Intentional Infliction of Emotional Distress.

As stated, this action is governed by the South Carolina Tort Claims Act. S.C. Code Ann. §15-78-30(a), (c), (d), and (h) (1986) (defining "agency," "employee," "governmental entity," and "political subdivision" for purposes of the South Carolina Tort Claims Act). "The remedy provided by [the South Carolina Tort Claims Act] is the exclusive civil remedy available for any tort committed by a governmental entity, its employees, or its agents except as provided in §15-78-70(b)." S.C. Code Ann. §15-78-20(b) (1986). The South Carolina Tort Claims Act provides, "[t]he provisions of this chapter establishing limitations on and exemptions to the liability of the State, its political subdivisions, and employees, while acting within the scope of official duty must be liberally construed in favor of limiting the liability of the State." S.C. Code Ann. §15-78-20(f).

The Plaintiff's Complaint includes a cause of action for intentional infliction of emotion distress, a/k/a outrage. Such a claim is barred. The Tort Claims Act provides that a "loss" recoverable under the act does not include the intentional infliction of emotional harm. S.C. Code Ann. § 15-78-30(f) ("Loss' ... does not include the intentional infliction of emotional harm.") Accordingly, there is no remedy for any alleged intentional infliction of emotional harm and Defendants are entitled to Summary Judgment.

IV. Defendants are Entitled to Summary Judgment on Plaintiff's Claim for Negligence.

A negligence cause of action requires a plaintiff to prove the following three elements: “(1) a duty of care owed by defendant to plaintiff; (2) breach of that duty by a negligent act or omission; and (3) damages proximately resulting from the breach of duty.” *Baggerly v. CSX Transp., Inc.*, 370 S.C. 362, 369, 635 S.E.2d 97, 101 (2006).

The Plaintiff has presented no authority to support the proposition that the Defendants owed a legal duty of care to the Plaintiff. The Plaintiff asserts that the Defendants had a duty of due care to investigate his email “concerns” and that they were negligent in this investigation, leading to defamatory statements being made to the North Charleston Police Department. The negligence claim centers around the alleged defamation, which, as described above, is a fatally flawed claim. Notably, the Plaintiff has admitted that the welfare check was reasonable under the circumstances and acknowledges that the welfare check was conducted by Charleston County Mental Health Mobile Crisis and the North Charleston Police Department. In addition, even if there was such a legal duty to investigate his email concerns, the Plaintiff has not established any act or omission on the part of the Defendants related to the welfare check conducted nor the manner of the welfare check.

Based on the foregoing, the Defendants’ Motion for Summary Judgment is hereby GRANTED.

IT IS SO ORDERED.

_____, 2022
Charleston, South Carolina

The Honorable Carmen T. Mullen

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Charleston Common Pleas

Case Caption: Caine Henry VS Medical University Of South Carolina , defendant,
et al
Case Number: 2020CP1001315
Type: Order/Summary Judgment

So Ordered

s/Carmen T Mullen 2142

Electronically signed on 2023-01-03 11:50:52 page 7 of 7

Caine Henry

Medical University of South Carolina, Medical

University of South Carolina Dept. of Public Safety,
 Kevin Kerley

PLAINTIFF(S)

DEFENDANT(S)

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

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

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

IT IS ORDERED AND ADJUDGED: Statement of Judgment by the Court: Plaintiff's Motion to Reconsider Defendant's Motion for Summary Judgment DENIED without hearing.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

_____	<u>2142</u>	<u>1/13/2022</u>
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

_____	_____
_____	_____
_____	_____
ATTORNEY(S) FOR THE PLAINTIFF(S)	ATTORNEY(S) FOR THE DEFENDANT(S)

	CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section “For the Clerk of Court Office Use Only” should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through “Circuit Court Judge” and indicate “Arbitrator” in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title “Circuit Court Judge” below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the “Judgment Amount To Be Enrolled” box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



Charleston Common Pleas

Case Caption: Caine Henry VS Medical University Of South Carolina , defendant,
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Case Number: 2020CP1001315
Type: Order/Form 4

So Ordered

s/Carmen T Mullen 2142

Electronically signed on 2023-01-17 08:58:13 page 6 of 6

(Complaint)

Plaintiff, Caine Henry (Sometimes, collectively, “Henry” or “plaintiff”), as and for his Complaint against defendants Medical University of South Carolina (MUSC), Medical University of South Carolina Department of Public Safety, Kevin Kerley (Sometimes, collectively, “defendants”), would respectfully show this Court:

Nature of the Case

1. This is an action for defamation, intentional infliction of emotional distress, civil conspiracy and negligence.

The Parties

2. The plaintiff, reside in Charleston County, South Carolina.
3. Defendant MUSC and MUSC Public Safety is a South Carolina State agency operating and headquartered in Charleston County, South Carolina. Kevin Kerley is an employee of MUSC Public Safety operating in Charleston County, South Carolina.

FILED
2020 MAR 11 AM 12:32
JULIE A. MCGEE
CLERK OF COURT

Jurisdiction and Venue

6. As a court of general jurisdiction, the Court of Common Pleas has subject matter jurisdiction over the plaintiffs’ claims in this civil action.

7. Venue is proper in Charleston County, South Carolina by virtue of the fact that acts complained of the defendants occurred in Charleston County, South Carolina and that the defendants reside and do business in Charleston County, South Carolina.

Facts Common to All Causes of Action

8. In March 2019, plaintiff sent an email to MUSC describing the emotional distress he suffered as a result of a termination of employment, wrongful arrest and an overturned conviction originally initiated by MUSC and MUSC Public Safety.

9. Following that email defendants contacted the Charleston County Mental Health Mobile Crisis Unit for a welfare check providing them with false defamatory information in which they took action on visiting plaintiff at his home before his neighbors.

10. The North Charleston Police was also contacted and falsely and maliciously told that Plaintiff was armed and threatening to shoot anyone that came to the door or a Public Official.

11. North Charleston Police Department engaged in offensive maneuvers when confronting plaintiff. Body cam videos of both responding officers was later obtained verifying the swatting actions and defamatory comments made to them by the defendants. “Swatting is a criminal harassment tactic of deceiving an emergency service into sending a police and emergency service response team to another person's address.” Wikipedia

12. Plaintiff a few days later met with the Defendants and recorded statements from MUSC Public Safety Police Chief Kevin Kerley, with his post recording consent. The Police Chief revealed “someone” had given him a false narrative of the events that occurred during the Mobile Crisis welfare check. The Police Chief claimed I was laughing about the matter from my home. The Police Chief refused to reveal the “someone” who gave the false narrative. The police Chief also revealed a conspiracy regarding rigged employment grievance hearings at MUSC regarding terminated employees in that recording. I was previously an employee who attempted to utilize MUSC’s employment grievance hearing unsuccessfully. Chief Kerley revealed in his 14 years there no one has succeeded in their grievance hearing thus suggesting a rigged conspiring system of grievance hearings.

13. The allegations made by defendants MUSC and MUSC Public Safety Kevin Kerley, acting individually and on behalf of defendant MUSC, were at times false and defamatory against and to the plaintiff.

13. Plaintiff weeks later requested Police Chief Kevin Kerley do an internal investigation regarding the criminal activity of giving false statements to a police officer and swatting actions. Plaintiff again recorded the meeting with consent from Police Chief Kevin Kerley. Plaintiffs request for an internal investigation were denied and plaintiff was threatened with arrest for his demand of an internal investigation by police Chief Kevin Kerley. Justice was obstructed willfully.

14. Plaintiff continues to endure mental distress and emotional issues related to the defamatory comments and swatting actions initiated by the defendants and the lack of Justice the Police Chief refused to cooperate in potentially obstructing Justice.

AS AND FOR A FIRST CAUSE OF ACTION

(Defamation: Libel and Slander)

(All Defendants)

15. Plaintiff repeat and re-allege each and every allegation in paragraphs 1 through 14 as if set forth and restated at length.

16. Defendants MUSC and MUSC Public Safety, acting individually and on behalf of MUSC, acting jointly and severally and with actual or implied malice and forethought, published a false defamatory accusations and statements to third parties (Charleston Mental Health and the North Charleston Police Department) that plaintiff was threatening to shoot anyone who came to

his door or a public official. These defamatory statements include spoken slander and written libel.

17. As a direct and proximate result of the defamatory statements published by defendants MUSC and MUSC Public Safety, acting individually and on behalf of MUSC, plaintiff Caine Henry has been damaged and suffered actual, incidental and consequential damages and are further entitled to recover punitive damages against the defendants, jointly and severally.

18. The defamatory statements made by defendants as against and pertaining to the plaintiff were published by defendants with actual malice as motivated by defendants' ill will against the plaintiff, with defendants' design to causelessly and wantonly injure the plaintiff and/or published by defendants with such recklessness to constitute a conscious disregard and indifference to the plaintiffs' rights to their good reputations.

AS AND FOR A SECOND CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

(All Defendants)

19. Plaintiff repeat and re-allege each and every allegation in paragraphs 1 through 18 as if set forth and restated at length.

20. Defendants MUSC, MUSC Public Safety and Kevin Kerley, acting individually and on behalf of MUSC intentionally and recklessly inflicted severe emotional distress and mental anguish upon the plaintiff by instituting baseless potentially deadly accusations against the plaintiff in effort to cause plaintiff to suffer unnecessary harassment, possible death, emotional distress, aggravation, ridicule, injury to reputation, legal expenses in defending said claims.

21. The conduct of defendants MUSC and MUSC Public Safety was so extreme and outrageous as to exceed all possible bounds of decency and must be recognized as atrocious and utterly intolerable in civilized society.

22. As a direct and proximate result of the wrongful conduct of the defendants, plaintiff suffered severe emotional distress that no reasonable person in their position could or should be expected to endure.

23. As a direct and proximate result of intentional infliction of emotional distress committed by the defendants, the plaintiff have been damaged and suffered actual, incidental and consequential damages and are further entitled to recover punitive damages against defendants, jointly and severally.

AS AND FOR A THIRD CAUSE OF ACTION

(Civil Conspiracy)

(All Defendants)

24. Plaintiff repeats and re-allege each and every allegation in paragraphs 1 through 23 as if set forth and restated at length.

25. Defendants MUSC, MUSC Public Safety and Kevin Kerley have combined and conspired together for the purpose of causing injury and damages to the plaintiff.

26. At all applicable times, the conduct committed by the defendants in further of their conspiracy to cause injury and damage to the plaintiff was committed with actual malice against the plaintiff.

27. As a direct and proximate result of the defendants' conspiracy, plaintiff has incurred special damages, including, but not limited to, incurring costs and legal fees and are further entitled to recover punitive damages against the defendants, jointly and severally.

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AS AND FOR A FORTH CAUSE OF ACTION

(Negligence)

(ALL DEFENDANTS)

28. Plaintiff repeat and re-allege each and every allegation in paragraphs 1 through 27 as if set forth and restated at length.

29. Plaintiff is informed and believes that, at all relevant times, MUSC and MUSC Public Safety owed plaintiff a continuing duty to exercise due care in their investigation and review of the alleged email “concerns” that caused defendants to contact the North Charleston Police Department charging that the plaintiff would shoot anyone who came to his door or a public official.

30. Defendants MUSC, MUSC Public Safety and Kevin Kerley breached their duties of care owed to the plaintiff and were negligent, careless, grossly negligent, reckless, willful, and wanton in their investigation of defendants “concerns” giving rise to defendants’ wrongful belief that plaintiff had threatened to kill anyone who came to his door or a Public Official. Such negligence, carelessness, gross negligence, recklessness, willfulness and wantonness include, but are not limited to, the following particulars, to wit:

a. In failing to accurately and properly conduct an internal investigation into the false statements given to a police Officer of the North Charleston Police Department by someone within MUSC or MUSC Public Safety.;

b. In failing to initiate a requested incident report from the plaintiff.;

c. In failing to take a written statement willingly from the plaintiff;

d. In making and initiating unwarranted and baseless arrest threats and charges against the plaintiff for requesting an internal investigation be performed by MUSC Public Safety.

e. In failing to properly address “concerns” based on inaccurate and incomplete information, unwarranted assumptions, speculation, non-reviewed information and documentation and non-consulted sources of information and documentation, all of which would have repudiated the conclusions reached by defendants;

f. In defaming the plaintiff by falsely accusing him of criminal intent, including intent to murder with defendants;

g. In failing to exercise the degree of care and prudence which a reasonable person should exercise under the same or similar circumstances; and

h. Other deficiencies or failures as will be proven at trial.

31. As a direct and proximate result of the negligence, carelessness, gross negligence, recklessness, willfulness and wantonness of the defendants, plaintiff has suffered actual, direct, incidental, consequential and special damages, including, but not limited to, emotional distress, mental anguish, legal fees, loss and injury to reputation and other such damages as will be demonstrated at trial.

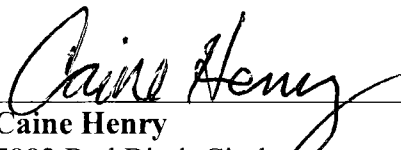
32. As a direct and proximate result of the negligence, carelessness, gross negligence, recklessness, willfulness and wantonness of the defendants, plaintiff is entitled to recover actual, incidental, consequential and punitive damages in an amount to be determined at trial, as well as, for the costs and disbursements of this action.

WHEREFORE, plaintiff prays that the Honorable Court grant the following relief:

1. Award plaintiff actual, incidental, consequential, punitive and treble damages, where allowable under South Carolina law, against defendants MUSC and MUSC Public Safety, jointly and severally, in an amount to be awarded at trial; and
2. Award plaintiff recovery of their costs, disbursements and a reasonable legal's fee where allowable under South Carolina law; and
3. Award plaintiff recovery of pre-judgment interest against defendants on any of the plaintiffs' causes of action where allowable under South Carolina law; and
4. Grant such other and further relief as is just and proper.

Dated: March 11, 2020

Caine Henry, Pro Se

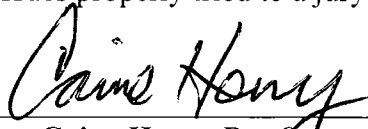


Caine Henry
7882 Red Birch Circle
North Charleston, SC 29418
(843) 817-2672

Demand for Jury Trial

Plaintiff demand trial by jury on all such issues properly tried to a jury.

Dated: March 11, 2020



Caine Henry Pro Se

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON)
)
 Caine Henry,) C/A No. 2020-CP-10-01315
)
) *Plaintiff,*) **DEFENDANTS’ ANSWER TO**
) **PLAINTIFF’S COMPLAINT**
) **(Jury Trial Requested)**
)
 Versus)
)
)
 Medical University of South Carolina, Medical)
 University of South Carolina Department of)
 Public Safety, and Kevin Kerley,)
)
)
) *Defendants.*)

The Defendants Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley, (hereinafter “the Defendants”), hereby respond to the allegations in the Plaintiff’s Complaint subject to all affirmative defenses and motions as follows:

1. The Defendants deny each and every allegation of the Plaintiff’s Complaint which is not specifically admitted herein.

As to Nature of the Case

2. The allegations contained in Paragraph 1 of the Plaintiff’s Complaint state legal conclusions to which no response is required. To the extent the allegations contained in Paragraph 1 of the Plaintiff’s Complaint attempt to impose liability on the Defendants, the Defendants deny the allegations contained in Paragraph 1 of the Plaintiff’s Complaint.

As to the Parties

3. The Defendants lack sufficient information upon which to form a belief as to the allegations contained in Paragraph 2 of the Plaintiff’s Complaint and, therefore, deny the same.

4. In response to the allegations contained in Paragraph 3 of the Plaintiff’s Complaint, the Defendants admit only that the Medical University of South Carolina, is a state-owned and

operated governmental health care facility and that the South Carolina Tort Claims Act governs this action. Further answering, the Defendants admit that Defendant Kerley was employed by the Medical University of South Carolina and at all times acted within the scope of his employment. The Medical University of South Carolina Department of Public Safety is not an entity and must be dismissed from this Complaint. All remaining and inconsistent allegations contained in Paragraph 3 of the Plaintiff's Complaint are denied.

5. *There are no Paragraphs 4 and 5 contained in Plaintiff's Complaint.*

As to Jurisdiction and Venue

6. The allegations contained in Paragraphs 6 and 7 of the Plaintiff's Complaint state legal conclusions to which no response is required. To the extent the allegations contained in Paragraphs 6 and 7 of the Plaintiff's Complaint attempt to impose liability on the Defendants, the Defendants deny the allegations contained in Paragraph 6 and 7 of the Plaintiff's Complaint.

As to Facts Common to All Causes of Action

7. In response to the allegations contained Paragraph 8 of Plaintiff's Complaint, the Defendants crave reference to the referenced email for a more complete description of its contents. All remaining and inconsistent allegations contained Paragraph 8 of Plaintiff's Complaint are denied.

8. The Defendants deny the allegations contained in Paragraphs 9, 10 and 11 of Plaintiff's Complaint.

9. In response to the allegations contained in Paragraph 12 of Plaintiff's Complaint, the Defendants admit only that there was a meeting between Plaintiff and Chief Kerley. The Defendants deny all remaining allegations contained in Paragraph 12 of Plaintiff's Complaint.

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10. The Defendants deny the allegations contained in the first Paragraph 13 of Plaintiff's Complaint.

11. In response to the allegations contained in the second Paragraph 13 of Plaintiff's Complaint, the Defendants admit, upon information and belief, only so much that there was a meeting between Plaintiff and Chief Kerley. The Defendants deny all remaining allegations contained in the second Paragraph 13 of Plaintiff's Complaint

12. The Defendants deny the allegations contained in Paragraph 14 of Plaintiff's Complaint.

AS TO THE FIRST CAUSE OF ACTION
(Defamation: Libel and Slander as to All Defendants)

13. In response to the allegations contained in Paragraph 15 of Plaintiff's Complaint, the Defendants repeat and reallege all the preceding paragraphs as if fully repeated herein.

14. The Defendants deny the allegations contained in Paragraphs 16, 17 and 18 of Plaintiff's Complaint.

AS TO THE SECOND CAUSE OF ACTION
(Intentional Infliction of Emotional Distress as to All Defendants)

15. In response to the allegations contained in Paragraph 19 of Plaintiff's Complaint, the Defendants repeat and reallege all the preceding paragraphs as if fully repeated herein.

16. The Defendants deny the allegations contained in Paragraphs 20, 21, 22 and 23 of Plaintiff's Complaint.

AS TO THE THIRD CAUSE OF ACTION
(Civil Conspiracy as to All Defendants)

17. In response to the allegations contained in Paragraph 24 of Plaintiff's Complaint, the Defendants repeat and reallege all the preceding paragraphs as if fully repeated herein.

18. The Defendants deny the allegations contained in Paragraphs 25, 26 and 27 of Plaintiff's Complaint.

AS TO THE FOURTH CAUSE OF ACTION
(Negligence as to All Defendants)

19. In response to the allegations contained in Paragraph 28 of Plaintiff's Complaint, the Defendants repeat and re-allege all the preceding paragraphs as if fully repeated herein.

20. The Defendants deny the allegations contained in Paragraphs 29, 30 (including subsections (a), (b), (c), (d), (e), (f), (g), and (h)), 31, 32 and the WHEREFORE Paragraph (including subsections (1), (2), (3), and (4)), being the last remaining allegations of Plaintiff's Complaint are denied.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Failure to State a Cause of Action)

21. The allegations contained in the Plaintiff's Complaint fail in their entirety to state a claim upon which relief may be granted against the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(No Proximate Cause)

22. That, even if the Defendants were negligent, as alleged in the Complaint, which is specifically denied, the negligence of the Defendants was not the direct or proximate cause of any injury alleged by the Plaintiff and therefore the Defendants are not liable for any damages allegedly sustained by the Plaintiff.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Reasonableness and Good Faith)

23. The Defendants allege that them and their agents and employees acted reasonably and in good faith at all times material herein, based on all relevant facts and circumstances known
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by them at the time they so acted. Accordingly, Plaintiff is not entitled to recover any damages whatsoever.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Superseding/Intervening Cause)

24. Whatever injuries and damages, if any, may have been sustained by the Plaintiff they were due to the superseding and/or intervening cause beyond the control of the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE
THE DEFENDANTS ALLEGE:
(S.C. Tort Claims Act Limitations on Damages)

25. No award for damages under Chapter 78 shall include punitive or exemplary damages or pre-judgment interest or exceed the statutory limits contained therein. South Carolina Code Ann. § 15-78-120. Defendant, MUSC, is a governmental healthcare facility as defined by the S.C. Code Ann. § 15-78-30 and pursuant to § 15-78-120 of the South Carolina Tort Claims Act, damages are limited to actual damages only, not to exceed the limits set forth therein [South Carolina Code Ann. §15-78-120].

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Governmental Immunity/Tort Claims Act)

26. Defendant, MUSC, is a governmental entity as defined by South Carolina Code Ann. § 15-78-30 and as such is immune from liability for any tort except as specifically waived by the South Carolina Tort Claims Act pursuant to § 15-78-60. The South Carolina Tort Claims Act constitutes the exclusive remedy for any tort committed by the employee of the governmental entity who is acting within the scope of his or her employment. No award for damages under Chapter 78 shall include punitive or exemplary damages and pre-judgment interest or exceed the statutory limits contained therein. South Carolina Code Ann. Sec. 15-78-120.

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FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Limitation of Punitive Damages)

27. Any punitive damages awarded in this case would be subject to the limitations described in S.C. Code §15-32-530.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Punitive Damages Unconstitutional)

28. That any award or assessment of punitive damages as prayed for by the Plaintiff would violate the Defendants' Constitutional rights under the Fifth, Sixth and Fourteenth Amendments of the United States Constitution and comparable provisions of the South Carolina Constitution.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Truth)

29. The alleged defamatory statements were true and therefore the Plaintiff is barred from recovery against the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Privilege)

30. The alleged defamatory statements were communicated in good faith to parties with a legitimate interest in hearing them and therefore the Plaintiff is barred from recovery against the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Conditional Privilege/Qualified Privilege)

31. Even if the alleged statements or writings made by the Defendants were actionable, which is denied, the alleged statements made regarding the Plaintiff is protected under a

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Conditional and/or Qualified Privilege. Any alleged statements of the Defendants were honestly made in order to protect a common interest. Therefore, the Plaintiff is barred from recovery against the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE
(Opinion)

32. The alleged defamatory statements represent the opinions of the speaker and therefore the Plaintiff is barred from recovery against the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Failure to Mitigate Damages)

33. The Plaintiff has failed to take action to reasonably avoid or reduce the alleged damages and injuries and is, therefore, not entitled to recover said damages that should have been avoided or reduced.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE
THE DEFENDANTS ALLEGE:
(Sovereign Immunity)

34. The Defendants assert the Plaintiff's claims are barred by the Doctrine of Sovereign Immunity.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE
THE DEFENDANTS ALLEGE:
(Qualified Immunity)

35. The Defendants were at all times acting within official and discretionary capacities and as such, are entitled to qualified immunity.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Tort Claims Act)

36. The Defendants assert the Plaintiff's claims are barred by the provisions of the South Carolina Tort Claims Act, S.C. Code Ann. §15-78-10, *et seq.*

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Exercise of Discretion)

37. The Defendants' alleged actions, without admitting the same to be true, constitute the exercise of discretion or judgment for which Defendants, a governmental entity and an employee of a governmental entity, are not liable pursuant to S.C. Code Ann. §15-78-60(5).

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Statute of Limitations)

38. The Plaintiff's claims are or may be barred by the applicable statute of limitations.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Intra-Corporate Conspiracy Doctrine)

39. The Plaintiff's civil conspiracy claims are barred by the intra-corporate conspiracy doctrine.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Repetitive Claims)

40. The Plaintiff's claim for civil conspiracy is barred because the allegations of this claim overlap with and are repetitive of the Plaintiff's other claims for relief.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(No Special Damages)

41. The Plaintiff's claim for civil conspiracy is barred because the Plaintiff does not properly allege and cannot show special damages.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Injury Not a Result of the Defendant)

42. Any damage adjudged to be sustained by the Plaintiff is solely the result of actions of the Plaintiff and/or the conduct of a third party and not that of the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Reservation and Non-Waiver)

43. The Defendants reserve any additional and affirmative defenses as may be revealed or become available to them during the course of their investigation and/or discovery in the case and is consistent with the South Carolina Rules of Civil Procedure.

WHEREFORE, having fully answered the Plaintiff's Complaint, and having asserted these affirmative defenses, the Defendants, Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley, pray that the Plaintiff's Complaint be dismissed with prejudice and that they be awarded the costs and reasonable fees associated with this matter, and such other relief as the Court may deem just and proper.

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s/ Brian E. Johnson

Brian E. Johnson (SC #76103)
Alyssa L. Agostino (SC #103597)

*Attorneys for the Defendants
Medical University of South Carolina, Medical
University of South Carolina Department of Public
Safety, and Kevin Kerley*

April 10, 2020
Charleston, South Carolina

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CERTIFICATE OF SERVICE

I certify that on this date a copy of ***DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT (Jury Trial Requested)*** was served on the Pro Se Plaintiff by mailing, e-mailing, facsimile, or hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This **10th** day of **April**, 2020.

s/ Brian E. Johnson

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	
)	
Caine Henry,	)	C/A No. 2020-CP-10-01315
)	
<i>Plaintiff,</i>	)	DEFENDANTS’ NOTICE OF MOTION
	)	AND MOTION TO DISMISS
Versus)	
)	
Medical University of South Carolina, Medical)	
University of South Carolina Department of)	
Public Safety, and Kevin Kerley,)	
)	
<i>Defendants.</i>)	

TO: CAINE HENRY, PRO SE PLAINTIFF:

The Defendants Medical University of South Carolina (hereinafter “MUSC”), Medical University of South Carolina Department of Public Safety, and Kevin Kerley, (hereinafter “the Defendants”), will move before this Honorable Court, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, at a time and place set by the Court, for an Order dismissing the Plaintiff’s Complaint on the grounds that Plaintiff has failed to state a claim upon which relief may be granted.

FACTS

Pro Se Plaintiff, Caine Henry, brings this action against the Medical University of South Carolina and Kevin Kerley¹ asserting causes of action for 1) Defamation: Libel and Slander, 2) Intentional Infliction of Emotional Distress, 3) Civil Conspiracy, and 4) Negligence.

Mr. Henry alleges that, in March 2019, he sent an email to Defendant MUSC describing the emotional distress he suffered as a result of a termination of employment, wrongful arrest, and

¹ Plaintiff also names the Medical University of South Carolina Department of Public Safety; however, this is not a distinct entity and falls under Defendant Medical University of South Carolina. Thus, Defendant Medical University of South Carolina Department of Public Safety must be dismissed from the Complaint.

an overturned conviction initiated by MUSC. Complaint ¶ 8. Subsequently, Plaintiff alleges the Defendants contacted the Charleston County Mental Health Mobile Crisis Unit for a welfare check providing them with false information which led Mobile Crisis to visit his home in front of his neighbors. Complaint ¶ 9. The Plaintiff contends the North Charleston Police Department was also contacted and allegedly falsely told that Plaintiff was armed and threatening to shoot anyone that came to the door or a public official. Complaint ¶ 10. Plaintiff claims the North Charleston Police Department engaged in offensive maneuvers when confronting Plaintiff. Complaint ¶ 11.

Plaintiff goes on to contend that he met with MUSC Public Safety Police Chief, Kevin Kerley, and spoke with him about the incident a few days later and admitted someone told him a false narrative of the events that occurred during the Mobile Crisis welfare check. Complaint ¶ 12. Plaintiff also alleges that Chief Kerley admitted to a conspiracy regarding MUSC's employment grievance history. Id. Plaintiff states that weeks later he requested Chief Kerley to conduct an internal investigation regarding the Mobile Crisis incident, which was denied and he was threatened with arrest for this demand for an investigation. Complaint ¶ 13 (2).

The Plaintiff filed his Summons and Complaint on March 11, 2020. The Defendants now answer and files this Motion to Dismiss on the basis that Plaintiff's Complaint fails to state a claim upon which relief may be granted.

STANDARD OF REVIEW

Pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, a trial judge may dismiss a claim when the defendant demonstrates the plaintiff's "failure to state facts sufficient to constitute a cause of action" in the pleadings filed with the Court. FOC Lawshe Ltd. P'ship v. Int'l Paper Co., 352 S.C. 408, 412, 574 S.E.2d 228, 230 (Ct. App. 2002). "Viewing the evidence in favor of the plaintiff, the motion must be granted if facts alleged in the complaint and inferences

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reasonably deducible therefrom do not entitle the plaintiff to relief on any theory of the case.” Jarrell v. Petoseed Co., Inc., 331 S.C. 207, 209, 500 S.E.2d 793, 794 (Ct. App. 1998). A ruling on a 12(b)(6) motion to dismiss for failure to state facts constituting a cause of action must be based solely on the allegations set forth on the face of the complaint. Food Lion, Inc. v. United Food & Commercial Workers Int’l Union, 351 S.C. 65, 69, 567 S.E.2d 251, 252 (Ct. App. 2002).

LEGAL ARGUMENT

For the reasons set forth below, the Plaintiff’s Complaint should be dismissed in its entirety as the Plaintiff has failed to state a claim upon which relief may be granted.

I. Plaintiff’s Action for Defamation: Libel and Slander Must be Dismissed

The elements of defamation include: (1) a false and defamatory statement concerning another; (2) an unprivileged publication to a third party; (3) fault on the part of the publisher; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication McNeil v. S.C. Dep’t of Corr., 404 S.C. 186, 195, 743 S.E.2d 843, 848 (Ct. App. 2013). Slander is spoken defamation while libel is a written defamation or one accomplished by actions or conduct. Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 508, 506 S.E.2d 497, 501 (1998).

A communication made in good faith on any subject matter in which the person communicating has an interest or duty is qualifiedly privileged if made to a person with a corresponding interest or duty even though it contains matter which, without this privilege, would be actionable. Murray v. Holnam, Inc., 344 S.C. 129 (Ct. App. 2001). South Carolina Courts have recognized a qualified privilege for communications protecting or promoting law enforcement interests. See Densmore v. City of Greenville, 2011 WL 11733107 (S.C. Ct. App. 2011) (upholding dismissal of defamation cause of action based on statements in official policy report).

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“A communication this qualifiedly privileged is not actionable, even though it contain[s] a charge of crime, unless malice in fact be shown.” Cullum v. Dunn & Bradstreet, Inc., 228 S.C. 384-89, 90 S.E.2d 370, 372 (1955). Malice is defined as when a person acts by ill will in what he does and says with the design to causelessly and wantonly injure another person. *Id.*

Even, if the Defendants made the statements alleged, which is expressly denied, such statements are qualifiedly privileged. The statements referenced in Plaintiff’s Complaint were allegedly made by Chief Kerley, a law enforcement official, to Charleston County Mobile Crisis Unit and the North Charleston Police Department, public safety and law enforcement entities. The alleged statements concern a subject matter in which Chief Kerley and other safety officials had a duty, protecting individuals and society. Thus, the statements are privileged and not actionable. Plaintiff alleges no facts to show how the statements were made with malice. In fact, later in his Complaint, in his negligence cause of action, Plaintiff claims that negligence in the Defendants’ investigation resulted in the statements. Negligence does not constitute an act done with ill will, which is required for malice. Therefore, Plaintiff’s defamation cause of action is meritless and must be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

II. Plaintiff’s Action for Intentional Infliction of Emotional Distress Must be Dismissed

Intentional Infliction of Emotional Distress occurs when one who by extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another is subject to liability for such emotional distress and if bodily harm to other results from it, for such bodily harm. Ford v. Hutson, 276 S.C. 157, 162, 276 S.E.2d. 776 (1981). The Plaintiff, in order to recover for this intentional tort, must establish (1) the defendant intentionally or recklessly inflicted severe emotional distress or was certain or substantially certain that such distress would result from his conduct; (2) the conduct was so ‘extreme and outrageous’ as to exceed all possible bounds of

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decency and must be regarded as atrocious, and utterly intolerable in a civilized community; (3) the actions of the defendant cause the Plaintiff's emotional distress; and (4) the emotional distress suffered by the Plaintiff was so severe that no reasonable man could be expected to endure it. State Farm Fire & Cas. Co. v. Barrett, 340 S.C. 1, 530 S.E.2d 132 (Ct. App. 2000). If a Defendant shows it acted in good faith and in a reasonable manner, a defendant may defend against a plaintiff's claim despite the Plaintiff's distress. See Manley v. Manley, 291 S.C. 325, 363 S.E.2d 312 (Ct. App. 1987).

Here, Plaintiff's claim is facially deficient, and this Cause of Action must be dismissed for failure to state a claim upon which relief may be granted. Plaintiff recites the elements of the cause of action without providing any factual allegations that, accepted as true, would entitle him to relief.² Complaint ¶¶19-23. Plaintiff fails to allege how the Defendants intentionally or recklessly inflicted severe emotional distress on Plaintiff. Plaintiff states the conduct was so extreme and outrageous so as to exceed all possible bounds of decency but falls short of making any particular allegations about what the Defendants' conduct was. The same goes for the last two elements of this intentional tort. Plaintiff claims that the actions of the Defendants caused Plaintiff emotional distress and that it was so severe that no reasonable man could be expected to endure it, without referring to any actual actions or conduct of the Defendants.

Even if Plaintiff properly plead his claim for Intentional Infliction of Emotion Distress, it must still be dismissed. The South Carolina Tort Claims Act ("TCA"), S.C. Code Ann. § 15-78-10 to -220, governs this cause of action because the TCA "constitutes the exclusive remedy for any tort committed by an employee of a governmental entity." S.C. Code Ann. § 15-78-70(a). The TCA does not allow a plaintiff to recover for intentional infliction of emotional distress. S.C. Code

² *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (recitals of elements of a cause of action bolstered only by conclusory statements will fail to insulate a pleader from a motion to dismiss).

Ann. § 15-78-30(f) (“‘Loss’ ... does not include the intentional infliction of emotional harm.”); See Ward v. City of N. Myrtle Beach, 457 F. Supp. 2d 625, 647 (D.S.C. 2006). Therefore, Plaintiff’s state law claim for Intentional Infliction of Emotional Distress should be dismissed as barred by the TCA.

III. Plaintiff’s Action for Civil Conspiracy Must be Dismissed

In South Carolina, a finding of civil conspiracy requires satisfaction of three elements: (1) a combination of two or more persons, (2) the purpose of injuring the Plaintiff, and (2) causing the Plaintiff special damages. Pye v. Estate of Fox, 369 S.C. 555, 567, 633 S.E.2d 505 (2006). As to special damages, “the damages alleged [for civil conspiracy] must go beyond the damages alleged in other causes of action.” Id. at 568. Furthermore, “[a] claim for civil conspiracy must allege additional acts in furtherance of a conspiracy rather than reallege other claims within the complaint.” Hackworth v. Greywood at Hammett, LLC, 385 S.C. 110, 115, 682 S.E.2d 871, 874 (S.C. Ct. App. 2009). In other words, the facts pled in furtherance of the conspiracy must be separate and independent from other wrongful acts alleged in the complaint, and failure to properly plead such acts will merit dismissal of the claim. Id. at 115-16.

In this case, the Plaintiff has failed to allege any acts in furtherance of the alleged conspiracy that are separate and independent from other allegedly wrongful acts as stated elsewhere in the Complaint. Complaint. ¶24-27. The allegations generally conclude that the Defendants conspired together for the purpose of injuring Plaintiff and that the conduct committed by the Defendants in furtherance of their conspiracy. Plaintiff wholly fails completely to allege any facts relating to what conduct was taken in furtherance of the conspiracy and does not allege any conduct that is separate and independent from the conduct alleged elsewhere in the Complaint.

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Plaintiff also fails to allege any special damages attributable to an alleged conspiracy that go beyond the damages alleged in other causes of action. Plaintiff nakedly asserts the phrase special damages referring to costs and legal fees allegedly incurred but fails to allege any factual allegations concerning what these costs and legal fees are related to and how the alleged “civil conspiracy” resulted in these damages. Thus, Plaintiff’s civil conspiracy cause of action fails.

Furthermore, under the intracorporate conspiracy doctrine, “an agreement between or among agents of the same legal entity, when the agents act in their official capacities, is not an unlawful conspiracy.” Ziglar v. Abbasi, 137 S.Ct. 1843, 1867 (2017); see Painter’s Mill Grille, LLC v. Brown, 716 F.3d. 342, 353 (4th Cir. 2013)(“The intracorporate conspiracy doctrine recognizes that a corporation cannot conspire with its agents because the agents’ acts are the corporation’s own). Here, Plaintiff alleges a conspiracy only among MUSC and its employees who were at all times acting in their official capacities as agents of MUSC. Thus, there could be no conspiracy under the intracorporate conspiracy doctrine and Plaintiff’s civil conspiracy cause of action fails.

IV. Plaintiff’s Action for Negligence Must be Dismissed

Plaintiff fails to state facts sufficient to survive a 12(b)(6) Motion to Dismiss. Plaintiff asserts that the Defendants had a duty of due care to investigate his email “concerns” and that they were negligent in this investigation leading to defamatory statements being made to the North Charleston Police Department. The negligence claim centers around the alleged defamation, which, as described above, is a fatally flawed claim.

The claimed negligence in the investigation, lead to statements allegedly being made to other public safety entities, specifically the North Charleston Police Department and the Charleston County Mental Health Mobile Crisis Unit. As discussed above, because the alleged

statements were exchanged between two law enforcement-like entities and concerned public safety they are qualifiedly privileged, and no action can survive. As such, Plaintiff fails to plead a cause of action upon which relief may be granted, and his Complaint requires dismissal.

V. Chief Kerley is Immune from Liability under the S.C. Tort Claims Act

Even if the Court finds Plaintiff has sufficiently pleaded a cause of action against Chief Kerley, he is immune from suit and must be dismissed. The TCA “constitutes the exclusive remedy for any tort committed by an employee of a governmental entity.” S.C. Code Ann. §15-78-70(a). Governmental employees, such as Chief Kerley in his individual capacity, cannot be held liable if they commit a tort while acting within the scope of his official duty; rather, the proper party is the governmental employer. The exception is where the tort constitutes actual fraud, actual malice, intent to harm, or a crime involving moral turpitude, in which case, the individual defendants, but not the governmental entity, are the proper parties. As the court observed in *Roberts v. City of Forest Acres*, 902 F. Supp. 662, 671-72 (D.S.C.1995):

Turning to the Plaintiff’s claims under state law, the court must initially observe that the South Carolina Tort Claims Act applies to all of the Plaintiff’s causes of action under South Carolina law. Under the Tort Claims Act, an employee of a governmental entity who commits a tort while acting within the scope of his official duty is generally not liable, and the plaintiff must sue the governmental agency itself. S.C.Code Ann. § 15–78–70(a) (Law.Co-op.Supp.1994). However, if the plaintiff proves that “the employee’s conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude,” then the governmental agency is not liable, and the employee is personally liable. S.C. Code Ann. § 15–78–70(b); *see also id.* §15–78–60(17).

In this case, the Plaintiff’s allegations as to Chief Kerley concern alleged acts or omissions within the scope of his official duties. As Chief of Public Safety at MUSC, Chief Kerley’s alleged actions of contacting other public safety entities for a welfare check is clearly within his job duties. Additionally, Plaintiff only alleges bare and conclusory allegations with no specific reference to

ROA p. 49

any action on the part of the Defendants that would tend to show that their "...conduct constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude." S.C. Code Ann. § 15-78-70(b). Thus, Chief Kerley must be dismissed from Plaintiff's Complaint as he is immune from liability under the South Carolina Tort Claims Act.

CONCLUSION

For the foregoing reasons, the Defendants Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley respectfully requests that this Honorable Court grants its Motion to Dismiss for failure to state a claim upon which relief may be granted.

HOOD LAW FIRM, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
Ph: (843) 577-4435 / Fax: (843) 722-1630
Email: Info@hoodlaw.com

s/ Brian E. Johnson

Brian E. Johnson (SC #76103)
Alyssa L. Agostino (SC #103597)

*Attorneys for the Defendants
Medical University of South Carolina, Medical
University of South Carolina Department of Public
Safety, and Kevin Kerley*

April 10, 2020

Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of ***DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS*** was served on the Pro Se Plaintiff by mailing, e-mailing, facsimile, or hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This **10th** day of **April**, 2020.

s/ Brian E. Johnson

ROA p. 50

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	
)	
Caine Henry,	)	C/A No. 2020-CP-10-01315
)	
	)	DEFENDANTS' AMENDED ANSWER TO
	)	PLAINTIFF'S COMPLAINT
	)	(Jury Trial Requested)
Versus)	
)	
Medical University of South Carolina, Medical)	
University of South Carolina Department of)	
Public Safety, and Kevin Kerley,)	
)	
)	
<i>Defendants.</i>)	

The Defendants Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley, (hereinafter “the Defendants”), hereby submit their Amended Answer to the allegations in the Plaintiff’s Complaint subject to all affirmative defenses and motions as follows:

1. The Defendants deny each and every allegation of the Plaintiff’s Complaint which is not specifically admitted herein.

As to Nature of the Case

2. The allegations contained in Paragraph 1 of the Plaintiff’s Complaint state legal conclusions to which no response is required. To the extent the allegations contained in Paragraph 1 of the Plaintiff’s Complaint attempt to impose liability on the Defendants, the Defendants deny the allegations contained in Paragraph 1 of the Plaintiff’s Complaint.

As to the Parties

3. The Defendants lack sufficient information upon which to form a belief as to the allegations contained in Paragraph 2 of the Plaintiff’s Complaint and, therefore, deny the same.

4. In response to the allegations contained in Paragraph 3 of the Plaintiff’s Complaint, the Defendants admit only that the Medical University of South Carolina, is a state-owned and

operated governmental health care facility and that the South Carolina Tort Claims Act governs this action. Further answering, the Defendants admit that Defendant Kerley was employed by the Medical University of South Carolina and at all times acted within the scope of his employment. The Medical University of South Carolina Department of Public Safety is not an entity and must be dismissed from this Complaint. All remaining and inconsistent allegations contained in Paragraph 3 of the Plaintiff's Complaint are denied.

5. *There are no Paragraphs 4 and 5 contained in Plaintiff's Complaint.*

As to Jurisdiction and Venue

6. The allegations contained in Paragraphs 6 and 7 of the Plaintiff's Complaint state legal conclusions to which no response is required. To the extent the allegations contained in Paragraphs 6 and 7 of the Plaintiff's Complaint attempt to impose liability on the Defendants, the Defendants deny the allegations contained in Paragraph 6 and 7 of the Plaintiff's Complaint.

As to Facts Common to All Causes of Action

7. In response to the allegations contained Paragraph 8 of Plaintiff's Complaint, the Defendants crave reference to the referenced email for a more complete description of its contents. All remaining and inconsistent allegations contained Paragraph 8 of Plaintiff's Complaint are denied.

8. The Defendants deny the allegations contained in Paragraphs 9, 10 and 11 of Plaintiff's Complaint.

9. In response to the allegations contained in Paragraph 12 of Plaintiff's Complaint, the Defendants admit only that there was a meeting between Plaintiff and Chief Kerley. The Defendants deny all remaining allegations contained in Paragraph 12 of Plaintiff's Complaint.

10. The Defendants deny the allegations contained in the first Paragraph 13 of Plaintiff's Complaint.

11. In response to the allegations contained in the second Paragraph 13 of Plaintiff's Complaint, the Defendants admit, upon information and belief, only so much that there was a meeting between Plaintiff and Chief Kerley. The Defendants deny all remaining allegations contained in the second Paragraph 13 of Plaintiff's Complaint

12. The Defendants deny the allegations contained in Paragraph 14 of Plaintiff's Complaint.

AS TO THE FIRST CAUSE OF ACTION
(Defamation: Libel and Slander as to All Defendants)

13. In response to the allegations contained in Paragraph 15 of Plaintiff's Complaint, the Defendants repeat and reallege all the preceding paragraphs as if fully repeated herein.

14. The Defendants deny the allegations contained in Paragraphs 16, 17 and 18 of Plaintiff's Complaint.

AS TO THE SECOND CAUSE OF ACTION
(Intentional Infliction of Emotional Distress as to All Defendants)

15. In response to the allegations contained in Paragraph 19 of Plaintiff's Complaint, the Defendants repeat and reallege all the preceding paragraphs as if fully repeated herein.

16. The Defendants deny the allegations contained in Paragraphs 20, 21, 22 and 23 of Plaintiff's Complaint.

AS TO THE THIRD CAUSE OF ACTION
(Civil Conspiracy as to All Defendants)

17. In response to the allegations contained in Paragraph 24 of Plaintiff's Complaint, the Defendants repeat and reallege all the preceding paragraphs as if fully repeated herein.

18. The Defendants deny the allegations contained in Paragraphs 25, 26 and 27 of Plaintiff's Complaint.

AS TO THE FOURTH CAUSE OF ACTION
(Negligence as to All Defendants)

19. In response to the allegations contained in Paragraph 28 of Plaintiff's Complaint, the Defendants repeat and re-allege all the preceding paragraphs as if fully repeated herein.

20. The Defendants deny the allegations contained in Paragraphs 29, 30 (including subsections (a), (b), (c), (d), (e), (f), (g), and (h)), 31, 32 and the WHEREFORE Paragraph (including subsections (1), (2), (3), and (4)), being the last remaining allegations of Plaintiff's Complaint are denied.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Failure to State a Cause of Action)

21. The allegations contained in the Plaintiff's Complaint fail in their entirety to state a claim upon which relief may be granted against the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(No Proximate Cause)

22. That, even if the Defendants were negligent, as alleged in the Complaint, which is specifically denied, the negligence of the Defendants was not the direct or proximate cause of any injury alleged by the Plaintiff and therefore the Defendants are not liable for any damages allegedly sustained by the Plaintiff.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Reasonableness and Good Faith)

23. The Defendants allege that they and their agents and employees acted reasonably and in good faith at all times material herein, based on all relevant facts and circumstances known
ROA p. 54

by them at the time they so acted. Accordingly, Plaintiff is not entitled to recover any damages whatsoever.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Superseding/Intervening Cause)

24. Whatever injuries and damages, if any, may have been sustained by the Plaintiff they were due to the superseding and/or intervening cause beyond the control of the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE
THE DEFENDANTS ALLEGE:
(S.C. Tort Claims Act Limitations on Damages)

25. No award for damages under Chapter 78 shall include punitive or exemplary damages or pre-judgment interest or exceed the statutory limits contained therein. South Carolina Code Ann. § 15-78-120. Defendant, MUSC, is a governmental healthcare facility as defined by the S.C. Code Ann. § 15-78-30 and pursuant to § 15-78-120 of the South Carolina Tort Claims Act, damages are limited to actual damages only, not to exceed the limits set forth therein [South Carolina Code Ann. §15-78-120].

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Governmental Immunity/Tort Claims Act)

26. Defendant, MUSC, is a governmental entity as defined by South Carolina Code Ann. § 15-78-30 and as such is immune from liability for any tort except as specifically waived by the South Carolina Tort Claims Act pursuant to § 15-78-60. The South Carolina Tort Claims Act constitutes the exclusive remedy for any tort committed by the employee of the governmental entity who is acting within the scope of his or her employment. No award for damages under Chapter 78 shall include punitive or exemplary damages and pre-judgment interest or exceed the statutory limits contained therein. South Carolina Code Ann. Sec. 15-78-120.

ROA p. 55

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Limitation of Punitive Damages)

27. Any punitive damages awarded in this case would be subject to the limitations described in S.C. Code §15-32-530.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Punitive Damages Unconstitutional)

28. That any award or assessment of punitive damages as prayed for by the Plaintiff would violate the Defendants' Constitutional rights under the Fifth, Sixth and Fourteenth Amendments of the United States Constitution and comparable provisions of the South Carolina Constitution.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Truth)

29. The alleged defamatory statements were true and therefore the Plaintiff is barred from recovery against the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Privilege)

30. The alleged defamatory statements were communicated in good faith to parties with a legitimate interest in hearing them and therefore the Plaintiff is barred from recovery against the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Conditional Privilege/Qualified Privilege)

31. Even if the alleged statements or writings made by the Defendants were actionable, which is denied, the alleged statements made regarding the Plaintiff is protected under a
ROA p. 56

Conditional and/or Qualified Privilege. Any alleged statements of the Defendants were honestly made in order to protect a common interest. Therefore, the Plaintiff is barred from recovery against the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE
(Opinion)

32. The alleged defamatory statements represent the opinions of the speaker and therefore the Plaintiff is barred from recovery against the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Failure to Mitigate Damages)

33. The Plaintiff has failed to take action to reasonably avoid or reduce the alleged damages and injuries and is, therefore, not entitled to recover said damages that should have been avoided or reduced.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE
THE DEFENDANTS ALLEGE:
(Sovereign Immunity)

34. The Defendants assert the Plaintiff's claims are barred by the Doctrine of Sovereign Immunity.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE
THE DEFENDANTS ALLEGE:
(Qualified Immunity)

35. The Defendants were at all times acting within official and discretionary capacities and as such, are entitled to qualified immunity.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(S.C. Code Ann. § 16-3-1810 - §16-3-1820)

36. The Defendants assert that Plaintiff's claims are barred by S.C. Code Ann. § 16-3-1810 regarding the law enforcement officer's responsibilities and that the Defendants at all times acted in good faith and, as such, are entitled to immunity under S.C. Code Ann. § 16-3-1820.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Tort Claims Act)

37. The Defendants assert the Plaintiff's claims are barred by the provisions of the South Carolina Tort Claims Act, S.C. Code Ann. §15-78-10, *et seq.*

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Exercise of Discretion)

38. The Defendants' alleged actions, without admitting the same to be true, constitute the exercise of discretion or judgment for which Defendants, a governmental entity and an employee of a governmental entity, are not liable pursuant to S.C. Code Ann. §15-78-60(5).

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Statute of Limitations)

39. The Plaintiff's claims are or may be barred by the applicable statute of limitations.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Intra-Corporate Conspiracy Doctrine)

40. The Plaintiff's civil conspiracy claims are barred by the intra-corporate conspiracy doctrine.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Repetitive Claims)

41. The Plaintiff's claim for civil conspiracy is barred because the allegations of this claim overlap with and are repetitive of the Plaintiff's other claims for relief.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(No Special Damages)

42. The Plaintiff's claim for civil conspiracy is barred because the Plaintiff does not properly allege and cannot show special damages.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Injury Not a Result of the Defendant)

43. Any damage adjudged to be sustained by the Plaintiff is solely the result of actions of the Plaintiff and/or the conduct of a third party and not that of the Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THE DEFENDANTS ALLEGE:
(Reservation and Non-Waiver)

44. The Defendants reserve any additional and affirmative defenses as may be revealed or become available to them during the course of their investigation and/or discovery in the case and is consistent with the South Carolina Rules of Civil Procedure.

WHEREFORE, having fully answered the Plaintiff's Complaint, and having asserted these affirmative defenses, the Defendants, Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley, pray that the Plaintiff's Complaint be dismissed with prejudice and that they be awarded the costs and reasonable fees associated with this matter, and such other relief as the Court may deem just and proper.

HOOD LAW FIRM, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
Ph: (843) 577-4435
Fax: (843) 722-1630

s/ Brian E. Johnson

Brian E. Johnson (SC #76103)

brian.johnson@hoodlaw.com

Alyssa L. Agostino (SC #103597)

alyssa.agostino@hoodlaw.com

*Attorneys for the Defendants
Medical University of South Carolina, Medical
University of South Carolina Department of Public
Safety, and Kevin Kerley*

April 23, 2020

Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of ***DEFENDANTS' AMENDED ANSWER TO PLAINTIFF'S COMPLAINT (Jury Trial Requested)*** was served on the Pro Se Plaintiff by mailing, e-mailing, facsimile, or hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This **23rd** day of **April**, 2020.

s/ Brian E. Johnson

STATE SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS

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CAINE HENRY,

Plaintiff,

Versus

MEDICAL UNIVERSITY OF SOUTH
CAROLINA, MEDICAL UNIVERSITY
OF SOUTH CAROLINA DEPARTMENT
OF PUBLIC SAFETY, KEVIN KERLEY

Defendants,

CASE NO.:2020-CP-10-01315

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION TO COMPEL**

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2021 AUG 11 AM 10:42

SLED

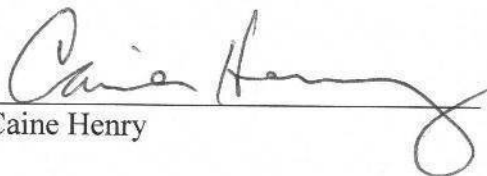
TO: DEFENDANTS AND SLED:

The Plaintiff Caine Henry (hereinafter "the Plaintiff"), will move before the presiding judge, at a time and place ten days from now or to be arranged at the convenience of the Court for an Order compelling SLED to provide full and complete documents and responses without objection to Plaintiffs subpoena to SLED. The Plaintiff makes this Motion upon the grounds that he served a subpoena on SLED and that SLED has refused to produce the materials subject to the subpoena without a proper basis. The Defendants listed SLED Captain Michael Prodan as a witness in Discovery documents (Exhibit A). Plaintiff served a subpoena seeking documents and information that would be relevant to the testimony of SLED Captain Michael Prodan. (Exhibit B). Defendants did not object to the SLED Subpoena. On July 26th 2021 SLED objected to the subpoena (Exhibit C). Plaintiff believes that information contained in this phone call and other information in SLED's possession are likely relevant to Plaintiff's claims and or the defenses in this case and at least are discoverable. Plaintiff's case revolves around the communications between SLED and MUSC. MUSC has not produced any

documents related to those communications. What SLED knew and did not know and what was communicated by MUSC to SLED that resulted in a Wellness Check suggesting that the Plaintiff was armed and dangerous is critical to the case. There is no justifiable reason for SLED to maintain that there is an ongoing investigation of the Plaintiff. SLED has not raised a single objection that should allow them to withhold this relevant critical evidence from the Plaintiff. In fact, Plaintiff believes the information SLED has will confirm that they knew the Plaintiff was not armed or dangerous but actually suffered from mental health issues and that this conduct was indeed ordered and intended by the Defendant MUSC to teach the Plaintiff a lesson.

The Plaintiff requests the motion to compel be granted and/or a hearing and a subsequent Order requiring SLED to fully comply with SLED subpoena (Exhibit B).

Caine Henry, Pro Se
7882 Red Birch Circle
North Charleston, SC 29418
(843) 817-2672 / cainekh@gmail.com

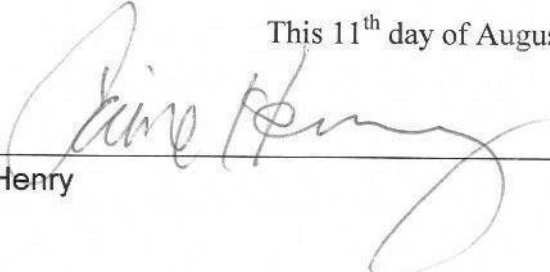

Caine Henry

August 11th 2021
North Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of **PLAINTIFF'S NOTICE OF MOTION AND MOTION TO COMPEL and proposed Order** was served on SLED and Defendants by electronic mail and US Mail in the manner prescribed by the applicable Rule of Civil Procedure.

This 11th day of August, 2021


Caine Henry
ROA p. 62

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
)	
Caine Henry,	)	C/A No. 2020-CP-10-01315
)	
<i>Plaintiff,</i>	)	DEFENDANTS’ NOTICE OF MOTION
	)	AND MOTION FOR SUMMARY
Versus	)	JUDGMENT
)	
Medical University of South Carolina, Medical)	
University of South Carolina Department of)	
Public Safety, and Kevin Kerley,)	
)	
<i>Defendants.</i>)	

TO: CAINE HENRY, PRO SE:

The Defendants Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley, (hereinafter “the Defendants”), will move as soon as may be heard for an Order entering summary judgment in favor of the Defendants and dismissing the Plaintiff’s Complaint pursuant to Rule 56 of the South Carolina Rules of Civil Procedure on grounds that there is no genuine issue of material fact and that the Defendants are entitled to judgment as a matter of law. The Plaintiff has been afforded an opportunity for discovery and the parties have exchanged multiple sets of written discovery and document production. The discovery exchanged in this case confirms the Plaintiff cannot meet the elements to proceed on any of his causes of action asserted to include 1) Defamation: Libel and Slander, 2) Intentional Infliction of Emotional Distress, 3) Civil Conspiracy, and 4) Negligence. Further, the discovery exchanged confirms the Defendants did not order or participate in the wellness check alleged and serving as the basis for the Plaintiff’s case.

This motion is based upon the statutory and common laws of the State of South Carolina, the South Carolina Rules of Civil Procedure, the pleadings filed herein, discovery exchanged to

date and any and all affidavits which may be served on or before the date of hearing hereon. This Motion may be supported further by a memorandum or law.

HOOD LAW FIRM, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
Ph: (843) 577-4435 / Fax: (843) 722-1630

s/ Brian E. Johnson

Brian E. Johnson (SC #76103)
brian.johnson@hoodlaw.com

*Attorneys for the Defendants
Medical University of South Carolina, Medical
University of South Carolina Department of Public
Safety, and Kevin Kerley*

May 31, 2022

Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of ***DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT*** was served on the Pro Se Plaintiff by mailing, e-mailing, facsimile, or hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This **31st** day of **May**, 2022.

s/ Brian E. Johnson

STATE SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

)

2022CP400 3387

)

)

CASE NO.:2020-CP-10-01315

CAINE HENRY,

)

)

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION TO COMPEL**

Plaintiff,

)

Versus

)

)

MEDICAL UNIVERSITY OF SOUTH
CAROLINA, MEDICAL UNIVERSITY
OF SOUTH CAROLINA DEPARTMENT
OF PUBLIC SAFETY, KEVIN KERLEY

)

)

)

)

)

Defendants,

)

)

RICHLAND COUNTY
FILED
2022 JUL -5 PM 12:36
JEANETTE W. McBRIDE
CLERK, S.C. JUD. S. FC.


TO: BRIAN JOHNSON, ATTORNEY FOR THE DEFENDANTS AND SLED:

The Plaintiff Caine Henry (hereinafter “the Plaintiff”), will move before the presiding judge, at a time and place ten days from now or to be arranged at the convenience of the Court for an Order compelling SLED to provide full and complete documents and responses without objection to Plaintiffs subpoena to SLED. The Plaintiff makes this Motion upon the grounds a subpoena was served on SLED and that SLED refuses to produce the materials subject to the subpoena without a proper legal basis. The Defendants listed SLED Captain Michael Prodan as a witness in Discovery documents (Exhibit A). Plaintiff served a subpoena seeking documents and information that would be relevant to the testimony of SLED Captain Michael Prodan. (Exhibit B). Defendants did not object to the SLED Subpoena. On November 19, 2021 SLED objected to the subpoena (Exhibit C). Plaintiff believes that the information contained in phone calls, email communications and other information in SLED’s possession are relevant to Plaintiff’s claims and or the defenses in this case and are discoverable if not vital to Plaintiff’s case. Plaintiff’s case revolves around the communications between SLED and MUSC. MUSC

has not produced any documents related to those communications. (Exhibit A) What SLED knew and did not know and what was communicated by MUSC to SLED that resulted in a Wellness Check suggesting that the Plaintiff was armed and dangerous is critical to the case. There is no justifiable reason for SLED to maintain that there is an ongoing threat assessment investigation of the Plaintiff. Plaintiff is unaware of any “ongoing threat assessment investigation” of himself. He has not been interviewed by anyone from SLED (since 2014), nor is he aware of any contact with his physicians, close friends and or family members by SLED. Certainly, if SLED believed there was an ongoing threat to be assessed at least one of these things would have happened. Likely, the information SLED possesses in addition to the lack of efforts to investigate “the threat” will assist Plaintiff and the trier of fact in determining that they knew the Plaintiff was not armed or dangerous but actually suffered from mental health issues and that this conduct was indeed ordered and intended by the Defendant MUSC to teach the Plaintiff a lesson.

The Plaintiff respectfully requests the motion to compel be granted and/or a hearing and a subsequent Order requiring SLED to fully comply with SLED subpoena (Exhibit B).

Caine Henry, Pro Se
7882 Red Birch Circle
North Charleston, SC 29418
(843) 817-2672 / cainekh@gmail.com



Caine Henry

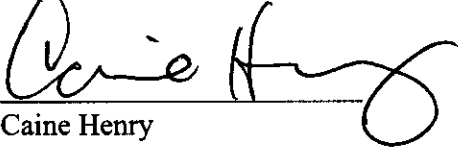
June 30, 2022
North Charleston, South Carolina


CERTIFICATE OF SERVICE

I certify that upon receipt, a copy of **PLAINTIFF'S NOTICE OF MOTION AND MOTION TO COMPEL and proposed Order** was served on SLED and Defendants by electronic mail and US Mail in the manner prescribed by the applicable Rule of Civil Procedure.

This 30th day of June, 2022

Electronic mail 
7/8/22


Caine Henry

USPS 7/11/22 

RICHLAND COUNTY
FILED
2022 JUL -5 PM 12:36
JEANNETTE W. McBRIDE
Clerk, Circuit Court, 12th Floor

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 CAINE HENRY,)
 _____)
 Plaintiff,)
 vs.)
)
 MUSC, MUSC DEPARTMENT OF PUBLIC)
 SAFETY, KEVIN KERLEY)
 _____)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 _____ JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-10-01315
**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: CAINE HENRY, Bar No. PRO SE Address: 7882 RED BIRCH CIR N. CHARLESTON SC 29418 Phone: 843-817-2672 Fax _____ E-mail: CAINEKH@GMAIL.COM Other: _____	Defendant's Attorney: BRIAN JOHNSON, Bar No. 76103 Address: 172 Meeting St, Charleston, SC 29401 Phone: 843-577-4435 Fax _____ E-mail: brian.johnson@hoodlaw.com Other: _____
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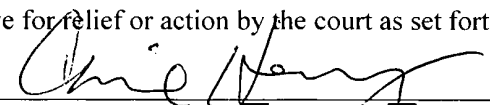
MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: ORDER RECONSIDER
 Estimated Time Needed: 15 Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.



 Signature of Attorney for Plaintiff / Defendant

11/11/23

 Date submitted

SECTION III: Motion Fee

PAID – AMOUNT: \$ _____
 EXEMPT: (check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status State Agency v. Indigent Party
- Sexually Violent Predator Act Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication Motion for Execution (Rule 69, SCRPC)
- Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
--	---------------------------------

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
 MOTION FEE COLLECTED: \$ _____
 CONTESTED – AMOUNT DUE: \$ _____

STATE SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

)

)

)

)

CASE NO.:2020-CP-10-01315

CAINE HENRY,

)

)

)

Plaintiff,

)

**MOTION TO RECONSIDER
DEFENDANTS MOTION FOR SUMMARY
JUDGMENT HEARING REQUESTED**

Versus

)

)

MEDICAL UNIVERSITY OF SOUTH CAROLINA, MEDICAL UNIVERSITY OF SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, KEVIN KERLEY

)

)

)

)

)

)

Defendants,

)

)

FILED
2023 JAN 11 PM 1:07
JULIE J. ARMSTRONG
CLERK OF COURT
BY
DGR

When obstructed access to essential discovery occurs is due process even possible? The Defendant MUSC Public Safety has provided the Plaintiff with three MUSC Police recorded phone calls. Curiously the only phone call MUSC Public Safety did not provide was the essential one at the very center of this litigation in which MUSC spoke to SLED regarding the Plaintiff. Shortly after the MUSC and SLED phone call, it was falsely and maliciously said to third party: NCPD that I (Plaintiff) would **SHOOT** anyone that came to my house **including Law Enforcement**. This was not even remotely true. I could have been killed. Someone needs to be held accountable for this unnecessary deadly set-up so other citizens are not subjected to these rough life-threatening scenario's. NCPD Officers believe I'm an active shooter following a call between MUSC and SLED. Plaintiff believes SLED probably has an additional recording of this key phone call. Plaintiff has requested SLED's copy of the phone call multiple times before filing a discovery pleading in Richland County SC that remains unheard. See Motion to Compel Exhibit D.

Since March 6th 2019, the Plaintiff has consistently requested copies of the communication and information shared between SLED, MUSC and possibly others. See Exhibit E. Plaintiff has submitted multiple FIOA requests to both SLED and MUSC.

Two separate courts have issued SLED subpoenas requesting the MUSC-SLED phone call and communication. Both subpoenas were objected to by SLED. Plaintiff is missing vital information to his case due to discovery non-compliance by SLED. A Motion to Compel SLED has been filed twice and one is awaiting a hearing.

Of all the different entities and people involved in this case SLED is the only party unwilling to participate in discovery and share a standard recorded phone call. SLED has objected to releasing this phone call FOUR times now. This phone call will undoubtedly indicate which defendants are innocent and should be removed as parties to the Plaintiffs Complaint. Once, this aging Motion to Compel is granted and discovery is finally fulfilled it will likely lead to informative depositions and more specific interrogatories to clarify issues of material fact.

“Should it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such order as is just.” Rule 56(f), S.C.R.C.P

It's the Plaintiffs opinion that the court has misunderstood or failed to fully consider the void of the Plaintiffs essential facts and elements of each cause of action due to the outstanding discovery pleading. Once crucial discovery pleadings are resolved then Motion for Summary Judgement becomes appropriate. SLED obstructing a party's access to critical discovery data FOUR times leaves the party without justice.

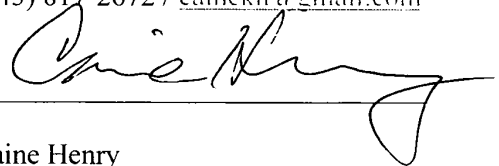
The Motion to Compel resulting data is essential to justify Plaintiffs opposition to MFSJ, “the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such order as is just.” Rule 56(f), S.C.R.C.P. Plaintiff prays this court will order a continuance and permit the Plaintiffs discovery pleading to play out in our courts before revisiting MFSJ.

Caine Henry, Pro Se

7882 Red Birch Circle

North Charleston, SC 29418

(843) 817-2672 / cainekh@gmail.com



Caine Henry

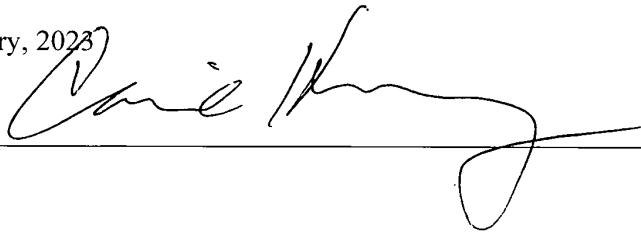
January 11th 2023

North Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of **MOTION TO RECONSIDER DEFENDANTS MOTION FOR SUMMARY JUDGMENT HEARING REQUESTED** was served on Defendants and Judge Mullens by electronic mail and US Mail in the manner prescribed by the applicable Rule of Civil Procedure.

This 11th day of January, 2023



Caine Henry

cc

The Honorable Carmen T. Mullen
102 Ribaut Road
P.O. Drawer 1128
Beaufort, SC 29901
CMullensc@sccourts.org
(843)-255-5070

Hood Law Firm
Brian Johnson
172 Meeting St,
Charleston, SC 29401
brian.johnson@hoodlaw.com
(843)-577-4435

ROA p. 71

**FORM 1
NOTICE OF APPEAL IN A CIVIL CASE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Carmen Mullens, Circuit Court Judge

Case No. 2020-CP-10-01315

2023 FEB 14 PM 2:57
JULIE J. ARNOLD
CLERK OF COURT

FILED

CAINE HENRY

Appellant,

v.

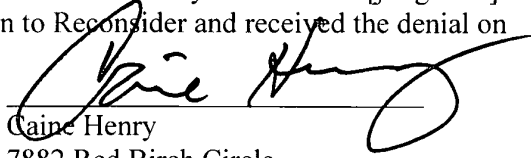
MEDICAL UNIVERSITY OF
SOUTH CAROLINA, MEDICAL
UNIVERSITY OF SOUTH
CAROLINA DEPARTMENT OF
PUBLIC SAFETY, KEVIN KERLEY

Respondent.

NOTICE OF APPEAL

Caine Henry appeals the order [judgment] of the Honorable Carmen T. Mullens dated January 3, 2023. Appellant received written notice of entry of this order [judgment] on January 9, 2023. Appellant filed for a Motion to Reconsider and received the denial on January 20, 2023.

February 14th 2023


Caine Henry
7882 Red Birch Circle
North Charleston, SC 29418
(843) 817-2672 cainekh@gmail.com
Pro Se Appellant

Other Counsel of Record:
Hood Law Firm
Brian Johnson
172 Meeting St,
Charleston, SC 29401
brian.johnson@hoodlaw.com

ROA P. 62
(843)-577-4435

Transcription of

NCPD Body Cam audio files:
2031710852_190315_193406.mkv
AKA
Cop1 A Raw.mkw [00:00-42:49]

&

2031710852_190315_201655.mkv
AKA
Cop1 B raw.mkv [00:00-07:23]

Transcribed by:

Tristen Watts (863)-345-0040

ROA p. 73

1

1

2 Cop1 A Raw.mkw [00:00-42:49]

3

4

5 [00:23]

6 **Officer Rivers:** Hello.

7

8 **Cammie:** Hello. How're you today?

9

10 **Officer Rivers:** I'm okay.

11

12 **Cammie:** So, we are going to meet a gentleman by the name of

13 Caine Henry. He is real unhappy with his old employer MUSC.

14 Officer, Captain Michael [inaudible] special agent with SLED,

15 they've asked that we come do an assessment on him.

16

17 **Officer Rivers:** Okay.

18

19 **Cammie:** And here we are [chuckles].

20

21 **Officer Rivers:** I dont know if they've told you about the call

22 notes on the house.

23

24 **Cammie/Lisa:** About the what?

25

26 **Officer Rivers:** The call notes on the house. He's threatening

to 27 kill law enforcement or anyone that comes to his house.

28

29 **Cammie:** Oh.

30

31 **Officer Rivers:** So I'm waiting for my partner-

32

33 **Cammie:** I can understand that.

34

35 **Officer Rivers:** Before we make contact.

36

37 **[crosstalk]**

38

39 **Officer Rivers:** Yeah, I was told that and my supervisor said

40 "look at the call notes". I looked and sure enough that's what

41 it said. So I was like uhm.. I asked for a second unit because

42 I'm not going here by myself [chuckles].

43

44 **Cammie:** Oh I don't blame you. And we bring you for a reason We
ROA p. 74

45 want to know we're safe too [chuckles].

2

46

10/17/2022 * Tristen Watts * (864)-345-0040

47 **Lisa:** [inaudible]

1
2 **[01:37]**
3 **Officer Rivers:** Does he know this is happening?
4
5 **Lisa:** No.
6
7 **Cammie:** He does not. Its a surprise. They want us to make a
8 cold call because they don't want him to leave when he realizes
9 that
10 we're coming out. I don't think it's the greatest idea myself.
11 **Officer Rivers:** Not at all.
12
13 **Cammie:** Management put this in and said "you need to go out."

14 [chuckles]
15
16 **Officer Rivers:** What if he doesn't want to talk to us?
17
18 **Cammie:** Then, we don't talk to him and we leave.
19
20 **Officer Rivers:** Okay.
21
22 **[Cammie and Lisa conversing briefly]**
23
24 **Officer Rivers:** I saw the notes and was like "I hope to god
25 they're not there. Please don't say they're there already."
26
27 **Cammie:** We never approach without an officer because you
28 never know what you're walking into.
29
30 **Lisa:** [inaudible - asking about the call notes]
31
32 **Officer Rivers:** He's - yes, he's made threats against law
33 enforcement, public officials [inaudible].
34
35 **[02:47]**
36 **Officer Rivers:** Of course he pulls up right to the front door

37 [chuckles]. Not a good idea.
38
39 **Lisa:** [on the phone] So were out here to see Caine Henry
40 [inaudible - speaking about call notes] - this person has
41 threatened to shoot any officer on scene [inaudible].
42
43 **[Officer Rivers walks away from the car to second officer and**

44 **groans.]**
45
46 **Officer Rivers:** So, that's the guy we need that just walked
47 out in his driveway. In his call notes - he's threatened to
shoot

ROA p. 75

10/17/2022 * Tristen Watts * (864)-345-0040 3

1 any law enforcement officer or anybody on scene so.. do you
2 want to go talk to him?

3

4 **Officer Hanigan:** Might not be a good idea to stand out here if
5 he's threatened to shoot people, so we got to move.

6

7 **Officer Rivers:** All right, lets go. We're going to go make
8 contact. Oh my goodness gracious.

9

10 **Officer Rivers:** Mr. Henry. He's right here. Are you Mr. Henry?

11

12 **Caine Henry:** Yes.

13

14 **Officer Rivers:** How're you doing? I'm Officer Rivers with the
15 North Charleston Police Department This is my partner, Officer
16 Hanigan. Do you mind talking to us? Talking to you for a second?
17 You're not in any trouble, any danger or anything. We just need
18 to talk to you real quick.

19

20 **Officer Rivers:** These two fine lovely people - I'm not 100% who
21 they're with - they just have a couple questions for you.

22

23 **Caine Henry:** Okay.

24

25 **Officer Rivers:** Do you mind answering a couple questions for
26 them?

27

28 **Caine:** Sure.

29

30 **Officer Rivers:** Okay.

31

32 **Officer Hanigan:** How's things been? How's your day? You doing
33 okay?

34

35 **Caine:** Yeah I'm fine.

36

37 **Officer Hanigan:** Okay. Like I said, were just as confused as you
38 are. Thy told us to make contact with you, and see if they could
39 talk to you as well. Hopefully they've got more info. I
40 appreciate it. Pleasure to meet you ma'am, I'm Officer Hanigan.

41

42 **Kat:** Hello, I'm Kat.

43

44 **Officer Rivers:** I'm officer Rivers.

45

46 **Kat:** Hello.

47

ROA p. 76

I, Tristen Celeste Watts, a resident of Spartanburg County in South Carolina, certify that the audio file titled 'kerley.mp3' and the video files titled 'Cop1 A Raw.mkv' and 'Cop 1 B raw.mkv' were transcribed by myself to the best of my ability. I have no interest in any proceedings that these documents may be used in.


Tristen Watts
(864) 345-0040

Sworn to before this 18th day of
October, 2022.


NOTARY PUBLIC FOR SOUTH CAROLINA

Megan Shropshier
deputy clerk of court in Spartanburg county

Transcription of

kerley.mp3 [00:00-1:00:19]

Transcribed by:

Tristen Watts (863)-345-0040

1
2 **Caine:** Validates.
3
4 **Kerley:** Validates?
5
6 **Caine:** Yes, I was told with a trespass notice there must be
7 validated-
8
9 **Kerley:** No, theres not. You'll see the legal representation from
10 the state attorney general. It basically lasts 6 months from the
11 day you've been issued that thing. So I issued that to you
12 today- the 29th of March.
13
14 **Caine:** On what grounds?
15
16 **Kerley:** On the grounds that you're not allowed on this campus.
17 Because you've created-
18
19 **Caine:** In the past 6 months, what have I done to-
20
21 **Kerley:** You've written significant- come on, I'm not playing a
22 game with you. You know exactly what you're doing. When North
23 Charleston went to visit you, your quote to North Charleston and
24 to- When Mike Prodan asked North Charleston to visit you, your
25 quote to them was "you're just trying to scare MUSC into giving
26 you a grievance hearing."
27
28 **Caine:** What?
29
30 **Kerley:** Listen, don't play a game with me. I tried to be
31 gentlemanly-
32
33 **Caine:** It seems like you're playing a game with me. I am trying
34 to find out what the check and balances thing is.
35
36 **Kerley:** There isn't any. Its up to me or the board of trustees
37 to determine what valid reason you have to be on our campus. You
38 don't have one.
39
40 **Caine:** Okay and that why I'm trying to get get in contact with
41 the board of trustees.
42
43 **Kerley:** You're not getting in touch with them.
44
45 **Caine:** How is it that you're the say all?
46
47 **Kerley:** Im not the say all. Im just the guy.

ROA p. 79

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Caine: You're telling me that the administration has not told you any of this, that you're just taking it of your own board-

Kerley: That's exactly what I am. That's my job. Im the chief of public safety here. I have to watch out for the safety of everyone on this campus and when you write threatening emails time, after time, after time, after time, after time, after time, after time to the point where you are back at your house laughing about how you basically pushed the envelope right to the edge- that's fine.

Caine: Back at my house laughing?

Kerley: Listen to me. Im not going to play the game with you. You know exactly what you're doing.

Caine: I do know what I'm doing.

Kerley: Of course you do.

Caine: Im trying to find out what the check and balance system is-

Kerley: There is none.

Caine: -and the proper channels to handle this.

Kerley: And I tried to tell you. I tried to tell you and you cut me right off. When I tried to tell you your options, you cut me right off. So you do what you want. Im just telling you, you can bring this to your legal advisor. 6 months from the day it was handed to you its in effect. 6 months from today ill be mailing you another one. 6 months from then, ill be mailing you another one. So, you do whatever you want to do.

Caine: On what grounds?

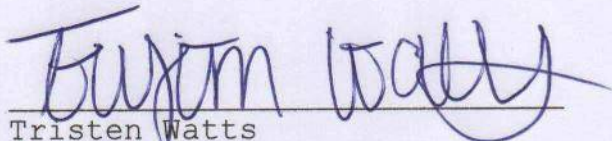
Kerley: On the grounds that you continue to create a hostile environment. By constantly emailing people who don't want to hear from you, yet you continue to do it.

Caine: Im not getting any response from the people that I am-

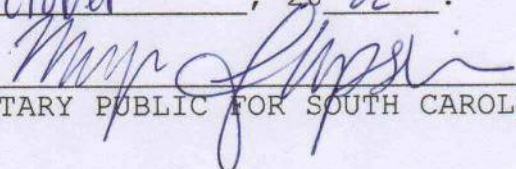
Kerley: You're not going to get any response. You're not going to.

ROA p. 80

I, Tristen Celeste Watts, a resident of Spartanburg County in South Carolina, certify that the audio file titled 'kerley.mp3' and the video files titled 'Cop1 A Raw.mkv' and 'Cop 1 B raw.mkv' were transcribed by myself to the best of my ability. I have no interest in any proceedings that these documents may be used in.


Tristen Watts
(864) 345-0040

Sworn to before this 18th day of October, 2022.


NOTARY PUBLIC FOR SOUTH CAROLINA

Megan Shropshier

deputy clerk of court in Spartanburg county

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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON) COURT OF COMMON PLEAS NONJURY

CAINE HENRY,) TRANSCRIPT
PLAINTIFF,) OF
vs.) RECORD
MEDICAL UNIVERSITY OF SOUTH CAROLINA,)
MEDICAL UNIVERSITY OF SOUTH CAROLINA)
DEPARTMENT OF PUBLIC SAFETY, AND)
KEVIN KERLEY,) 2020-CP-10-1315
DEFENDANTS.)

October 27th, 2022

B E F O R E :

THE HONORABLE CARMEN T. MULLEN, Judge.

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

CAINE HENRY
Pro Se

Transcribed by Pamela E. Green, from
WebEx Recording

1 THE COURT: MUSC.

2 And then when did this incident occur?

3 MR. HENRY: 2019. March 15th.

4 THE COURT: of 2019.

5 Okay.

6 MR. HENRY: 2019, yes.

7 THE COURT: Okay.

8 MR. HENRY: Okay. And I've had three FOIA requests
9 since my termination. All of which have been denied. I
10 have clear requests of SLED because there was a conversation
11 with a SLED agent. That's Exhibit E is the MUSC FOIA
12 request, there was three of them, with one on March 6th,
13 2019, one on April 23rd, 2019, one on May 14th, 2020. I
14 was told that I would be arrested if, if I pursued my FOIA
15 request with the legal department and Chief Curley on
16 August 14th, 2019.

17 I also have two pending subpoenas with SLED, and this
18 case isn't as sexy, sexy as the, the Murdaugh case. So
19 they've delayed this for years.

20 SLED has not complied with my FOIA request. They have
21 not complied with subpoenas. There is a motion to compel
22 that is in Richland County that is still pending. That's in
23 Exhibit D.

24 THE COURT: Okay.

25 MR. HENRY: The two FOIA requests were on

1 October 24th and 7/30/2019.

2 MUSC has prevented me from getting my FOIA requests.

3 SLED has prevented me from FOIA requests and two subpoenas.

4 This case was -- we were, we were preparing to go to
5 mediation this month, which is why I have all of these
6 transcripts. There is a case to be heard here. There is --
7 if, if, if there was no evidence, I wouldn't -- I would have
8 brought you nothing and their motion for summary judgment
9 would of been valid. But clearly there are issues here that
10 are triable.

11 If there's anything further I can clarify for you just
12 let me know.

13 THE COURT: Okay.

14 All right. Yes, ma'am, you want to respond?

15 UNIDENTIFIED SPEAKER: Yes, ma'am.

16 First I just want to say in (indiscernible) or 10 years
17 ago that produced (indiscernible) result to again it's
18 (indiscernible) for civil conspiracy, defamation that he
19 alleges occurred in 2019. And from 2010 and until now, the
20 plaintiff has been sending harassing pictures, emails to my
21 clients which stop once the, once the lawsuit began.

22 And so, as to the genuine issue of material fact, I'll
23 cite to the Court Ramen v. AT&T, which is cited in my
24 memoranda. Complete failure of proof concerning sexual
25 element (indiscernible) case renders all other facts

1 A of the entire wellness check, no where in there did I say
2 I'm doing this to scare MUSC into a grievance hearing.

3 So where does Chief Curley get this information from?
4 who was he talking to?

5 I've asked this. I've asked for information and
6 documents. MUSC records all of their phonecalls, but,
7 ironically, none of the phonecalls to SLED were recorded.

8 Also with the other claims, the intentional infliction
9 of emotional distress, they would literally see my emotional
10 distress in Exhibits A and C in the dialogue. Civil
11 conspiracy, if you look at Exhibits A, C, D, and E all
12 combined, you primarily focus on Exhibits A, the wellness
13 check itself, from the very beginning care who all is
14 involved, which is MUSC, SLED, South Carolina Department of
15 Mental Health Mobile Crisis, and the North Charleston Police
16 Department.

17 I believe that, because there is a motion to compel for
18 SLED in Richland County that is still pending, you should
19 deny this motion for summary judgment.

20 THE COURT: Give me a moment. I'm just -- I'm reading
21 this exchange between Mr. Caine and Mr. Curley that he
22 provided is as I believe it's exhibits -- is it three?

23 C. I apologize.

24 (Pause.)

25 THE COURT: Okay. Okay. I'm gonna invite both sides

C E R T I F I C A T E

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I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas Nonjury for Charleston County, South Carolina, on the 27th day of October, 2022.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

March 14th, 2023

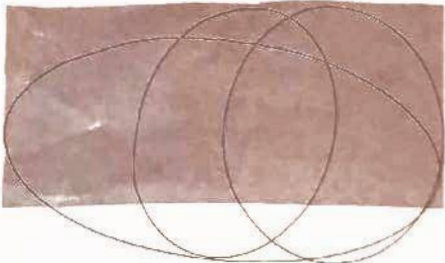
PAMELA E. GREEN, Court Reporter



Presented to

Caine Henry

In recognition of Eleven years of Service
April 2011



CERTIFICATE OF
ACHIEVEMENT

United Way
211
Hotline

David Donnelly
Phone Room Manager
Charles Condon
Executive Director

4/23/13
Date
4/23/13
Date



NAMI

The Nation's Voice on Mental Illness

D [initials]

Caine Henry

You have been selected to attend the Provider Education Program presented by the National Alliance on Mental Illness (NAMI).

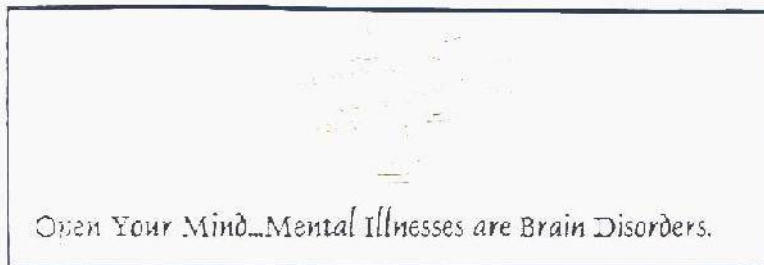
What: A 10 week educational series instructed by mental health consumers for mental health professionals. The course explores the challenges of severe and persistent mental illness through the eyes of individuals and family members who have been recipients of mental health services.

Dates: Tuesdays, Beginning Tuesday, October 2nd, 2007 through Tuesday, December 12th, 2007.

Time: 1:00 PM – 5:00 PM

Place: Institute of Psychiatry, 5 North Class Room, PH # 526

** Contact your manager or supervisor for details **



The Department of Clinical and Patient Education of the Medical University of South Carolina Hospital Authority is approved as a provider of continuing education by the South Carolina Nurses Association, an accredited approver by the American Nurses Credentialing Center's Commission on Accreditation

Professional Education Services, Inc.

Awards, Inc.

Certificate of Attendance

to

Caine Henry

Satisfactory Completion of

**Therapeutic Alternatives in Crisis Training
T.A.C.T. - Annual Recertification - 4hrs**

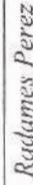
Professional Education Services, Inc.
2502 Rich Mar Ln.
Brandon, FL. 33511

August 26, 2009
(expires 08/26/2010)



Brad Moultrie

T.A.C.T. Instructor



Radames Perez

T.A.C.T. Instructor



Charles L. Hackenberg
Director of Training & Development
Professional Education Services, Inc.

Professional Education Services, Inc.

Awards 7/10

Certificate of Attendance

to

Caine Henry

or

Satisfactory Completion of

**Targeted Aggression Control Training
T.A.C.T. - Annual Recertification - 4hrs**

Professional Education Services, Inc.
3918 Applegate Cr.
Brandon, FL. 33511
September 26, 2007

Mark Gouda

Mark Gouda

T.A.C.T. Instructor

Marietta Smalls

Marietta Smalls

T.A.C.T. Instructor

Charles L. Hackenberg
Director of Training & Development

A 2012

Date Submitted : 2010-04-03 00:00:00

Employee : CAIN HENRY

Work Area : 3 NORTH IOP

**For : Prompt response to an emergent situation on 4 North.
Thank you!**

Nominated By : Rebecca Meek

Phone :

Date : 04-15-2010

B2 of 2

Date Submitted : 2008-02-22 00:00:00

Employee : CAINE HENRY LEAD THERAPEUTIC ASSISTANT

Work Area : 3N

For : Caine created an easy to use database for our shift report. We must track up to 30 patients on 3 teams. The format we were using was unreliable and time consuming. In collaboration with OCIS and our staff, he devised an easy process for updating patient information, printing out worksheets and even has the capability to include the patients' pictures! This database saves time for the charge nurse, keeps information in a clear format and helps the staff perform even more accurately. He did most of this on his own time. Although this project is Caine's crowning achievement for 3N, he always has ideas for improving our teamwork, care and service that we implement.

Nominated By : Tina Hogarth

Phone : 792-0171

Date : 02-29-2008

B1 of 2

Applause

In Special Recognition of

CAINE HENRY

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

From the Department of 3N/LEAD THERAPEUTIC ASSISTANT

To commend you for "going the extra mile" to provide quality service and patient care. We applaud YOU!!

W. Stuart Smith

W. Stuart Smith

President for Clinical Operations

Executive Director, MUSC Medical Center

02-29-2008

PLV



UP NO. 500248 1/00

C 2 of 7

CERTIFICATE OF APPRECIATION

THIS CERTIFICATE IS AWARDED TO

CAINE HENRY TA

FOR EXCEPTIONAL PATIENT CARE
AS RECOGNIZED ON THE PATIENT SATISFACTION SURVEY

**MUSC INSTITUTE OF PSYCHIATRY
JANUARY 2009**



JOAN HERBERT MS, RN ADMINISTRATOR, INSTITUTE OF PSYCHIATRY



THOMAS W. UHDE MD CHAIRMAN DEPARTMENT OF PSYCHIATRY

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

C 1 of 7

CERTIFICATE OF APPRECIATION

THIS CERTIFICATE IS AWARDED TO

CAINE HENRY TA

FOR EXCEPTIONAL PATIENT CARE
AS RECOGNIZED ON THE PATIENT SATISFACTION SURVEY

MUSC INSTITUTE OF PSYCHIATRY
APRIL-MAY 2009

Harriet Cooney

HARRIET COONEY RN MSN INTERIM ADMINISTRATOR, INSTITUTE OF PSYCHIATRY

Susan Hardesty

SUSAN HARDESTY, MD MEDICAL DIRECTOR, INSTITUTE OF PSYCHIATRY

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

C 3 of 7

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MUSC INSTITUTE OF PSYCHIATRY
JANUARY – FEBRUARY 2008



JOAN HERBERT MS, RN, ADMINISTRATOR, INSTITUTE OF PSYCHIATRY



THOMAS W. UHDE MD CHAIRMAN DEPARTMENT OF PSYCHIATRY

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

C 4 of 7

CERTIFICATE OF APPRECIATION

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FOR EXCEPTIONAL PATIENT CARE
AS RECOGNIZED ON THE PATIENT SATISFACTION SURVEY

**MUSC INSTITUTE OF PSYCHIATRY
SEPTEMBER 2008**



JOAN HERBERT MS, RN, ADMINISTRATOR, INSTITUTE OF PSYCHIATRY

THOMAS W. UIIDE MD CHAIRMAN DEPARTMENT OF PSYCHIATRY

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

C 5 of 7

CERTIFICATE OF APPRECIATION

THIS CERTIFICATE IS AWARDED TO

C A I N E H E N R Y

FOR EXCEPTIONAL PATIENT CARE
AS RECOGNIZED ON THE PATIENT SATISFACTION SURVEY

**MUSC INSTITUTE OF PSYCHIATRY
SEPTEMBER AND OCTOBER 2007**



JOAN HERBERT MS, RN, ADMINISTRATOR, INSTITUTE OF PSYCHIATRY



ROBERT MALCOLM MD INTERIM CHAIRMAN DEPARTMENT OF PSYCHIATRY

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

C 687

CERTIFICATE OF APPRECIATION

THIS CERTIFICATE IS AWARDED TO

CAINE HENRY

FOR EXCEPTIONAL PATIENT CARE
AS RECOGNIZED ON THE PATIENT SATISFACTION SURVEY

MUSC INSTITUTE OF PSYCHIATRY
JANUARY-FEBRUARY 2007



JOAN HERBERT MS, RN, ADMINISTRATOR, INSTITUTE OF PSYCHIATRY



ROBERT MALCOLM MD INTERIM CHAIRMAN DEPARTMENT OF PSYCHIATRY

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

C 7 of 7

CERTIFICATE OF APPRECIATION

THIS CERTIFICATE IS AWARDED TO

CAINE HENRY

FOR EXCEPTIONAL PATIENT CARE
AS RECOGNIZED ON THE PATIENT SATISFACTION SURVEY

**MUSC INSTITUTE OF PSYCHIATRY
MARCH-APRIL 2007**



JOAN HERBERT MS, RN, ADMINISTRATOR, INSTITUTE OF PSYCHIATRY



ROBERT MALCOLM MD INTERIM CHAIRMAN DEPARTMENT OF PSYCHIATRY

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

Applause **A 1 of 2**

In Special Recognition of

CAIN HENRY

From the Department of **3 NORTH IOP**

To commend you for "going the extra mile" to provide quality service and patient care. We applaud YOU!!

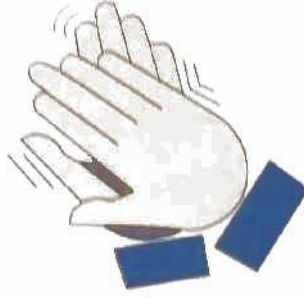
W. Stuart Smith

W. Stuart Smith

Vice President for Clinical Operations
Executive Director, MUSC Medical Center

04-15-2010

Date



EMPLOYEE NAME: _____

11/20/08

POSITION DESCRIPTION AND EMPLOYEE EVALUATION



REQUESTED ACTION:

(Please complete sections indicated)

- Reclassification
 - Class code-sub class requested _____
 - Title HSS III (Senior TA)
- Update
- New Position
 - class code requested GA41

FOR HUMAN RESOURCES USE:

Class Code: GA41 Sub Class: _____
 Action: _____
 FLSA: _____
 Open Date: _____
 Approved Class Title: Sr. Therapeutic Asst.
 Approved Signature: A. Harding
 Date: 11/21/08

PURPOSE OF REVIEW:

- Annual Trial
- Probationary Work Improvement

Review From: 04/24/09 To: 04/30/10

PLANNING STAGE SIGNATURES:

[Signature] 5/12/09
 Employee Signature Date
[Signature] 5/12/09
 Rater Signature Date

Section I

Employee Name (please type or print)

Senior Therapeutic

900-03-2612
Social Security Number

NEW POSITION Assistant A0837312 9309000193090
 Current Class Title Position Number Unit/Project Number

G A 4 1 -
 Class Code - Subclass

IOP/Adult Services - 3N
 Department Name
 Position Status: F / V Temporary Position: Y/N

SECTION II JOB REQUIREMENTS

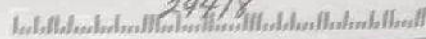
- KNOWLEDGE, SKILLS, AND ABILITIES** (Include physical and mental demands of the position-attach demands checklist if necessary: **Master's Degree in Behavioral Science with one year of experience in a psychiatric setting. Or a Bachelor Degree in Human Services or closely related field and 4 years experience in therapeutic programs in the field of behavioral or mental health, at least one of which must be at MUSC Institute of Psychiatry.**
 Physical Requirements NOTE: The following descriptions are applicable to this section: 1) Continuous - 6-8 hours per shift; 2) Frequent - 2-6 hours per shift; 3) Infrequent - 0-2 hours per shift
 Ability to perform job functions while standing. (Continuous) Ability to perform job functions while sitting (Continuous) Ability to perform job functions while walking. (Continuous) Ability to climb stairs. (Infrequent) Ability to work indoors. (Continuous) Ability to work outside in temperature extremes. (Infrequent) Ability to work from elevated areas. (Frequent) Ability to work in confined/cramped spaces. (Frequent) Ability to perform job functions from kneeling positions. (Infrequent) Ability to bend at the waist. (Continuous) Ability to twist at the waist. (Frequent) Ability to squat and perform job functions. (Frequent) Ability to perform "pinching" operations. (Frequent) Ability to perform gross motor activities with fingers and hands. (Continuous) Ability to perform fine grasping with fingers and hands. (Continuous) Ability to perform fine manipulation with fingers and hands. (Continuous) Ability to reach overhead. (Frequent) Ability to perform repetitive motions with hands/wrists/elbows and shoulders. (Continuous) Ability to fully use both legs. (Continuous) Ability to use lower extremities for balance and coordination. (Frequent) Ability to reach in all directions. (Continuous) Ability to lift and carry 50 lbs. unassisted. (Infrequent) Ability to lift/lower objects 50 lbs from/to floor from/to 36 inches unassisted. (Infrequent) Ability to lift from 36" to overhead 25 lbs. (Infrequent) Ability to exert up to 50 lbs. of force. (Frequent) I include:
 - To transfer a 100 lb. patient that can not assist: in the transfer requires 50 lbs. of force. For every 100 additional pounds, assistance will be required from another healthcare worker.
 - 20 lbs. of force is needed to push a 400 lb. patient in a wheelchair on carpet.
 - 25 lbs. of force is required to push a stretcher with a patient with one hand.
 Ability to maintain vision 20/40 corrected. (Continuous) Ability to see and recognize objects close at hand or at a distance. (Continuous) Ability to match or discriminate between colors. (Continuous) Ability to determine distance/relationship between objects; depth perception (Continuous) Good peripheral vision capabilities. (Continuous) Ability to maintain hearing acuity, with correction. (Continuous) Ability to perform gross motor functions with frequent fine motor movements. (Continuous) Ability to deal effectively with stressful situations. (Continuous) Ability to work rotating shifts. (Frequent) Ability to work overtime as required. (Frequent) Ability to work in a latex safe environment. (Continuous) Ability to maintain tactile sensory functions. (Continuous) *(Selected Positions) *Ability to maintain good olfactory sensory function. (Continuous) *(Selected Positions) *Ability to be qualified physically for respirator use, initially and as required. (Continuous) Selected Positions*)
- LICENSES, CERTIFICATIONS (if applicable to position):** Certification in BLS, First Aid & TAC required within first 90 days of employment. Annually thereafter for TACT & bi-annually for BLS & First Aid

PO Box 3840
Sumter, SC 29151
CHARLESTON SC 294
21 MAY 2010 PM 1 T



Caine Henry
1882 Ledford Circle
North Charleston
South Carolina
29418

+3167



May birthday pleasures
From morning till night
Add up to a day
That will suit you
just right!

Have a great celebration on
your birthday!

Jinda

CERTIFICATE OF APPRECIATION

THIS CERTIFICATE IS AWARDED TO

CAINE HENRY TA

FOR EXCEPTIONAL PATIENT CARE
AS RECOGNIZED ON THE PATIENT SATISFACTION SURVEY

**MUSC INSTITUTE OF PSYCHIATRY
AUGUST-OCTOBER 2006**


JOAN HERBERT MS, RN, ADMINISTRATOR, INSTITUTE OF PSYCHIATRY

JOHN OLDHAM MD EXECUTIVE DIRECTOR, INSTITUTE OF PSYCHIATRY

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

INCIDENT REPORT

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENVIRED	TYPE VICTIM	
1. CONTEMPT OF COURT		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	GOVERNMENT/PUBLIC BUILDING	0	<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig Origin <input type="checkbox"/> Soc /Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off	
2.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				
3.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) PUBLIC SAFETY 101 DOUGHTY ST, CHARLESTON, SC				ZIP CODE 29425-	WEAPON TYPE NONE		
INCIDENT DATE	24 HR CLOCK	TO	DATE	24 HR CLOCK	DISPATCH DATE/TIME 24 HR CLOCK		LOCATION NO
07/04/2010	16 57		07/21/2010	14 12	DISP DATE	DISP TIME	TIME ARRIVED
						DEPART TIME	WEST
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE
[REDACTED]		#1 OK	#2	J	W	M	55 / 60
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
[REDACTED]		[REDACTED]		SC	[REDACTED]	[REDACTED]	
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE
[REDACTED]		#1	#2	S	W	F	40 /
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
[REDACTED]		[REDACTED]		SC	[REDACTED]	[REDACTED]	
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC			
506	140	6	5				
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
[REDACTED]		[REDACTED]		SC	[REDACTED]	[REDACTED]	
VIOLENCE INJURY (VCT I) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN-				COMPLAINANT OF ANY NON-VIOLENCE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>			
VICTIM(S) USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>				DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE			
TWO OR MORE <input type="checkbox"/>		ONE MAN/ONE <input type="checkbox"/>		DETECTIVE/PLASMT <input type="checkbox"/>		OTHER <input type="checkbox"/>	
ALONE <input type="checkbox"/>		ASSISTED <input type="checkbox"/>		*J-This Jurisdiction		S-State	
				O-Out of State		U-Unknown	
<input checked="" type="checkbox"/> SUSPECT	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	AGE	ETH
<input type="checkbox"/> RUNAWAY	Henry, Caine			W	M	36 /	N
<input type="checkbox"/> WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC			RELATED OFFENSE(S)		DAYTIME PHONE	EVENING PHONE
<input type="checkbox"/> WARRANT				90Z		843-817-2872	-
<input type="checkbox"/> ARREST	ADDRESS			CITY	STATE	ZIP CODE	LOCATION NO.
<input type="checkbox"/> JAIL	7882 RED BIRCH CIR			NORTH CHARLESTON	SC	29415-	
<input type="checkbox"/> SUMMONS	SUBJECT(S) USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input checked="" type="checkbox"/>		ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST
				7/4/2010 4 57 00 PM			
DAY OF THE WEEK		HOW REPORTED	A= OFFICER DISPATCHED ON CALL		D= COMPLAINT WRITTEN IN		DIFF FACTOR
S M T W T F S UNK			B= REPORT TAKEN BY PHONE		E= OFFICER INITIATED		A= RESISTANCE/HOSTILITY
			C= COMPLAINT WALKED IN		F= OTHER		B= WEAPONS
							C= UNFOUNDED CALLS
							D= MENTAL SUBJECT
							E= COMPLAINANT FREQUENTLY INTOXICATED
							F= DOMESTIC
							G= NORMAL
CONTEMPT OF COURT							
ON 6/22/2010 THE SUBJECT, CAINE HENRY WAS CHARGED AND ARRESTED FOR HARASSMENT AGAINST THE VICTIM. [REDACTED] (SEE INCIDENT REPORT #2010000421)							
ON 6/23/2010 THE SUBJECT APPEARED IN BOND COURT AND AS A CONDITION OF HIS BOND WAS PROHIBITED FROM HAVING ANY CONTACT WITH THE VICTIM. ON 7/6/2010 THE VICTIM SUPPLIED THE COMPLAINANT, SGT WILLIAM REGISTER WITH COPIES OF TWO HARASSING TEXT MESSAGES THE SUBJECT HAD SENT TO HER PERSONAL CELL PHONE ON 7/4/2010							
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
TYPE (GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							
SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		S F	<input type="checkbox"/> ACTIVE <input checked="" type="checkbox"/> ADM CLOSED	<input type="checkbox"/> ARRESTED UNDER 18	<input checked="" type="checkbox"/> EX-CLEAR UNDER 18
					<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED 18 AND OVER	<input checked="" type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE		1 <input type="checkbox"/> OFFENDER DEATH		2 <input type="checkbox"/> NO PROSECUTION PROSECUTION		3 <input type="checkbox"/> EXTRACTION DENIED	
						4 <input type="checkbox"/> VICTIM COOPERATION	
						5 <input type="checkbox"/> JUVENILE IN CUSTODY	
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
REGISTER, WILLIAM		7/22/2010 7:09 55 PM	127	PLITSCH, JOHN A			127
				FOLLOWUP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		OFFICER	

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time 07/04/2010 16:57	OCA # 2010000564
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CONTEMPT OF COURT

ON 7/12/2010 THE VICTIM PROVIDED THE COMPLAINANT WITH COPIES OF TWO EMAILS THE SUBJECT SENT TO HER YAHOO MAIL ACCOUNT ON 7/11/2010.

ON 7/19/2010, MUSC PUBLIC SAFETY VICTIM'S ADVOCATE, [REDACTED] PROVIDED THE COMPLAINANT WITH COPIES OF TWO EMAILS THE SUBJECT HAD SENT TO THE VICTIM, ONE ON 7/17/2010 AND ONE ON 7/18/2010

ON 7/22/2010, MUSC PUBLIC SAFETY VICTIM ADVOCATE PROVIDED THE COMPLAINANT WITH COPIES OF TWO EMAILS THE SUBJECT HAD SENT THE VICTIM ON 7/21/2010

ALL OF THE ABOVE CORRESPONDENCE FROM THE SUBJECT TO THE VICTIM IS IN DIRECT VIOLATION OF THE PROVISIONS OF HIS BOND SET BY THE COURT.

ON 7/22/2010, THE COMPLAINANT ALONG WITH SGT. JOHN FLITSCH CONFERRED WITH BOND COURT JUDGE BLIGEN CONCERNING ABOVE INCIDENTS. JUDGE BLIGEN INDICATED A SUMMONS TO APPEAR TO SHOW CAUSE WOULD BE ISSUED TO THE SUBJECT

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time 07/04/2010 16 57	OCA # 2010000564
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CONTEMPT OF COURT

ENTERED BY SGT REGISTER

ON 7/22/2010 I WAS ADVISED BY JUDGE BLIGEN A SUMMONS WOULD BE ISSUED FOR THE SUBJECT TO APPEAR IN COURT A SUMMONS WILL ALSO BE ISSUED TO THE VICTIM. JUDGE BLIGEN STATED HIS OFFICE WOULD BE IN CONTACT WITH ME AS TO WHEN THE COURT DATE WOULD BE

ADDITIONAL NARRATIVE

Agency Name	SC0100900 MUSC Dept of PS	ORI #	SC0100900	Report Date/Time	07/04/2010 16 57	OCA #	2010000564
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CONTEMPT OF COURT

ENTERED BY SGT REGISTER

ON 7/26/2010, MUSC PUBLIC SAFETY VICTIM ADVOCATE, [REDACTED] PROVIDED THE COMPLAINANT A COPY OF AN EMAIL THE SUBJECT SENT TO THE VICTIM ON 7/23/2010.

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	CR: # SC0100900	Report Date/Time 07/04/2010 16:57	OCA # 2010000564
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CONTEMPT OF COURT

ENTERED BY SGT REGISTER

ON 7/23/2010 A SHOW CAUSE HEARING SUMMONS WAS ISSUED BY JUDGE BLIGEN TO BE SERVED ON THE SUBJECT AND VICTIM. COURT IS SET FOR 1830 7/27/2010 AT CENTRALIZED BOND COURT.

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time 07/04/2010 16 57	OCA # 2010000584
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CONTEMPT OF COURT

ENTERED BY SGT REGISTER

AT APPROXIMATELY 2045 ON 7/27/2010 THE SHOW CAUSE SUMMONS WAS SERVED TO THE DEFENDANT THE DEFENDANT WAS ADVISED OF THE PLACE AND TIME OF COURT. DIRECTIONS WERE ALSO PROVIDED

SC0100900 MUSC Dept of PS
SC0100900

INFORMATION ONLY

CASE NUMBER
2015000325

NCIC
INO No ENT No

INCIDENT REPORT

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VIC
1 SUSPICIOUS ACTIVITY		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DRUG STORE/DOCTOR S		<input type="checkbox"/> Individ <input type="checkbox"/> Busine <input type="checkbox"/> Financi <input checked="" type="checkbox"/> Govern <input type="checkbox"/> Relig C <input type="checkbox"/> Soc IP <input type="checkbox"/> Other <input type="checkbox"/> Unknow <input type="checkbox"/> Police C
2		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
INCIDENT LOCATION (SUBDIVISION APARTMENT AND NUMBER, STREET NAME AND NUMBER) Institute of Psychiatry 3 North 67 President Street, CHARLESTON, SC				ZIP CODE 29425	WEAPON TYPE NONE	
INCIDENT DATE	24 HR CLOCK	TO	DATE	24 HR CLOCK	DISPATCH DATE	DISPATCH TIME
05/09/2015	19:35		05/09/2015	20:18	05/09/2015	19:44
				TIME ARRIVED	DEPARTURE TIME	LOCATION NO
				19:47	20:18	Hosp
COMPLAINANT'S NAME (LAST FIRST MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
[REDACTED]		#1	#2	#3	J	B
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO
67 President Street		Charleston		SC	29425	
VICTIM'S NAME (LAST FIRST MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
INSTITUTE OF PSYCHIATRY 3 NORTH		#1	#2	#3		
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO
67 President Street		Charleston		SC	29425	
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS, TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES, ETC		
	0					
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO
67 President Street		Charleston		SC	29425	
VISIBLE INJURY (VICT 1)		EXPLAIN		COMPLAINT OF ANY NON-VISIBLE INJURIES		
<input type="checkbox"/> YES <input type="checkbox"/> NO				<input type="checkbox"/> YES <input type="checkbox"/> NO		
VICTIM(S) USING ALCOHOL		DRUGS		TYPE		
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK				
TWO MAN VEH		ONE MAN VEH		DETECTIVES PLASMIT		OTHER
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
ALONE		ASSISTED		*J-This Jurisdiction S-State O-Out of State U-Unknown		
<input type="checkbox"/>		<input type="checkbox"/>				
<input checked="" type="checkbox"/> SUSPECT	NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH
<input type="checkbox"/> RUNAWAY	Henry, Caine		W	M	40 /	N
<input type="checkbox"/> WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC		RELATED OFFENSE(S)		DAYTIME PHONE	EVENING PHONE
<input type="checkbox"/> WARRANT			941		843-817-2672	--
<input type="checkbox"/> ARREST	ADDRESS		CITY		STATE	ZIP CODE
<input type="checkbox"/> JAIL	7882 RED BIRCH Circle		NORTH CHARLESTON		SC	29418-
<input type="checkbox"/> SUMMONS	SUBJECT(S) USING ALCOHOL		ARRESTED NEAR OFFENSE SCENE		DATE/TIME OF OFFENSE	
<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		<input type="checkbox"/> YES <input type="checkbox"/> NO		5/9/2015 7:35:00 PM	
DAY OF THE WEEK		HOW REPORTED	A= OFFICER DISPATCHED ON CALL	D= COMPLAINT WRITTEN IN	DIFF FACTOR	
S M T W T F S U N K			B= REPORT TAKEN BY PHONE	E= OFFICER INITIATED	A= RESISTANCE/MOST LTY	
			L= COMPLAINANT WALKED IN	F= OTHER	B= WEAPONS	
					C= UNFOUNDED CALLS	
					D= MENTAL SUBJECT	
					E= COMPLAINANT FRE. QUENTLY INTOXICATED	
					F= DOMESTIC	
					N= NORMAL	
Suspect: Suspicious Activity						
Location: MUSC Institute of Psychiatry, 3 North 67 President St Charleston SC 29425						
Complainant: [REDACTED] (MUSC employee)						
Suspect: Caine Keith Henry (Ex - MUSC employee)						
Victim: MUSC Institute of Psychiatry						
Security Officers: Threat and Johnson						
MUSC Police officers: Sgt Davis, Ofc Forsythe and Ofc Galloway						
Date: 05-09-2015						
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY			JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
TYPE (GROUP)						TOTAL VALUE
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
SEIZED						
SUBJECT IDENTIFIED		SUBJECT LOCATED		S F	ACTIVE	ADM. CLOSED
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<input type="checkbox"/>	<input checked="" type="checkbox"/>
REASON FOR EXCEPTIONAL CLEARANCE		EXTRACTION DENIED		VICTIM DECLINES COOPERATION		
1. <input type="checkbox"/> OFFENDER DEATH		2. <input type="checkbox"/> NO PROSECUTION PROSECUTION		3. <input type="checkbox"/> JUVENILE NO CUSTODY		
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
Forsythe, Charles	5/9/2015 7:44:47 PM	154	Davis, Charles			126
Davis, Charles	5/9/2015 7:47:00 PM	126	FOLLOWUP INVESTIGATION		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

ROA p. 111

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time 05/09/2015 19 35	OCA # 2015000325
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Suspicious Activity

Time: 1935hrs

On 05-09-2015 at 1944hrs I (Forsythe) was dispatched to the lobby of the MUSC Institute of Psychiatry in reference to a "restraining order". Upon arrival the complainant ([REDACTED]) advised that at approximately 1935 hours the suspect (Caine Keith Henry) came to the reception window at 3 North of the Institute of Psychiatry and asked to speak to Andi Lewis (MUSC employee). The complainant stated she knew the suspect (Caine) by sight and that she advised the suspect that he was not suppose to be there. He then put his visitor sticker on a greeting card book (hand written message on the back of the cover) and then placed the greeting card book on the counter and left.

Security advised that she saw the suspect leave and that he was weannng a gray shirt and cream colored pants. I (Forsythe) put out a description of the suspect along with his name on the radio. Officers checked the area and were unable to locate the suspect. Security officer Johnson advised that she believed that the suspect had come in and picked up a pass while she was away from the security desk. I (Forsythe) asked the complainant if she would be willing to write a statement and she did. While I (Forsythe) was still gathering information for the report MUSC employee [REDACTED] called the security desk and requested to speak to a supervisor. I referred her to the security supervisor (Threat) and handed him the phone. I (Forsythe) left the scene with the evidence and returned to headquarters. Sgt. Davis was advised in reference to contacting [REDACTED] and the evidence was secured in the evidence locker. It should be noted that while I was filing this report hospital security officer Johnson phoned me to advise that the information she provided earlier in regards to the suspect gaining entry was not correct that she had actually issued the suspect a pass. There is no further information at this time.

ADDITIONAL NARRATIVE

Agency Name	SC0100900 MUSC Dept of PS	ORI #	SC0100900	Report Date/Time	05/09/2015 19:35	OCA #	2015000325
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Evidence Destruction Supplement

OCA# 2015 000 325
Evidence Tag Number: T4310/0001
Reporting Officer: Sergeant Van Horn

On 10/17/2017 at 1200 hours the greeting card book were destroyed by Sergeant Wagner, Sergeant Van Horn and witnessed by Sergeant Brooder. The evidence no longer holds evidentiary value to this department.

SC0100900 MUSC Dept of PS
SC0100900

INCIDENT REPORT

INFORMATION ONLY

CASE NUMBER
2010000136

NCIC
INQ. No. ENTD. No.

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
1 CONFISCATED PROPERTY		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DRUG STORE/DOCTOR'S	0	<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input checked="" type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off	
2		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				
3		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) I.O.P RM 314 67 PRESIDENT ST, CHARLESTON, SC				ZIP CODE 29425-	WEAPON TYPE NONE		
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK		LOCATION NO
02/28/2010	11:00		02/28/2010	11:10	DSP DATE	DSP TIME	TIME ARRIVED
						DEPARTY TIME	HOSP
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) Henry, Caine		RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX
		#1	#2	#3	S	W	M
					AGE	ETH	DAYTIME PHONE
					35 /	N	843-792-0157
ADDRESS 9616 N CARDINAL DR		CITY LADSON			STATE SC	ZIP CODE 29456-	LOCATION NO
VICTIM'S NAME (LAST, FIRST, MIDDLE) MUHA IOP		RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX
		#1	#2	#3			
					AGE	ETH	DAYTIME PHONE
					/		--
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING PHYSICAL PECULIARITIES, ETC.			
	0						
ADDRESS 67 PRESIDENT ST		CITY CHARLESTON			STATE SC	ZIP CODE 29425-	LOCATION NO
VISIBLE INJURY (VCT I) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN-		COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>					
VICTIM USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>		DRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE					
TWO-MAN VEH <input type="checkbox"/> ONE-MAN VEH <input type="checkbox"/>		DETECTIVE/PLASMT <input type="checkbox"/>		OTHER <input type="checkbox"/>		ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/>	
*J-This Jurisdiction		S-State		O-Out of State		U-Unknown	
<input checked="" type="checkbox"/> SUSPECT	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	AGE	ETH
<input type="checkbox"/> RUNAWAY	[REDACTED]			W	M	18 /	N
<input type="checkbox"/> WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC			RELATED OFFENSE(S)		DATE OF BIRTH	HEIGHT
<input type="checkbox"/> WARRANT				945		[REDACTED]	505
<input type="checkbox"/> ARREST	ADDRESS			CITY	STATE	ZIP CODE	WEIGHT
<input type="checkbox"/> JAIL	[REDACTED]			[REDACTED]	SC	[REDACTED]	130
<input type="checkbox"/> SUMMONS	SUBJECT USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input checked="" type="checkbox"/>			ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		DATE/TIME OF OFFENSE	HAIR
	CRUITS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input checked="" type="checkbox"/> TYPE			TOTAL # ARRESTED		2/28/2010 11:00 00 AM	6
DAY OF THE WEEK		HOW REPORTED		DIFF FACTOR		RESISTANCE/HOSTILITY	
S M T W T F S UNK		A= OFFICER DISPATCHED ON CALL B= REPORT TAKEN BY PHONE C= COMPLAINANT WALKED IN		D= COMPLAINT WRITTEN IN E= OFFICER INITIATED F= OTHER		G= WEAPONS H= UNFOUNDED CALLS I= MENTAL SUBJECT	
C						J= COMPLAINT FREQUENTLY INTOXICATED K= DOMESTIC L= NORMAL	
CONFISCATED PROPERTY							
REPORTING/RESPONDING OFFICER/ JANET JOHNSON 155							
THIS UNIT WAS DISPATCHED TO THE INSTITUTE OF PSYCHIATRY THIRD FLOOR ROOM 314, IN REFERENCE TO CONFISCATED PROPERTY OF A GREEN LEAFY SUBSTANCE. UPON ARRIVAL, THIS UNIT SPOKE TO COMPLAINANT CAINE HENRY, SENIOR THERAPEUTIC ASSISTANT, WHO STATED THAT HE FOUND A GREEN LEAFY SUBSTANCE IN THE BATHROOM OF ROOM 314. COMPLAINANT STATED THE SUBSTANCE WAS WRAPPED IN TOILET PAPER IN THE BATHROOM AREA							
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
TYPE (GROUP)						TOTAL VALUE	
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							
SUBJECT IDENTIFIED		SUBJECT LOCATED		S F		ACTIVE	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				<input checked="" type="checkbox"/> ADM. CLOSED	
						<input type="checkbox"/> UNFOUNDED	
						<input type="checkbox"/> ARRESTED UNDER 18	
						<input type="checkbox"/> ARRESTED 18 AND OVER	
						<input checked="" type="checkbox"/> EX-CLEAR UNDER 18	
						<input checked="" type="checkbox"/> EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE		1 <input type="checkbox"/> OFFENDER DEATH		2 <input type="checkbox"/> NO PROSECUTION PROSECUTION		3 <input type="checkbox"/> EXTRADITION DENIED	
		4 <input type="checkbox"/> VICTIM DISCOURSES COOPERATION		5 <input type="checkbox"/> JUVENILE NO CUSTODY			
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER	
Johnson, Janet L		2/28/2010 11:13 00 AM		155		CHATMAN, JERMAINE	
ROA p. 114						DATE	
						UNIT NUMBER	
						130	
						FOLLOWUP INVESTIGATION	
						<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time 02/29/2010 11 00	OCA # 2010000136
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CONFISCATED PROPERTY

THIS UNIT SPOKE TO BOTH OCCUPANTS OF ROOM 314. [REDACTED] AND [REDACTED] SUSPECT [REDACTED] ADMITTED THAT SAID SUBSTANCE WAS MARIJUANA AND THAT SUBSTANCE WAS HIS. HE STATED THAT SUBSTANCE WAS ON HIS PERSON WHEN HE ARRIVED AT THE HOSPITAL BUT WAS NOT FOUND WHEN HE WAS SEARCHED SUBSTANCE WAS IN A SMALL PLASTIC BAG AND WAS PLACED INTO THE EVIDENCE LOCKER BY OFFICER JOHNSON

SC0100900 MUSC Dept of PS
SC0100900

INCIDENT REPORT

INFORMATION ONLY

CASE NUMBER
2014000193

INC No ENTD No

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM							
1 INFORMATION ONLY		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DRUG STORE/DOCTORS		<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig Orgn <input type="checkbox"/> Soc/Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off							
2		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO										
3		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO										
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) RESIDENT EDUCATION CENTER 102 DOUGHTY ST. CHARLESTON, SC				ZIP CODE 29425	WEAPON TYPE NONE								
INCIDENT DATE	24 HR CLOCK	TO	DATE	24 HR CLOCK	DISP DATE	DISP TIME	TIME ARRIVED	DEPART TIME	LOCATION NO				
12/19/2013	17.00		03/13/2014	03.00	03/17/2014	17.48	17.53	08.16	Hosp				
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE			
		#1 #2 #3					/						
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO						
VICTIM'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE		
				#1 #2 #3	J	W	F	30 /	N				
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.									
505	120	2	1										
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO						
					SC								
VISIBLE INJURY (MCT) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN-		COMPLAINANT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>											
VICTIM (NO) USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input checked="" type="checkbox"/>		DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input checked="" type="checkbox"/>		TYPE									
TWO MAN VEH <input type="checkbox"/>		ONE MAN VEH <input type="checkbox"/>		DETECTIVE PLASMT <input type="checkbox"/>		OTHER <input type="checkbox"/>		ALONE <input type="checkbox"/>		ASSISTED <input type="checkbox"/>			
<input checked="" type="checkbox"/> SUSPECT		NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES	
<input type="checkbox"/> RUNAWAY		Henry Caine		W	M	39 /	N	05/24/1974	507	240	4	1	
<input type="checkbox"/> WANTED		FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				RELATED OFFENSE(S)		DAYTIME PHONE	EVENING PHONE				
<input type="checkbox"/> WARRANT						965		843-817-2672	--				
<input type="checkbox"/> ARREST		ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO				
<input type="checkbox"/> JAIL		7882 RED BIRCH CIR				NORTH CHARLESTON	SC	29418-					
<input type="checkbox"/> SUMMONS		SUBJECT (NO) USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input checked="" type="checkbox"/>		ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST					
						12/19/2013 5 00 00 PM							
DAY OF THE WEEK		HOW REPORTED		A= OFFICER DISPATCHED ON CALL		D= COMPLAINT WRITTEN IN		DIFF FACTOR		A= RESISTANCE/HOSTILITY		E= COMPLAINANT FREQUENTLY INTOXICATED	
S M T W T F S UNK				B= REPORT TAKEN BY PHONE		E= OFFICER INITIATED				B= WEAPONS		F= DOMESTIC	
				C= COMPLAINANT WALKED IN		F= OTHER				C= UNFOUNDED CALLS		H= NORMAL	
										D= MENTAL SUBJECT			
Information Only													
03/17/2014													
Reporting/responding officer PSO TL Maw 163													
Victim [REDACTED], Resident with Dept of Psychiatry													
Suspect Caine Henry													
Information Only													
On today's date this r/o was dispatched to meet with the victim, who is employed by the Dept of Psychiatry at MUSC. Upon arrival													
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY						JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY							
TYPE (GROUP)												TOTAL VALUE	
STOLEN													
DAMAGED													
BURNED													
RECOVERED													
SEIZED													
SUBJECT IDENTIFIED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		SUBJECT LOCATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		S F		<input type="checkbox"/> ACTIVE <input checked="" type="checkbox"/> ADM. CLOSED		<input type="checkbox"/> ARRESTED UNDER 18		<input type="checkbox"/> EX-CLEAR UNDER 18			
						<input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR 18 AND OVER			
REASON FOR EXCEPTIONAL CLEARANCE		1 <input type="checkbox"/> OFFENDER DEATH		2 <input type="checkbox"/> NO PROSECUTION PROSECUTION		3 <input type="checkbox"/> EXTRADITION DENIED		4 <input type="checkbox"/> VICTIM DECLINES COOPERATION		5 <input type="checkbox"/> JUVENILE NO CUSTODY			
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		UNIT NUMBER			
MAW TOMMY		3/17/2014 5 42 47 PM		163		Chatman, Jermaine				130			
ROA p. 116						FOLLOWUP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time 12/19/2013 17 00	OCA # 2014000193
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Information Only

she stated that she has been receiving unwanted e-mails from a former patient of hers. The last e-mail was received on Thursday, 03/13/2014. Victim stated that the suspect has not threatened her with bodily harm, she is not in fear for her safety at this time. The victim also states that the suspect has sent a letter complaining of his treatment to the Dept of Psychiatry. Victim is unsure if the director of the department or someone else had advised the suspect to stop sending e-mails to the victim. This r/o advised that we would need copies the e-mails and letter if possible.

The victim can be reached via her MUSC pager [REDACTED] quicker than the listed telephone number. A business card with the oca number was given to the victim with instructions as to how to obtain a copy of this report.

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	CR# SC0100900	Report Date/Time 12/19/2013 17 00	OCA # 2014000193
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Information Only

Supplemental

Investigating Officer Sgt. D. Wagner 128

On 3/20/14, I received an email from [REDACTED] in regards to documentation she received from Dr. McLeod who advised her that Mr. Henry was instructed not to contact the clinic or any specific physician. Mr. Henry has decided to transfer his care to Charleston Mental Health. He was notified that he will be receiving a letter documenting the termination of his physician/patient relationship with the General Psychiatry Clinic. According to the documentation, Mr. Henry understands and is agreeable (See attached). Mr. Henry has not contacted the clinic or any specific MUSC physician after he has been instructed not to do so. As a result, the statutory grounds for harassment have not been met and until that time, the incident will remain documented as an information only report.

SC0100900 MUSC Dept of PS
SC0100900

INFORMATION ONLY

CASE NUMBER
2014000975

NCIC
I NO ENT N

INCIDENT REPORT

EVENTS	INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VIC
	1. Information Only	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DRUG STORE/DOCTOR'S		<input checked="" type="checkbox"/> Individ <input type="checkbox"/> Busine <input type="checkbox"/> Financ <input type="checkbox"/> Govern <input type="checkbox"/> Re'ig C <input type="checkbox"/> Soc /Pl <input type="checkbox"/> Other <input type="checkbox"/> Unknov <input type="checkbox"/> Poica C
	2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) Institute of Psychiatry 3rd Floor 67 President Street, CHARLESTON, SC				ZIP CODE 29425	WEAPON TYPE NONE	
INCIDENT DATE	24 HR CLOCK	TO	DATE	24 HR CLOCK	DISPATCH DATE/TIME 24 HR CLOCK	LOCATION NO
12/21/2014	22 02		12/24/2014	00 49	DISP DATE: 12/24/2014 DISP TIME: 00 38 TIME ARRIVED: 00 40 DEPART TIME: 00 57	hosp
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
ADDRESS			CITY	STATE	ZIP CODE	LOCATION NO
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
				J	W	F
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC		
506	140	6	5			
ADDRESS			CITY	STATE	ZIP CODE	LOCATION NO
				SC		
VISIBLE INJURY (MGT) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN				COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO		
VICTIM(S) USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE				DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE		
TWO MAN VEH <input type="checkbox"/> ONE MAN VEH <input type="checkbox"/> DETECTIVE/PLASMT <input type="checkbox"/> OTHER <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/>				J-This Jurisdiction S-State O-Out of State U-Unknown		
<input checked="" type="checkbox"/> SUSPECT	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	AGE
<input type="checkbox"/> RUNAWAY	Henry, Caine			W	M	40 /
<input type="checkbox"/> WANTED	FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC			RELATED OFFENSE(S)	DAYTIME PHONE	EVENING PHON
<input type="checkbox"/> WARRANT				965	843-817-2672	
<input type="checkbox"/> ARREST	ADDRESS			CITY	STATE	ZIP CODE
<input type="checkbox"/> JAIL	7882 RED BIRCH CIR			NORTH CHARLESTON	SC	29418-
<input type="checkbox"/> SUMMONS	SUBJECT(S) USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input checked="" type="checkbox"/>		ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		DATE/TIME OF OFFENSE	
	DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input checked="" type="checkbox"/> TYPE		TOTAL # ARRESTED		12/21/2014 10 02 00 PM	
DAY OF THE WEEK		HOW REPORTED	A= OFFICER DISPATCHED ON CALL	D= COMPLAINT WRITTEN IN	DIFF FACTOR	
S I M T W T F S U N K			B= REPORT TAKEN BY PHONE	E= OFFICER INITIATED	A= RESISTANCE/HOSTILITY B= WEAPONS C= UNFOUNDED CALLS D= MENTAL SUBJECT	
			C= COMPLAINANT WALKED IN	F= OTHER	E= COMPLAINANT FRE QUENTLY INTOXICATED F= DOMESTIC N= NORMAL	
Information Only						
Victim (MUSC Employee)						
Subject Caine K. Henry (ex-MUSC Employee)						
On 12/24/2014, Reporting Officer were dispatched to the Institute Of Psychiatry in reference to an information only report. Reporting Officer made contact with the victim () who stated, on 12-21-2014 she received an e-mail from the above subject						
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		
TYPE (GROUP)						TOTAL VALUE
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
SEIZED						
SUBJECT IDENTIFIED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		SUBJECT LOCATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		S F	<input type="checkbox"/> ACTIVE <input checked="" type="checkbox"/> ADM CLOSED	<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> EX-CLEAR UNDER 18
					<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED 18 AND OVER <input type="checkbox"/> EX-CLEAR 18 AND OY
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION PROSECUTION 3. <input type="checkbox"/> EXTRACTION DENIED DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE-NO CUSTODY						
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER	
Brown, Ernest	12/24/2014 12:47 52 AM	153	Chatman, Jermaine		130	
Lowri, Bruce D	12/24/2014 12:38 00 AM	178	FOLLOWUP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> OFFICER			

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time 12/21/2014	22:02	OCA # 2014000975
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Information Only

(Henry) advising her that she needed to resigned because she is a liar the e-mail also stated "It's time to resign dontcha think? your lie has survived for too long. who threw the rock through your daughters bedroom window? You or coked out Ray? Why didn't you give them the text messages from the after I wanted to hit coked out of Ray? Did Sgt Register seem all to happy to hear my name when Ray said I was a scary man? You have amazing skills of manipulation. You know a lot about human behavior. You know psychology better than most. I am impressed and scare of what you can do Caine"

Reporting Officer asked the victim [REDACTED] if the subject (Henry) had sent her any other e-mails today or yesterday . she stated no, but his mother had sent her an e-mail On 12-23-2014 stating she is concerned about the information that her son has been posting about police officers on Facebook. Caine mother also stated in the e-mail that she is trying to stop him for e-mailing the victim [REDACTED] Reporting Officer also advised the victim [REDACTED] if she receives any more e-mails from the subject Henry to forward them to Captain Pflitsch. No further action taken at this time. A copy of the e-mail is attached to this report.

SC0100900 MUSC Dept of PS
SC0100900

INCIDENT REPORT

INFORMATION ONLY

CASE NUMBER
2010000605

NCIC
INO Yes ENTD

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM													
1. EXTORTION/BLACKMAIL		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	GOVERNMENT/PUBLIC BUILDING	0	<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off													
2.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO																
3.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO																
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) COLCOCK HALL OFFICE OF THE PRESIDENT 179 ASHLEY AVE, CHARLESTON, SC				ZIP CODE 29425-	WEAPON TYPE NONE														
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME (24 HR. CLOCK)		LOCATION NO												
07/29/2010	03:33		07/29/2010	03:34	DSP DATE	DSP TIME	DEPART TIME												
					08/02/2010	21 34	21 34												
							WEST												
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE									
[REDACTED]		#1	#2	#3	J	W	F	/	N	[REDACTED]									
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO													
[REDACTED]		[REDACTED]		SC	[REDACTED]	[REDACTED]													
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE									
[REDACTED]		#1	#2	#3	J	W	M	54	/	N									
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO													
[REDACTED]		[REDACTED]		SC	[REDACTED]	[REDACTED]													
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC															
602	185	3	2	glasses															
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO													
[REDACTED]		[REDACTED]		SC	[REDACTED]	[REDACTED]													
VISIBLE INJURY (MCT1)		YES		NO		EXPLAIN-													
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]													
VICTIM USING ALCOHOL		YES		NO		UNK		DRUGS			YES		NO		UNK		TYPE		
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]			[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		
TWO MAN VEH		ONE MAN VEH		DETECTIVE PLASMT		OTHER		ALONE		ASSISTED		*J-This Jurisdiction		S-State		O-Out of State		U-Unknown	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
<input checked="" type="checkbox"/> SUSPECT	NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES								
<input type="checkbox"/> RUNAWAY	Henry, Caine		W	M	36	N	05/24/1974	507	240	4	1								
<input type="checkbox"/> WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC		RELATED OFFENSE(S)		DAYTIME PHONE		EVENING PHONE												
<input type="checkbox"/> WARRANT	[REDACTED]		210		843-817-2672		[REDACTED]												
<input type="checkbox"/> ARREST	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO												
<input type="checkbox"/> JAIL	7882 RED BIRCH CIR		NORTH CHARLESTON		SC	29418-	[REDACTED]												
<input type="checkbox"/> SUMMONS	SUBJECT USING ALCOHOL		YES		NO		UNK		ARRESTED NEAR OFFENSE SCENE		YES		NO						
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]							
DRUGS		YES		NO		UNK		TYPE		TOTAL # ARRESTED		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST					
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		7/29/2010 3:33 00 AM		[REDACTED]					
DAY OF THE WEEK		HOW REPORTED		A= OFFICER DISPATCHED ON CALL		D= COMPLAINT WRITTEN IN		DIFF FACTOR		A= RES-STANCE/HOSTILITY		E= COMPLAINANT FREQUENTLY INTOXICATED							
S M T W T F S U N K		[REDACTED]		B= REPORT TAKEN BY PHONE		E= OFFICER INITIATED		[REDACTED]		C= UNFOUNDED CALLS		F= DOMESTIC							
[REDACTED]		[REDACTED]		L= LUMPLAINT WALKED IN		P= U-HEK		[REDACTED]		D= MENTAL SUBJECT		N= NORMAL							
ATTEMPTED BLACKMAIL/ EXTORTION																			
Reporting Officer: Sgt John Plitsch (123)																			
Responding Officer(s): Sgt John Plitsch (123), Sgt Don Register (127)																			
On 7/29/2010 at approximately 3:00 PM, Sgt Register, an investigator with MUSC Department of Public Safety, received a phone call from complainant [REDACTED] an attorney from the MUSC Legal Affairs Department, requesting assistance concerning a threatening electronic/ Internet generated message sent on July 29, 2010 at approximately 3:33 AM (EDT) through an electronic suggestion box on the Medical University of South Carolina (MUSC), Office of the President WebSite.																			
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY							JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY												
TYPE (GROUP)												TOTAL VALUE							
STOLEN		\$0 00										\$0 00							
DAMAGED		\$0 00										\$0 00							
BURNED		\$0 00										\$0 00							
RECOVERED		\$0 00										\$0 00							
SEIZED		\$0 00										\$0 00							
SUBJECT IDENTIFIED		YES		NO		SUBJECT LOCATED		YES		NO		S F							
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]							
ACTIVE		ADM CLOSED		ARRESTED UNDER 18		EX-CLEAR UNDER 18		UNFOUNDED		ARRESTED 18 AND OVER		EX-CLEAR 18 AND OVER							
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]							
REASON FOR EXCEPTIONAL CLEARANCE		1 OFFENDER DEATH		2 NO PROSECUTION PROSECUTION		3 EXTRADITION DENIED DENIED		4 VICTIM DECLINES COOPERATION		5 JUVENILE IN CUSTODY									
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]							
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		UNIT NUMBER									
PLITSCH, JOHN A		7/29/2010 3:00:00 PM		123		SIMMONS, DOROTHY		[REDACTED]		103									
REGISTER, WILLIAM		7/29/2010 3:00:00 PM		127		FOLLOWUP INVESTIGATION		OFFICER PLITSCH, JOHN A		7/29/2010 3:00:00 PM		123							

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time 07/29/2010 03 33	OCA # 2010000605
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ATTEMPTED BLACKMAIL/ EXTORTION

(<<http://www.musc.edu/president/suggestions.html>>) to the attention of MUSC President, [REDACTED] 179 Ashley Avenue, Charleston, S.C. routed through an email account: president@musc.edu <<mailto:president@musc.edu>>. The message was allegedly sent by a former Medical University of South Carolina (MUSC) Institute of Psychiatry (IOP) employee, Caine Henry who was recently terminated

Note, S/Henry, a former Senior Human Services Specialist at the Institute of Psychiatry (IOP) was terminated from MUSC on or about June 23 2010. He was arrested by this agency on 6/22/2010 charged with Harassment and convicted on 7/28/2010 following a bench trial before Judge Coker (See OCA# 2010000421 for further details. etc.)

Basically the context of the electronic communication message indicates that the sender of the message had previously installed and set to activate a malicious program code on the Kardex computer system that will cause the said patient care software program application on the server located at the Institute of Psychiatry (IOP), 67 President Street, Charleston, S.C. to self destruct on July 31st. and that the Kardex computer program system will no longer work. The message was sent with the intentions of compelling and extorting [REDACTED] and MUSC to comply with the sender's stipulation with a remedy indicating he (the sender) is able to fix the Kardex computer issue by removing the malicious program code the sender had installed only if the computer program application software is renamed from "Kardex", to "Melinda". (See attached message for further details.)

Investigation to continue

AGENCY : SC0100900 MUSC Dept of PS
 ORI # SC0100900
 Report Date/Time : 07/29/2010 03 33
 Incident # : 2010000605

**INCIDENT REPORT
 ADDITIONAL OTHERS**

PERSON TYPE VICTIM	NAME (LAST, FIRST, MIDDLE) MEDICAL UNIVERSITY OF SC				RELATIONSHIP SUBJECT #1 #2 #3			RESIDENT	RACE	SEX	AGE /	DOB	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC						RELATED OFFENSE(S) 210		
	ADDRESS 179 ASHLEY AVE				CITY CHARLESTON	STATE SC	ZIP CODE 29425-	LOCATION NO	DAYTIME PHONE [REDACTED]		EVENING PHONE <input type="checkbox"/> H <input type="checkbox"/> B		
VISIBLE INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN-											COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		
USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>											DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE		

PERSON TYPE	NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP SUBJECT #1 #2 #3			RESIDENT	RACE	SEX	AGE /	DOB	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC						RELATED OFFENSE(S)		
	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO	DAYTIME PHONE		EVENING PHONE <input type="checkbox"/> H <input type="checkbox"/> B		
VISIBLE INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN-											COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		
USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>											DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE		

PERSON TYPE	NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP SUBJECT #1 #2 #3			RESIDENT	RACE	SEX	AGE /	DOB	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC						RELATED OFFENSE(S)		
	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO	DAYTIME PHONE		EVENING PHONE <input type="checkbox"/> H <input type="checkbox"/> B		
VISIBLE INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN-											COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		
USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>											DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE		

PERSON TYPE	NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP SUBJECT #1 #2 #3			RESIDENT	RACE	SEX	AGE /	DOB	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC						RELATED OFFENSE(S)		
	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO	DAYTIME PHONE		EVENING PHONE <input type="checkbox"/> H <input type="checkbox"/> B		
VISIBLE INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN-											COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		
USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>											DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE		

PERSON TYPE	NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP SUBJECT #1 #2 #3			RESIDENT	RACE	SEX	AGE /	DOB	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC						RELATED OFFENSE(S)		
	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO	DAYTIME PHONE		EVENING PHONE <input type="checkbox"/> H <input type="checkbox"/> B		
VISIBLE INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN-											COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		
USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>											DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE		

PERSON TYPE	NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP SUBJECT #1 #2 #3			RESIDENT	RACE	SEX	AGE /	DOB	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC						RELATED OFFENSE(S)		
	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO	DAYTIME PHONE		EVENING PHONE <input type="checkbox"/> H <input type="checkbox"/> B		
VISIBLE INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN-											COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		
USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>											DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE		

AGENCY: SC0100900 MUSC Dept of PS
 ORI #: SC0100900
 Report Date / Time: 07/29/2010 03:33
 Incident #: 2010000605

ADDITIONAL PROPERTY

STATUS	NONE	RELATED TO	VICTIM 2		CLASS
DESCRIPTION	COMPUTER SERVER PATIENT CARE SOFTWARE PROGRAM			LOCATION IOP 67 PRESIDENT STREET	
BRAND	KARDEX	MODEL	SERIAL NO.		
UCR CODE	210	QUANTITY	1	VALUE	\$0.00
DATE RECOVERED	JURISDICTION STOLEN		JURISDICTION RECOVERED		
STATUS	RELATED TO			CLASS	
DESCRIPTION				LOCATION	
BRAND	MODEL		SERIAL NO.		
UCR CODE	QUANTITY		VALUE		
DATE RECOVERED	JURISDICTION STOLEN		JURISDICTION RECOVERED		
STATUS	RELATED TO			CLASS	
DESCRIPTION				LOCATION	
BRAND	MODEL		SERIAL NO.		
UCR CODE	QUANTITY		VALUE		
DATE RECOVERED	JURISDICTION STOLEN		JURISDICTION RECOVERED		
STATUS	RELATED TO			CLASS	
DESCRIPTION				LOCATION	
BRAND	MODEL		SERIAL NO.		
UCR CODE	QUANTITY		VALUE		
DATE RECOVERED	JURISDICTION STOLEN		JURISDICTION RECOVERED		
STATUS	RELATED TO			CLASS	
DESCRIPTION				LOCATION	
BRAND	MODEL		SERIAL NO.		
UCR CODE	QUANTITY		VALUE		
DATE RECOVERED	JURISDICTION STOLEN		JURISDICTION RECOVERED		
STATUS	RELATED TO			CLASS	
DESCRIPTION				LOCATION	
BRAND	MODEL		SERIAL NO.		
UCR CODE	QUANTITY		VALUE		
DATE RECOVERED	JURISDICTION STOLEN		JURISDICTION RECOVERED		
STATUS	RELATED TO			CLASS	
DESCRIPTION				LOCATION	
BRAND	MODEL		SERIAL NO.		
UCR CODE	QUANTITY		VALUE		
DATE RECOVERED	JURISDICTION STOLEN		JURISDICTION RECOVERED		

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time: 07/29/2010 03 33	OCA # 2010000605
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ATTEMPTED BLACKMAIL/EXTORTION

Reporting Officer Sgt John Pflisch (123)

Assisted by Lt. F. Wanner (116)

RE Attempted Blackmail/ Extortion Supplemental

Investigative Report

It was determined through preliminary investigation that Caine Henry was allotted time while employed by MUSC and paid his regular salary along with a bonus of \$1000 dollars to develop and/ or design the Kardex software program application to assist patient care providers and staff at IOP with patient care procedures at the IOP benefiting the patients MUSC, and Medical University Hospital. The computer(s) system, server, data, information, and all the program software applications associated with Kardex developed with MicroSoft Access currently in operation and utilized by patient care providers and staff at IOP is licensed and owned by MUSC and/ or MUH. Basically data and information available on the Kardex system consist of, but not limited to, protected history information (PHI), patients' names, age, sex, attending physician, treatments, court dates, ECT dates, labs, etc.

On 7/29/2010 at approximately 1:00 PM, Claudia Davis, Clinical Nurse Coordinator at IOP shut the Kardex computer system down as a precaution after learning the system may have been compromised and/ or affected with a malicious program code capable of causing program damage or destruction.

On 7/30/2010, MUSC information technology personnel with Office of the Chief Information Officer (OCIO) was able to isolate the Kardex System from any potential malicious program (i.e. Malware, Trojan Horse, etc.) that is alleged to have been installed on the Kardex system or server capable of causing harm, damage and/ or total destruction of the server or Kardex program. It was also indicated that OCIO has also been able to prevent future VPN (or remote) access of the server by Caine Henry.

Note: It was also determined by OCIO personnel through VPN Access logs that there were a number of VPN access sessions allegedly from Caine Henry's IP address on 6/22/2010, the night before he was terminated. An access application also indicates that there was possibly a copy of a backup taken from the IOP server at approximately 10:00 PM on 22nd of June. It is possible that the backup program (s) obtained by VPN remote access from the IOP server may contain MUH protected history information (PHI) in violation of HIPPA laws.

Richard Gadsden, OCIO Director of security was able to locate and determine through OCIO access control logs that the Internet Protocol (IP) address: 98.91.27.177 is the source of said unlawful electronic communication message sent to the attention of [REDACTED] Office of the President MUSC's suggestion box via the official MUSC internet website on July 29, 2010 at approximately 3:33 AM (EDT) and that the Internet Service Provider (ISP) is AT&T (formerly known as Bell South).

In view of the aforesaid, on July 30, 2010, a Search Warrant issued by Charleston County Magistrate Judge Bligen was secured by R/O at approximately 6:40 PM and subsequently sent at approximately 7:30 PM via Fax to AT&T Internet Services, Legal Compliance (707-435-6409) for all account information to include subscriber and account information, billing information, IP logs, history, and detailed billing, including but not limited to the account holders name, address, date of birth, contact information, employer and/ or any other identifying information for IP address 98.91.27.177 on July 29, 2010 at approximately 3:33 AM (EDT). A hard copy of the search warrant was also sent via U.S. Mail.

The exact cost to MUSC, to include the cost of MUSC personnel or professional services to respond to this incident, conducting damage assessment, and restoring the data, program, system, or information to its original condition prior to the extortion offense, and any revenue lost, cost incurred, or other consequential damages incurred because of the interruption of the IOP server and/ or Kardex computer system has not yet been completely determined at this time and is pending further assessment(s). However, it is expected that the estimated total cost (or loss) to MUSC will exceed \$5000.00 dollars.

Investigation to continue.

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time 07/29/2010 03 33	OCA # 2010000605
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Investigative/ Supplemental Report

Reporting Officer: Sgt John Plitsch (123)

Date: 8/18/2010

RE: Attempted Blackmail/ Extortion/ Unlawful Communication/ Supplemental

OCA: 2010000605

Investigative Report

(NOT FOR DISSEMINATION)

On 8/4/2010 the original Search Warrant issued on July 30, 2010 by Judge Bligen was voided after Sgt. Plitsch discovered incorrect information contained within the affidavit of the warrant. Sgt. Plitsch mistakenly misunderstood or was misinformed of information initially obtained during the preliminary investigation in that MUSC information technology personnel with the Office of the Chief Information Officer (OCIO) allegedly located and isolated a malicious program installed on the Kardex system capable of causing damage and/ or total destruction of the system. Rather Sgt Plitsch learned and was able to clarify that in response to the threat MUSC information technology personnel with the Office of the Chief Information Officer (OCIO) was able to isolate the entire program system associated with Kardex application to prevent any potential malicious programs (i.e. Malware, Trojan Horse, etc.) that was allegedly installed by the suspect on the Kardex system from infecting or causing harm to the IOP server, etc.

On 8/4/2010 at approximately 4:35 P.M. Sgt Plitsch secured another Search Warrant from Charleston County Magistrate, Judge Bonnie Koontz, for records from AT&T Internet Services, Legal Compliance, of all available account information, to include subscriber and account information, billing information, IP logs, history, and detailed billing, including but not limited to the account holders name, address, date of birth, contact information, employer and/or any other identifying information for IP address 98.91.27.177 assigned on July 29, 2010 at approximately 3:33 AM (EDT) pursuant to this investigation.

At approximately 5:31 PM, the search warrant was sent via fax 707-435-6409, to the attention of Andy Houtz, AT&T Internet Legal Compliance Manager.

On 8/4/2010 at approximately 5:46 PM, Sgt Plitsch received from Andy Houtz the attached information and documents in response to the Search Warrant (SEE ATTACHED). Basically, records and detailed documentation of the IP address assigned at the time of incident confirmed that the threatening electronic communication message was originated and sent through the suspect's AT&T DSL account, belonging to subscriber, Caine Henry, and was established from Caine Henry's residence, 7882 Red Birch Circle, North Charleston, SC.

On 8/5/2010 the written Search Warrant Inventory Return with attached documents consisting of seven pages that include two pages of records of all available information described and sought in the warrant was presented by Sgt Plitsch under oath to the issuing magistrate, Judge Koontz.

All available information obtained pursuant to this investigation to date was forwarded to FBI Special Agent Harry "Mark" Granger (Charleston Field Office) for further review and investigation pursuant to Federal offense(s) in violation of section 18 U.S.C. § 1030, Fraud and related activity in connection with computers. It is also believed that S/Henry may also be in possession of certain patient PHI information in violation of HIPAA rules and regulations. S/A Granger advised that he has discussed this matter with an assistant U.S. attorney and indicated that the FBI and U.S. Attorney's Office is interested in pursuing this matter further against Caine Henry.

On 8/18/2010, S/A Granger informed Sgt. Plitsch that he will be absent and out-of-state for the next several months and indicated that this case will be reassigned to FBI S/A Richard Polonko (sic) from the Columbia Office.

ADDITIONAL NARRATIVE

Agency Name SC0100900 MUSC Dept of PS	ORI # SC0100900	Report Date/Time 07/29/2010 03 33	OCA # 2010000605
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Supplemental/ Case Status Change

Reporting Officer: Sgt John Plitsch

Date 10/7/2010

Re OCA, 2010000605/ Case Status Change

Supplemental Report

On 8/18/2010, S/A Granger informed Sgt. Plitsch that he will be absent and out-of-state for the next several months and indicated that this case will be reassigned to FBI S/A Richard Polonko (sic) from the Columbia Office. In view of the aforesaid, Sgt Plitsch has suspended investigation and recommends this case be closed during the interim until such time the FBI contacts this agency. No further action taken at this time.

STATE OF SOUTH CAROLINA

ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF CHARLESTON

Caine Henry, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

MEDICAL UNIVERSITY OF SOUTH CAROLINA,
MEDICAL UNIVERSITY OF SOUTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY, KEVIN
KERLEY, Defendant(s)

Case Number: 2020-CP-10-01315

Pending in Charleston County

TO: South Carolina Law Enforcement Division
Attn: Records Custodian; Cpt Michael Prodan
4400 Broad River Road
Columbia, SC 29210

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME , AM
---------------------	--------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

****Copies of any and all communications, including but not limited to e-mails, records, notes, correspondence, audio recordings, run reports, incident reports and/or files between Captain Prodan or anyone else at SLED with anyone, related to Caine Henry beginning in March 2019 and continuing through the present.**

This Subpoena is being issued pursuant to Rule 45(b) of the SC Rules of Civil Procedure. In lieu of personally appearing, please send true and certified copies of the records to the address listed below.

PLACE 7882 Red Birch Circle North Charleston, SC 29418	DATE AND TIME July 27th, 2021 17:00
--	--

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME , AM
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ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

ROA p. 128

Exhibit B 000002 Motion to Compel SLED

Attorney/Issuing Officer's Signature
Indicate if Attorney for Plaintiff or Defendant
Attorney's Address and Telephone Number :

Date

Print Name

Julie J. Armstrong
Clerk of Court/Issuing Officer's Signature
Pro Se Litigant's Name, Address and Telephone Number
Came Henry Pro Se, 7882 Red Birch Circle, North Charleston,
SC 29418, (843) 817-2672

7/15/21
Date

Julie J. Armstrong
Print Name

PROOF OF SERVICE

SERVED	DATE <u>7/15/2021</u>	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE	
SERVED ON	MANNER OF SERVICE <u>USPS Certified Mail</u>	
SERVED BY <u>USPS Certified Mail</u>	TITLE	

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.
 Executed on 7/15/21
 SIGNATURE OF SERVER *Carie Henry*
 ADDRESS OF SERVER 7882 Red Birch Cir. N. Charleston SC 29418

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

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Exhibit B 000004 Motion to Compel SLED

(III) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.



**South Carolina
Law Enforcement Division**

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

July 26, 2021

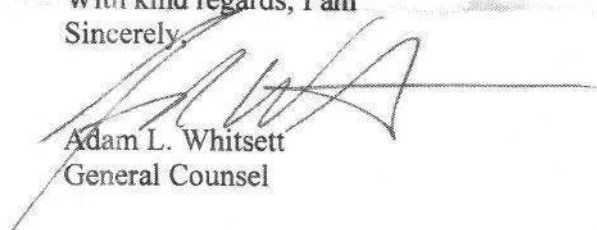
Mr. Caine Henry
7882 Red Birch Circle
North Charleston, SC 29418

RE: SUBPOENA OBJECTION – SLED Subpoena Tracking No.: 2021-S0058
Caine Henry v. MUSC et al.

Dear Mr. Henry:

Pursuant to Rule 45 of the South Carolina Rules of Civil Procedure, please allow this correspondence to serve as SLED's formal objection to your subpoena seeking information about an ongoing SLED investigation. SLED's position is that the entirety of SLED's file is comprised of sensitive law enforcement records not otherwise available by state and federal law that were compiled in the process of detecting and investigating crime the premature disclosure of which would absolutely harm SLED and its prospective law enforcement action in this matter; including SLED's ongoing and active criminal investigation, any forthcoming prosecution that may be determined warranted by the appropriate prosecutor, and the constitutional guarantees to all involved and associated therewith. As such, SLED hereby objects to the production of any materials in this ongoing criminal investigation. *See*, Rule 26(b), SCRCF; Rule 45(d)(1), SCRCF; Rule 45(d)(3), SCRCF. SLED additionally hereby reserves any and all privileges and immunities applicable to the documents or information sought and all other arguments applicable to this matter.

With kind regards, I am
Sincerely,


Adam L. Whitsett
General Counsel

STATE OF SOUTH CAROLINA
ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF RICHLAND

Caine Henry, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

MEDICAL UNIVERSITY OF SOUTH CAROLINA,
MEDICAL UNIVERSITY OF SOUTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY, KEVIN
KERLEY, Defendant(s)

Case Number: 2020-CP-10-01315

Pending in Charleston County

*Issued by
Richland County
Clerk of Court*

TO: South Carolina Law Enforcement Division
Attn: Records Custodian; Cpt Michael Prodan
4400 Broad River Road
Columbia, SC 29210

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME , AM
---------------------	--------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

****Copies of any and all records, notes, correspondence, audio recordings, run reports, incident reports and/or files, if any, related to a welfare check conducted on or about March 15, 2019 regarding Caine Henry, 7882 Red Birch Circle North Charleston, SC 29418, to include correspondence or communications with City of North Charleston Police, MUSC, MUSC Public Safety or Caine Henry himself regarding the welfare check. You may mail records or serve them electronically in lieu of producing them in person.**

This Subpoena is being issued pursuant to Rule 45(b) of the SC Rules of Civil Procedure. In lieu of personally appearing, please send true and certified copies of the records to the address listed below.

PLACE 1913 Bull Street Columbia, SC 29201	DATE AND TIME November 19, 2021 9:00 a.m.
---	--

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME , AM
----------	--------------------

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

Plaintiff Exhibit B 000002 Motion to Compel SLED

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature Indicate if Attorney for Plaintiff or Defendant Attorney's Address and Telephone Number :	Date	Print Name
<i>Jeanette W. McBride</i> Clerk of Court/Issuing Officer's Signature	<i>11-1-2021</i> Date	<i>Jeanette W. McBride</i> Print Name
Pro Se Litigant's Name, Address and Telephone Number : Caine Henry Pro Se, 7882 Red Birch Circle, North Charleston, SC 29418, (843) 817-2672		
<i>Issued by Richland County Clerk of Court</i>		

PROOF OF SERVICE

SERVED	DATE 11/04/2021 SCHEDULED DATE	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE 4400 BROAD RIVER RD. COLUMBIA SC	
SERVED ON	SLED	MANNER OF SERVICE USPS Certified Mail
SERVED BY	POST OFFICE WORKER	TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 11/05/2021

SIGNATURE OF SERVER

Caine Henry

7882 RED BIRCH CIR N. CHARLESTON SC 29418
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

ROA p. 135

Plaintiff Exhibit B 000004 Motion to Compel SLED

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

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(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.



**South Carolina
Law Enforcement Division**

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor
Mark A. Keel, Chief

Tel: (803) 737-9000

November 19, 2021

Via Email To: cainekh@gmail.com


Mr. Caine Henry
7882 Red Birch Circle
North Charleston, SC 29418

RE: SUBPOENA OBJECTION – SLED Subpoena Tracking No.: 2021-S0099
Caine Henry v. MUSC et al.

Dear Mr. Henry:

Pursuant to Rule 45 of the South Carolina Rules of Civil Procedure, please allow this correspondence to serve as SLED's formal objection to your subpoena seeking information about an ongoing SLED threat assessment. SLED's position is that the entirety of SLED's file is comprised of sensitive law enforcement records not otherwise available by state and federal law that were compiled in the process of detecting and investigating crime. As such, the premature disclosure of this material would absolutely harm SLED and its prospective law enforcement proceedings in this matter and would also disclose current techniques and procedures for law enforcement investigations. Therefore, SLED hereby objects to the production of any materials at this time. *See*, Rule 26(b), SCRCPP; Rule 45(d)(1), SCRCPP; Rule 45(d)(3), SCRCPP. SLED additionally hereby reserves any and all privileges and immunities applicable to the documents or information sought and all other arguments applicable to this matter.

With kind regards, I am
Sincerely,


Adam L. Whitsett
General Counsel

ROA p. 137



An Accredited Law Enforcement Agency



-----Original Message-----

From: cpas@charlestoncounty.org <cpas@charlestoncounty.org>

Sent: Monday, September 26, 2022 4:30 PM

To: Brian Johnson <brian.johnson@hoodlaw.com>

Cc: jsjohnson@charlestoncounty.org

Subject: Motion "MSUMJM-Motion/Summary Judgment & Certificate of Service" for Case "2020CP1001315-Caine Henry VS Medical University Of South Carolina , defendant, et al" was added to a Motions Roster for 10/27/2022 at 10:30 AM

Motion(s) for the herein referenced case will be heard IN PERSON by the Honorable Judge Carmen T. Mullen at the above specified date and time in Courtroom 4D of the Charleston County Judicial Center.

Memos and Briefs are to be submitted to Micah Deveaux, Law Clerk, at CMullenlc@sccourts.org and Jamie Rhett, Admin Assistant, at CMullensc@sccourts.org no later than Wednesday, October 19, 2022 by 5:00 p.m.

If you have any questions, please contact Joy Johnson@ (843) 958-5049 or jsjohnson@charlestoncounty.org

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
)	
Caine Henry,	)	C/A No. 2020-CP-10-01315
)	
	)	DEFENDANTS' MEMORANDUM IN
<i>Plaintiff,</i>	)	SUPPORT OF MOTION FOR SUMMARY
	)	JUDGMENT
Versus)	
)	
Medical University of South Carolina, Medical)	
University of South Carolina Department of)	
Public Safety, and Kevin Kerley,)	
)	
)	
<i>Defendants.</i>)	

TO: CAINE HENRY, PRO SE:

The Defendants Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley, (hereinafter “the Defendants”), submit this Memorandum in Support of Motion for Summary Judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure. The Plaintiff has been afforded an opportunity for discovery and the parties have exchanged multiple sets of written discovery and document production. The discovery exchanged in this case confirms the Plaintiff cannot meet the elements to proceed on any of his causes of action asserted to include 1) Defamation: Libel and Slander, 2) Intentional Infliction of Emotional Distress, 3) Civil Conspiracy, and 4) Negligence. Accordingly, the Defendants are entitled to judgment as a matter of law.

FACTS

Pro Se Plaintiff, Caine Henry, filed this action against the Medical University of South Carolina and Kevin Kerley¹ on March 11, 2020 asserting causes of action for 1) Defamation: Libel

¹ Plaintiff also named the Medical University of South Carolina Department of Public Safety; however, this is not a distinct entity and falls under Defendant Medical University of South Carolina. **ROA p. 139**

and Slander, 2) Intentional Infliction of Emotional Distress, 3) Civil Conspiracy, and 4) Negligence.

In his Complaint, Mr. Henry alleged that, in March 2019, he sent an email to Defendant MUSC describing emotional distress he suffered as a result of a termination of employment, wrongful arrest, and an overturned conviction initiated by MUSC. Compl. ¶ 8. Subsequently, Plaintiff alleged the Defendants contacted the Charleston County Mental Health Mobile Crisis Unit for a welfare check providing them with false information which led Mobile Crisis to visit his home in front of his neighbors. Compl. ¶ 9. The Plaintiff contended the North Charleston Police Department was also contacted and allegedly falsely told that Plaintiff was armed and threatening to shoot anyone that came to the door or a public official. Comp. ¶ 10. Plaintiff claimed the North Charleston Police Department engaged in offensive maneuvers when confronting Plaintiff. Comp. ¶ 11. The North Charleston Police Department and Charleston County Mental Health Mobile Crisis are not parties to this case and no claims have been asserted against these entities.

Plaintiff also contended he met with MUSC Public Safety Police Chief, Kevin Kerley, and spoke with him about the incident a few days later and admitted someone told him a false narrative of the events that occurred during the Mobile Crisis welfare check. Compl. ¶ 12. Plaintiff also alleged Chief Kerley admitted to a conspiracy regarding MUSC's employment grievance history. Id. Plaintiff stated that weeks later he requested Chief Kerley to conduct an internal investigation regarding the Mobile Crisis incident, which was denied and he was threatened with arrest for this demand for an investigation. Comp. ¶ 13 (2).

Mr. Henry has admitted the authenticity of the email correspondence sent on March 5, 2019 referencing “[w]e need to have an open discussion about the attached picture” and Holcock Hall and his March 11, 2019 email bearing the subject line “with a bullet.” See Exhibit A, Plaintiff's **ROA p. 140**

March 3, 2021 Responses to Requests for Admission. These two emails preceded the March 15, 2019 wellness check. The Plaintiff has also admitted the welfare check was reasonable under the circumstances, but he takes issue with what he contends was an “armed and dangerous” welfare check conducted by Mobile Crisis and the North Charleston Police Department. He has declined to admit that the welfare check was not ordered or conducted by MUSC, stating that there was a conversation between Captain Plitsch of MUSC and Captain Prodan from SLED regarding the welfare check. See Exhibit B, Plaintiff’s Supplemental Response to Defendants’ Second Requests for Production. The parties have exchanged multiple sets of discovery in the more than two and a half years this matter has been pending. The Defendant maintains that, based on the discovery exchanged, the Plaintiff cannot meet his burden to proceed on any of his causes of action. Accordingly, the Defendants are entitled to judgment as a matter of law.

STANDARD OF REVIEW

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Rule 56(c), S.C.R.C.P. The moving party need not support its motion with affidavits or other materials negating the opponent’s claims; instead, the moving party can simply point to the absence of evidence to support the nonmoving party’s claims. Baughman v. American Tel. and Tel. Co., 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991). Once the moving party satisfies its burden, the nonmoving party must demonstrate specific facts showing that there is a genuine issue for trial. Id.

“This Court has established that ‘[t]he plain language of Rule 56(c) mandates the entry of summary judgment . . . against a party who fails to make a showing sufficient to establish the

ROA p. 141

existence of an element essential to the party's case, and on which that party will bear the burden of proof.” Hansson v. Scalise Builders of S.C. and Sam Scalise, 374 S.C. 352, 357, 650 S.E.2d 68, 71(2007) (citing Baughman v. Amer. Tel. & Tel. Co., 306 S.C. 101, 116, 410 S.E.2d 537, 545-46 (1991)). A court cannot properly deny a defendant's motion for summary judgment after only finding a genuine issue of material fact as to one element of the plaintiff's claim. Id. Under Baughman, to withstand a motion for summary judgment, the court must determine that a genuine issue of material facts exists for each element of the plaintiff's case. Id.

LEGAL ARGUMENT

For the reasons set forth below, the Defendants are entitled to judgement as a matter of law.

I. Defamation: Libel and Slander

The elements of defamation include: (1) a false and defamatory statement concerning another; (2) an unprivileged publication to a third party; (3) fault on the part of the publisher; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication. McNeil v. S.C. Dep't of Corr., 404 S.C. 186, 195, 743 S.E.2d 843, 848 (Ct. App. 2013). Slander is spoken defamation while libel is a written defamation or one accomplished by actions or conduct. Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 508, 506 S.E.2d 497, 501 (1998).

A communication made in good faith on any subject matter in which the person communicating has an interest or duty is qualifiedly privileged if made to a person with a corresponding interest or duty even though it contains matter which, without this privilege, would be actionable. Murray v. Holnam, Inc., 344 S.C. 129, 141, 544 S.E.2d 743, 749 (Ct. App. 2001). South Carolina Courts have recognized a qualified privilege for communications protecting or

ROA p. 142

promoting law enforcement interests. See Densmore v. City of Greenville, 2011 WL 11733107 (S.C. Ct. App. 2011) (upholding dismissal of defamation cause of action based on statements in official policy report). “A communication this qualifiedly privileged is not actionable, even though it contain[s] a charge of crime, unless malice in fact be shown.” Cullum v. Dunn & Bradstreet, Inc., 228 S.C. 384, 388 90 S.E.2d 370, 372 (1955). Malice is defined as when a person acts by ill will in what he does and says with the design to causelessly and wantonly injure another person. Id at 388-89, 90 S.E.2d at 372.

With respect to the communications serving as the basis for the Plaintiff’s defamation claim, the Plaintiff has responded as follows:

11. Identify all alleged false and defamatory communications/statements made by the Defendants to include the date such communication/statement, the individual who made such alleged communication/statement and the individual to whom such communication/statement was made.

Response: Plaintiff was informed by those making the welfare check that they were instructed that the Plaintiff was armed and dangerous and that he had threatened to shoot anyone who came to his front door. Discovery is ongoing and Plaintiff reserves the right to supplement this response.

See Exhibit C, Plaintiff’s Answers to Interrogatories. The Defendants maintain the Plaintiff cannot proceed on this claim without specifying any information as to who made an alleged defamatory statement, how such statement was defamatory and to whom such defamatory statement was made. Further, even if such statements were made, which is expressly denied, statements made by law enforcement in such context are qualifiedly privileged. For these reasons, the Defendants maintain they are entitled to judgment as a matter of law.

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II. *Intentional Infliction of Emotional Distress*

Intentional Infliction of Emotional Distress occurs when one who by extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another is subject to liability for such emotional distress and if bodily harm to other results from it, for such bodily harm. Ford v. Hutson, 276 S.C. 157, 162, 276 S.E.2d. 776, 778 (1981). The plaintiff, in order to recover for this intentional tort, must establish (1) the defendant intentionally or recklessly inflicted severe emotional distress or was certain or substantially certain that such distress would result from his conduct; (2) the conduct was so ‘extreme and outrageous’ as to exceed all possible bounds of decency and must be regarded as atrocious, and utterly intolerable in a civilized community; (3) the actions of the defendant cause the plaintiff’s emotional distress; and (4) the emotional distress suffered by the plaintiff was so severe that no reasonable man could be expected to endure it.. Gattison v. South Carolina State College, 318 S.C. 148, 151, 456 S.E.2d 414, 416 (Ct. App. 1995) If a defendant shows it acted in good faith and in a reasonable manner, a defendant may defend against a plaintiff’s claim despite the plaintiff’s distress. See Manley v. Manley, 291 S.C. 325, 330, 363 S.E.2d 312, 314 (Ct. App. 1987).

Here, Plaintiff recites the elements of the cause of action without providing any factual allegations that, accepted as true, would entitle him to relief. See Compl. ¶19-23. The Defendants further maintain the Plaintiff has not met the burden on this claim through the discovery exchanged to date. Nevertheless, it is not necessary to reach the question of whether the alleged conduct was so extreme and outrageous as to exceed all possible bounds of decency. This is because even a properly alleged claim for Intentional Infliction of Emotion Distress fails under the South Carolina Tort Claims Act (“TCA”). S.C. Code Ann. § 15-78-10 to -220, governs this action as the TCA “constitutes the exclusive remedy for any tort committed by an employee of a governmental

ROA p. 144

entity.” S.C. Code Ann. § 15-78-70(a). The TCA does not allow a plaintiff to recover for intentional infliction of emotional distress. S.C. Code Ann. § 15-78-30(f) (“‘Loss’ ... does not include the intentional infliction of emotional harm.”); See Ward v. City of N. Myrtle Beach, 457 F.Supp. 2d 625, 647 (D.S.C. 2006). Therefore, the Defendants are entitled to summary judgment on Plaintiff’s claim for Intentional Infliction of Emotional Distress as it is explicitly barred by the TCA.

III. Civil Conspiracy

In South Carolina, a finding of civil conspiracy requires satisfaction of four elements: “(1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff.” Paradis v. Charleston Cty. Sch. Dist., 2021 S.C. LEXIS 56 (2021). Furthermore, “[a] claim for civil conspiracy must allege additional acts in furtherance of a conspiracy rather than reallege other claims within the complaint.” Hackworth v. Greywood at Hammett, LLC, 385 S.C. 110, 115, 682 S.E.2d 871, 874 (Ct. App. 2009) (overruled on other grounds). In other words, the facts pled in furtherance of the conspiracy must be separate and independent from other wrongful acts alleged in the complaint, and failure to properly plead such acts will merit dismissal of the claim. Id. at 115-16.

Here, the Plaintiff generally alleges the Defendants conspired together for the purpose of injuring Plaintiff. In his Complaint and in discovery, he has failed to allege and establish a conspiracy for the purpose of harming the Plaintiff or any alleged acts in furtherance of the alleged conspiracy that are separate and independent from other allegedly wrongful acts as stated elsewhere in the Complaint. In response to discovery on this claim, the Plaintiff responded as below:

ROA p. 145

12. Identify with specificity all individuals alleged to be involved in a civil conspiracy as alleged in Paragraph 25 of the Plaintiff's Complaint.

Response: Plaintiff has requested this information from Defendants. Plaintiff identifies Captain Prodan, Captain Plitch, Annette Drachmann and Kevin Kurley and Plaintiff reserves the right to supplement this response as discovery is ongoing.

13. Identify with specificity all actions taken in furtherance of the alleged civil conspiracy as alleged by the Plaintiff in Paragraph 26 of the Plaintiff's Complaint.

Response: In the past, the Defendants caused Plaintiff to be wrongfully arrested and discharged in the past as a result of the wrongful arrest. Plaintiff is of the belief that reckless disregard was given to his disability and that the Defendants set forth a conspiracy to teach Plaintiff a lesson.

See Exhibit C, Plaintiff's Answers to Interrogatories. These assertions are insufficient to allow the Plaintiff to proceed on a claim for civil conspiracy. Furthermore, under the intracorporate conspiracy doctrine, "an agreement between or among agents of the same legal entity, when the agents act in their official capacities, is not an unlawful conspiracy." Ziglar v. Abbasi, 137 S.Ct. 1843, 1867 (2017); see also Painter's Mill Grille, LLC v. Brown, 716 F.3d. 342, 353 (4th Cir. 2013)("The intracorporate conspiracy doctrine recognizes that a corporation cannot conspire with its agents because the agents' acts are the corporation's own). Here, Plaintiff alleges a conspiracy only among MUSC and its employees who were at all times acting in their official capacities as agents of MUSC. Thus, there could be no conspiracy under the intracorporate conspiracy doctrine and Plaintiff's civil conspiracy cause of action fails.

IV. Negligence

With respect to this claim, the Plaintiff asserts that the Defendants had a duty of due care to investigate his email "concerns" and that they were negligent in this investigation leading to defamatory statements being made to the North Charleston Police Department. The negligence
ROA p. 146

claim centers around the alleged defamation, which, as described above, is a fatally flawed claim. Notably, the Plaintiff has admitted that the welfare check was reasonable under the circumstances and acknowledges that the welfare check was conducted by Charleston County Mental Health Mobile Crisis and the North Charleston Police Department. See Exhibit A, Plaintiff's March 3, 2021 Responses to Requests for Admission.

Even if there was such a "duty" to investigate his email concerns, which is expressly denied, the Plaintiff has not established any act or omission on the part of the Defendants related to the welfare check conducted nor the manner of the welfare check, which he concedes was not conducted by the Defendants. For these reasons and those set forth above as to Plaintiff's claim for defamation, the Defendants are entitled to summary judgment.

V. Chief Kerley is Immune from Liability under the S.C. Tort Claims Act

Even if the Court finds Plaintiff has presented sufficient evidence to proceed on the elements of any claims as to MUSC, the Defendants are entitled to summary judgment as to the Plaintiff's claims asserted against Chief Kerley in his individual capacity. The South Carolina Tort Claims Act "constitutes the exclusive remedy for any tort committed by an employee of a governmental entity." S.C. Code Ann. §15-78-70(a). Governmental employees, such as Chief Kerley in his individual capacity, cannot be held liable if they commit a tort while acting within the scope of his official duty; rather, the proper party is the governmental employer. The exception is where the tort constitutes actual fraud, actual malice, intent to harm, or a crime involving moral turpitude, in which case, the individual defendants, but not the governmental entity, are the proper parties. As the court observed in Roberts v. City of Forest Acres, 902 F. Supp. 662, 671-72 (D.S.C.1995):

Turning to the Plaintiff's claims under state law, the court must initially observe that the South Carolina Tort Claims Act applies to all of the Plaintiff's causes of

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action under South Carolina law. Under the Tort Claims Act, an employee of a governmental entity who commits a tort while acting within the scope of his official duty is generally not liable, and the plaintiff must sue the governmental agency itself. S.C.Code Ann. § 15-78-70(a) (Law.Co-op.Supp.1994). However, if the plaintiff proves that “the employee’s conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude,” then the governmental agency is not liable, and the employee is personally liable. S.C. Code Ann. § 15-78-70(b); see also id. §15-78-60(17).

In this case, the Plaintiff’s allegations as to Chief Kerley concern alleged acts or omissions within the scope of his official duties. Additionally, Plaintiff only alleges bare and conclusory allegations with no specific reference to any action on the part of the Defendants that would tend to show that their “...conduct constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude.” S.C. Code Ann. § 15-78-70(b). Thus, Chief Kerley is entitled to summary judgment in his individual capacity as he is immune from liability under the South Carolina Tort Claims Act.

CONCLUSION

For the foregoing reasons, the Defendants Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley respectfully requests that this Honorable Court grants its Motion for Summary Judgment as set forth above.

HOOD LAW FIRM, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
Ph: (843) 577-4435 / Fax: (843) 722-1630

s/ Brian E. Johnson

Brian E. Johnson (SC #76103)
brian.johnson@hoodlaw.com

*Attorneys for the Defendants
Medical University of South Carolina, Medical
University of South Carolina Department of Public
Safety, and Kevin Kerley*

October 19, 2022

Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of ***DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT*** was served on the Pro Se Plaintiff by mailing, e-mailing, facsimile, or hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This **19th** day of **October**, 2022.

s/ Brian E. Johnson

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STATE SOUTH CAROLINA

COUNTY OF CHARLESTON

CAINE HENRY,

Plaintiff,

Versus

MEDICAL UNIVERSITY OF SOUTH CAROLINA, MEDICAL UNIVERSITY OF SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, KEVIN KERLEY

Defendants,

IN THE COURT OF COMMON PLEAS

CASE NO.:2020-CP-10-01315

PLAINTIFF'S RESPONSE TO DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSION TO PLAINTIFF

Plaintiff responds to Defendants Requests to Admit pursuant to SCRCR Rule 36.

1. Admit the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019 was warranted under the circumstances.

Plaintiff admits a welfare check on March 15, 2019 was reasonable under the circumstances, but not the armed and dangerous welfare check that was conducted on March 15, 2019 on Plaintiff Caine Henry.

2. Admit the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019 was conducted by Charleston County Mental Health Mobile Crisis Unit and the North Charleston Police Department.

Plaintiff admits welfare check was conducted on Plaintiff on March 15, 2019 by Charleston County Mental Health Mobile Crisis Unit and the North Charleston Police Department.

3. Admit the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019 was not conducted by the Medical University of South Carolina, the Medical University of South Carolina Department of Public Safety or Kevin Kerley.

Plaintiff does not have information in his possession to admit or deny this admission. Plaintiff is of the belief that MUSC and its agents, servants and employees, including but not limited to Kevin Kerley had involvement in the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019.

4. Admit the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019 was not ordered by the Medical University of South Carolina, the Medical University of South Carolina Department of Public Safety, or Kevin Kerley.

Denied.

5. Admit neither the Medical University of South Carolina Department of Public Safety, nor Kevin Kerley made any public statements regarding the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019.

Denied.

6. Admit there was a good faith belief for the conducting of the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019.

Denied.

7. Admit there was reasonable grounds for the conducting of the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019.

Denied. Plaintiff admits there were reasonable grounds for the conducting of the welfare check, but not the armed and dangerous welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019.

8. Admit the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-30(f), does not allow a plaintiff to recover for intentional infliction of emotional distress against a governmental entity.

Plaintiff is without the legal training and background to admit or deny this request and would defer to the Court in this matter to consider all of the facts and circumstances to determine what relief is allowed under South Carolina law to him.

Requests Regarding Authenticity

1. Admit the genuineness of the May 4, 2020 email correspondence from Plaintiff Caine Henry, attached hereto as Exhibit A.

Plaintiff admits the email correspondence appears to be genuine.

2. Admit the genuineness of the March 5, 2019 email correspondence from Plaintiff Caine Henry, attached hereto as Exhibit B.

Plaintiff admits the email correspondence appears to be genuine.

3. Admit the genuineness of the March 11, 2019 email correspondence from Plaintiff Caine Henry, attached hereto as Exhibit C.

Plaintiff admits the email correspondence appears to be genuine.

4. Admit the genuineness of the March 15, 2019 email correspondence from Plaintiff Caine Henry, attached hereto as Exhibit D.

Plaintiff admits the email correspondence appears to be genuine.

5. Admit the genuineness of the May 12, 2020 email correspondence from Plaintiff Caine Henry, attached hereto as Exhibit E.

Plaintiff admits the email correspondence appears to be genuine.

Respectfully Submitted, this 3rd Day of March, 2021.

s/Caine Henry
Caine Henry, pro se Plaintiff
7882 Red Birch Circle
North Charleston, SC 29418

Certificate of Service

I certify, that I served counsel of record with these discovery responses via email and served the thumb drive with the production materials via US Mail on March 3, 2021.

s/Caine Henry

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
)	
Caine Henry,	)	C/A No. 2020-CP-10-01315
)	
<i>Plaintiff,</i>)	
)	
Versus)	
	)	DEFENDANTS'
	)	FIRST SET OF REQUESTS
Medical University of South Carolina, Medical	)	FOR ADMISSION
University of South Carolina Department of	)	TO PLAINTIFF
Public Safety, and Kevin Kerley,)	
)	
<i>Defendants.</i>)	

TO: CAINE HENRY, PRO SE:

The Defendants, Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley, (hereinafter “the Defendants”), pursuant to Rule 36 of the South Carolina Rules of Civil Procedure request these Requests for Admission are to be answered separately and fully, in writing, under oath, and are to be signed by the person making them, within thirty (30) days after service hereof.

1. Admit the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019 was warranted under the circumstances.

2. Admit the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019 was conducted by Charleston County Mental Health Mobile Crisis Unit and the North Charleston Police Department.

3. Admit the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019 was not conducted by the Medical University of South Carolina, the Medical University of South Carolina Department of Public Safety or Kevin Kerley.

4. Admit the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019 was not ordered by the Medical University of South Carolina, the Medical University of South Carolina Department of Public Safety, or Kevin Kerley.

5. Admit neither the Medical University of South Carolina Department of Public Safety, nor Kevin Kerley made any public statements regarding the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019.

6. Admit there was a good faith belief for the conducting of the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019.

7. Admit there was reasonable grounds for the conducting of the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019.

8. Admit the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-30(f), does not allow a plaintiff to recover for intentional infliction of emotional distress against a governmental entity.

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Brian E. Johnson (SC# 76103)
brian.johnson@hoodlaw.com
Julia A. Bradshaw (SC #103767)
julia.bradshaw@hoodlaw.com

Attorneys for the Defendants Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley

February 1, 2021
Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of the **DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSION TO PLAINTIFF** was served on the Pro Se Plaintiff by mailing, e-mailing, facsimile, or hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This 1st day of February, 2021.

@WBailey!

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) FOR THE NINTH JUDICIAL CIRCUIT

Caine Henry,) C/A No. 2020-CP-10-01315

Plaintiff,)

Versus)

Medical University of South Carolina, Medical)
University of South Carolina Department of)
Public Safety, and Kevin Kerley,)

Defendants.)

**DEFENDANTS’
FIRST SET OF REQUESTS FOR
ADMISSIONS TO PLAINTIFF
PURSUANT TO S.C. CODE §19-1-60**

TO: CAINE HENRY, PRO SE:

The Defendants, Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley, (hereinafter “the Defendants”), make the following Request for Admission pursuant to S.C. Code Ann. § 19-1 -60.

1. Admit the genuineness of the May 4, 2020 email correspondence from Plaintiff Caine Henry, attached hereto as Exhibit A.
2. Admit the genuineness of the March 5, 2019 email correspondence from Plaintiff Caine Henry, attached hereto as Exhibit B.
3. Admit the genuineness of the March 11, 2019 email correspondence from Plaintiff Caine Henry, attached hereto as Exhibit C.
4. Admit the genuineness of the March 15, 2019 email correspondence from Plaintiff Caine Henry, attached hereto as Exhibit D.
5. Admit the genuineness of the May 12, 2020 email correspondence from Plaintiff Caine Henry, attached hereto as Exhibit E.

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Attorneys for the Defendants Medical University of South Carolina, Medical University of South Carolina Department of Public Safety, and Kevin Kerley

February 1, 2021
Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of **DEFENDANTS' FIRST SET OF REQUEST FOR ADMISSIONS TO PLAINTIFF PURSUANT TO S.C. CODE § 19-1-60** was served on the Pro Se Plaintiff by mailing, e-mailing, facsimile, or hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This 1st day of February, 2021.
CAW Bailey

Brian Johnson

From: Caine Henry <cainekh@gmail.com>
Sent: Monday, May 4, 2020 5:04 PM
To: Brian Johnson
Subject: Settlement Offer
Attachments: Gmail - with a bullet.pdf; Gmail - shooting Officer Register in the head.pdf

Hi Mr. Johnson.

Is there a settlement offer of any kind that includes new MUSC guidelines for welfare checks and grievance hearings that your client would consider to wrap this up?

More than anything I want procedure change with MUSC's grievance hearing rights and welfare check procedures. My email did justify a welfare check but it certainly did not deserve to put myself and others in unnecessary arms way. I would greatly appreciate a response to see where we are at.

Please find the emails in question attached. I can see it warranted a welfare check but nothing in it wished harmed. There was only an idealistic hope of learning from previous situations that could have been avoided with a functioning grievance process that is available to all MUSC terminated employees. A working grievance process would have resolved many of the symptoms I experienced as a whistleblower and a person struggling with an acute mental illness. I hope MUSC will make a gesture of good faith and accountability.


Kind regards,
Caine

On Wed, Apr 22, 2020 at 5:12 PM Caine Henry <cainekh@gmail.com> wrote:

Hi Mr. Johnson,

Attached is my unfinished draft Response to your clients Motion to Dismiss. I do feel we can wrap this up for less than anticipated attorney fees and an agreement to revise the welfare check system so this never happens again. I consider myself lucky with the outcome that resulted in spite of the dangerous defamation and conspiracy that took place. I would be happy with \$120,000 in damages for what happened. I'd also like there to be an official review of MUSC's Welfare-check guidelines. Please have your client review my offer and response.

Kind Regards,

Caine Henry 



Brian Johnson

From: Caine Henry <cainekh@gmail.com>
Sent: Tuesday, March 5, 2019 1:08 AM
To: Drachman, Annette R.
Cc: Prodan, Michael (Mike); Drachman, Annette R.
Subject: Colcock Hall
Attachments: IMG_20190304_231832013.jpg

CAUTION: External

3/5/2019

Re: Continued request for Grievance hearing and internal Police investigation.
Colcock Hall

Annette,

When you repeatedly blockade a person's path to democracy, open conversations and fair hearings you open the doors to irrational thinking. When you shut-down all paths to diplomacy, war-like mind-sets starts to sprout.

We need to have an open discussion about the attached picture and Holcock Hall. There should be a conversation about how the actions of Dr. Kassur, Jim Z and SLED Agent Prodan and the narrative MUSC controlled lead to more intense war-like thoughts.

It wasn't until around late 2016 that I started to get some relief from these intense thoughts after listening to a segment on PTSD therapy on NPR. I fired Dr. Kassur and Jim Z realizing they were only intensifying my battle and making it much much worse. I started engaging in this new therapy and finally started to extinguish these unwanted war-like, workplace-shooter thoughts.

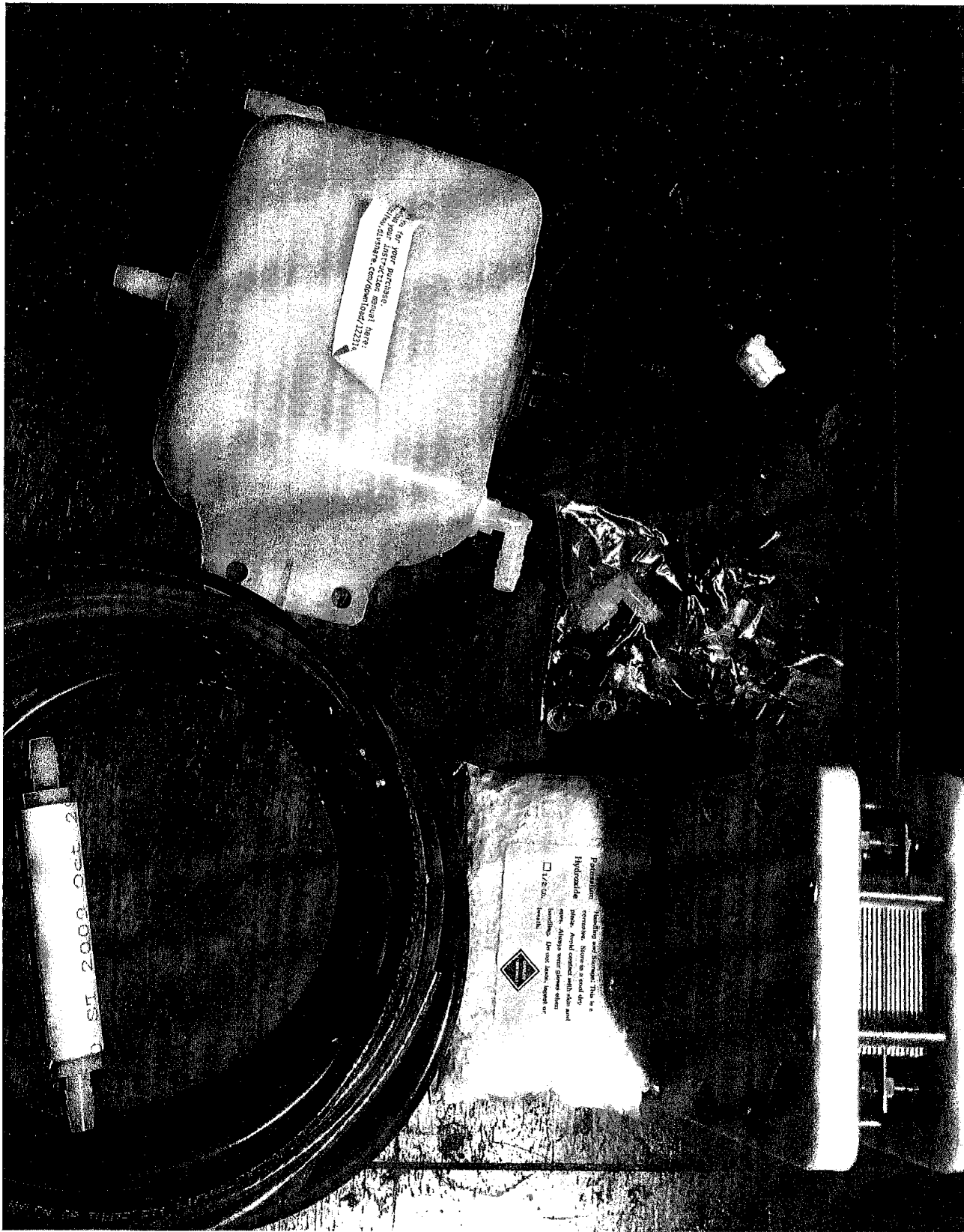
A grievance hearing years ago with independent unbiased jurors could have prevented these war-like thoughts that fortunately did not become reality. Denying my request for an internal investigation of MUSC Public Safety actions was a revealing moment. It's time to talk, to be open and to learn.

Sincerely,
Caine Henry



Sender notified by
[Mailtrack](#)







Caine Henry <caine.kh@gmail.com>

with a bullet

1 message

Caine Henry <caine.kh@gmail.com>

Mon, Mar 11, 2019 at 7:21 PM

To: coledj@musc.edu

Cc: "Drachman, Annette R." <drachmar@musc.edu>, "Prodan, Michael (Mike)" <mprodan@sled.sc.gov>

Bcc: newstips@postandcourier.com

Dr. Cole,

About two hours ago three men settled their beef/dispute with a bullet behind my home. Two men shot at a man behind my house and went running into the neighborhood. We went after them. This was all seen from my back-porch and we are all witnesses. We've seen this unfolding for weeks now.

My guess is these men didn't have a civilized path to resolve their dispute. Humans do resort to justice in destructive ways when a situation can't be resolved through prescribed pathways. For ten years now I have requested and requested and requested every prescribed path to justice and you keep blocking it.

Lets revisit that grievance hearing and a police investigation as a means to resolve this issue. You have blockod all proscribed civilized paths to resolving these issues. I have to wonder if your predecessor retired because he did look into this situation and he realized MUSC committed a crime here and he didn't want this matter under his presidency. Lets meet with SLED.

Sincerely,
Caine



Sender notified by
Mailtrack





Caine Henry <cainekh@gmail.com>

shooting Officer Register in the head

1 message

Caine Henry <cainekh@gmail.com>

Fri, Mar 15, 2019 at 12:29 PM

To: "Drachman, Annette R." <drachmar@musc.edu>, coledj@musc.edu, "Prodan, Michael (Mike)" <mprodan@sled.sc.gov>

Bcc: newstips@postandcourier.com

I'm scared and this makes me heart-pounding nervous to talk about. I have occasionally revisited why I had such intense daydreams about shooting Officer Register in the head from my car parked across the street from MUSC Public Safety. Back then I saw him as a vengeful power-abusing jackass that didn't care about the truth and was willing to make a man suffer because of his motives. It took me years to move past these repetitive thoughts of planning it. There was no doubt in my mind I could have pulled it off.

This man changed my entire life and almost took away my ability to care for my dogs. The struggle of finding work with a recent arrest was a two year battle. When I saw what Eric Frein did I wondered if something similar happened to him. Did the cop he killed fabricate evidence against him or something? I never did look into what happened to Eric Frein maybe he was just batshit crazy. But it made me realize I needed to do something about these thoughts. There were many time I thought about giving up on life. Then my home went into foreclosure and I was facing homelessness. But I fought back with the help of my therapist Jim Z and The Charleston Mental Health Center. He keep telling me getting back on my feet was realistic if I could get past the depressive thinking and be able to identify it. There was so many "almost" jobs. But that arrest kept killing jobs I could do and wanted to do. The harder my life got the more intense the thoughts got of killing Sgt Register. But after a few years one man gave me a chance to work for him. And for the past eight years I have been able to rebuild my life and allow some healing to take place. But prior to that healing...

When Officer Register pulled me out of the police car and pulled my arms up while handcuffed and hurting he said to me: "Now you remember me from the Larceny thing/event." I could not believe what I was hearing. Did he really think I was guilty of the Larceny thing and this was his revenge on me? He guided me to the jail and I knew nothing I could say would stop this from happening.

When I subpoenaed his phone calls it became very clear what happened after listening to them over and over again for days and weeks. If officer Register was trained in active listening he would have realized the alleged victim expressed doubt that I did anything wrong. But he quickly dismissed the comment by the alleged victim. If he had explore the alleged victims doubt he would have found out I was innocent and that I didn't stop by her home after being told not to. The alleged victim raised doubt and he completely dismissed it because he wanted to get his Larceny guy. But...

Weeks earlier unbeknownst to to Sgt Register the 3N IOP Larceny person was fired and caught red handed on video. Our unit secretary was stealing from patients and staff. How did Sgt Register not know this? He obviously didn't know the Larceny suspect was identified and fired. Was this matter not handled by MUSC Public Safety maybe? This should be looked into. The unit secretary that was fired for Larceny was Rhonda. I'm not sure what her last name is but she was fired in May or April of 2009. The person she was caught stealing from was Charles Banks one of our better nurses. But...

There was also a mention of a phone call to Harriet Cooney in Sgt Register conversation with the alleged victim. I requested the recording many times and MUSC Public Safety would not release it to me. So what was it Sgt Register did you dismiss the alleged victims doubts because you wanted to get your Larceny guy or was it because something Harriet Cooney said about me policing my coworkers which I believe she even mentioned in her termination letter to me.

I know I didn't communicate with Andi Lewis anytime between when he called me and my arrest. I want a police investigation done to see which was it. I want to know why he dismissed the doubt the alleged victims told him. The alleged victim actually gave him a clue to what really happened and he totally dismissed it. I have the recording and I'd be more than glad to sit-down with anyone who wants to listen to it for themselves.

Now I could get into the whole Raymond Shingler; Andi Lewis thing and the documents that should be really big red

flags to all of you but that could be a very long and laborsome email to write. If you want me to write about the document red flags with Raymond Shingler just ask. Eventually I found my peace with Sgt Register thanks to a documentary on NPR about PTSD. I was skeptical it would work but it did. I would like to share what helped to anybody that's interested in knowing. Just ask. I don't want to get Sgt Register fired because we are a teaching hospital. Mistakes happen and its best to acknowledge them and move forward more informed and better off. I just want to know why he ignored the alleged victims doubts heard in the recording. I'm pretty sure the Larceny thing influenced him but did Harriet Cooney also influence him? Only a police investigation will give me that answer.

Psychologist and mental health workers have the answer to work place shootings and mass shooting like the one in New Zealand. Behavioral Science professionals like Sled Agent Prodan should be learning as much as possible about the Behavior Science of organizations and hate groups. The mass shooter in New Zealand even referenced Dylan Roof. In my many years as a crisis counselor I learned one amazing thing about hateful people in crisis. Engaging in active listening and acknowledging their pain slowly diffuses the crisis. Its almost like magic. There are answers out there if we study these mass shootings. Our military does not have enough bullets to kill ISIS. It will be psychologists that are going to have to step-up their game. I can already think of a new experiment we could do to learn about hate and the point in which harmful action might be taken.

Our Mental Healthcare system and Psychologist really need to step-up to the plate and really start studying hate and how it can infect almost anyone and can even penetrate into religion and make it septic. If behavior science doesn't step up to the plate we will continue to see weekly mass shooting , school shooting, workplace shooting and suicide bombers.
Caine Henry

 Sender notified by Mailtrack



Brian Johnson

From: Caine Henry <cainekh@gmail.com>
Sent: Tuesday, May 12, 2020 10:26 AM
To: Prodan, Michael (Mike)
Cc: Brian Johnson; Drachman, Annette R.
Subject: I dont like the idea of just standing out here

Captain Prodan,

Its heard in this video that you called Mobil Crisis. I have no issue with that as a response to my email. I am curious if you talked with the NCPD and gave them information stating I was going to shoot law enforcement or anyone that came to my door?

MUSC contends neither they or Chief Kurley made those statements seen and heard in the attached video.

Did you contact the NCPD on 3/15/2019 and tell them I was going to harm others in anyway?

<https://link.edgepilot.com/s/bd044863/Cj51B4w9t0aDplQyJ7riKA?u=https://drive.google.com/open?id=1jXtshirWrNBBqaGlyLrMp0rnQ1L5QUpW>

<https://link.edgepilot.com/s/d5efcf70/1XaNrO9Imki7Q1y31CANcQ?u=https://drive.google.com/open?id=1EasB7mvMw-6XkzNB9Hjqw5gFbnO3DKow>

A returned email or a phone call would be appreciated to discuss. I would like to put this issue to bed as soon as possible and fix our welfare check system. I think NAMI would agree that someone endangered my life and the police officers lives by embellishing information to a very dangerous level. I want a safer system and changes clearly need to happen.

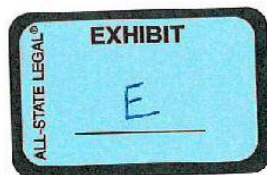
"I dont like the idea of just standing out here if he's threatening to shoot people".

"He threatening to kill law enforcement or anybody that comes to his house".

This could have ended tragically we need to make sure whoever gave this level of information is held accountable.

Kind Regards,

Caine Henry



“5. *Admit neither the Medical University of South Carolina Department of Public Safety, nor Kevin Kerley made any public statements regarding the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019.*

Plaintiff does not admit.”

Plaintiff has produced a recording to Defendants of Kevin Kerley discussing with Plaintiff both factual and nonfactual details of the welfare check. The source of Kevin Kerleys knowledge regarding the details of that welfare check are unknown and may have been the result of public statements given to him by Captain John Plitsch of MUSC Public Safety. Plaintiff does not possess personal knowledge of all of the public statements made by Kevin Kerley and believes Kevin Kerley is the better source of this information. Discovery is ongoing and Plaintiff reserves the right to supplement this response.

3. Copies of any and all documents or other evidence supporting or serving as a basis for Plaintiff’s denial of Defendant’s previous Request for Admission No. 6.

“6. *Admit there was a good faith belief for the conducting of the welfare check conducted on Plaintiff Caine Henry on or about March 15, 2019.*

Plaintiff does not admit.”

In Defendants’ Answers to Plaintiff’s Requests for Interrogatories response’s 15 and 16 indicate Captain John Plitsch of MUSC Public Safety had a phone call with SLED agent Captain Michael Prodan in which a welfare check was discussed. Plaintiff is unable to confirm or deny whether conversations were made in good faith. Plaintiff has issued a subpoena for all notes and recordings regarding phone calls related to the Plaintiff from SLED. Upon information and belief, the materials responsive to the subpoena will support Plaintiff’s position.

15. Copies of all documents reflecting any communications of the Defendants with Charleston Mobile Crisis regarding the incident alleged in the Plaintiff’s Complaint.

These documents are in the care custody and control of the Defendants and Plaintiff has requested a copy of the same.

MUSC Public Safety records all phone calls as was revealed during Discovery regarding K-304897 between Caine Henry and MUSC (2010). Defendants have indicated in Interrogatories response's 15 and 16 that Captain John Plitsch of MUSC Public Safety had a phone call with SLED agent Captain Michael Prodan in which a welfare check was discussed. Defendants have not produced the recording of this phone call although it is MUSC Public Safety standard to record all phone calls. Plaintiff therefore believes a recording of the phone call to Charleston Mobile Crisis may exist but is not being produced and would be in the custody and control of the Defendants. Additionally in recordings with Kevin Kurley he indicated that emails are automatically "rotated out of the system" after 90 days. Plaintiff believes emails to Charleston Mobile Crisis may have existed but have been made unavailable due to being "rotated out of the system" but likely can be located by an expert technologies expert. Plaintiff reserves the right to supplement this reponse.

16. Copies of all documents reflecting any communications of the Defendants with the North Charleston Police Department regarding the incident alleged in the Plaintiff's Complaint.

These documents are in the care custody and control of the Defendants and Plaintiff has requested a copy of the same.

In Plaintiff's produced recordings with Kevin Kerley, Captain Kerley quoted the North Charleston Police Department regarding the incident on 03/15/2019. The source of this communication regarding the alleged quote from the North Charleston Police Department has not been produced by the Defendants nor identified in statements supplied by Defendants Interrogatories Responses. Additionally in recordings with Kevin Kerley he indicated that emails are automatically "rotated out of the system" after 90 days. Plaintiff believes emails to NCPD may have existed but have been made unavailable due to being "rotated out of the system" or that those emails may be accessible by an information technologies expert.

17. Copies of all documents reflecting any communications of the Defendants regarding the incident alleged in the Plaintiff's Complaint.

These documents are in the care custody and control of the Defendants and Plaintiff has requested a copy of the same.

In Plaintiff's produced recordings with Kevin Kerley, Captain Kerley reveals knowledge of NCPD and SLED quotes and involvement in alleged incident. Plaintiff believes he is reasonable in his belief that Kevin Kerley learned details of the alleged incident via some mode of communication. As of present day the Defendants have not produced communication records or provided statements related to interrogatory requests made by Plaintiff. Plaintiff believes these documents are in the care custody and control of the Defendants and Plaintiff has requested a copy of the same.

18. Copies of all documents supporting Plaintiff's position any of the Defendants ordered the welfare check alleged in the Plaintiff's Complaint.

These documents are in the care custody and control of the Defendants and Plaintiff has requested a copy of the same

Defendants have indicated in Interrogatories response's 15 and 16 that Captain John Plitsch of MUSC Public Safety had a phone call with SLED agent Captain Michael Prodan before the welfare check was ordered by SLED. Plaintiff produced to the Defendant's the NCPD CAD Report, 911 recordings and NCPD body cam video all indicating the welfare check was ordered by SLED. It is clear in Plaintiff's produced recordings with Kevin Kerley that Kevin Kerley had communication with an unknown party regarding the ordered welfare check. Plaintiff believes there are documents in the care custody and control of the Defendants that have not been produced or amended in Defendant's interrogatory answers. Plaintiff also believes that the materials responsive to the SLED subpoena will provide additional relevant information responsive to this request.

3. Copies of any and all written reports by examining and/or treating physicians of the Plaintiff or by other medical practitioners relating to the injuries complained of in the Complaint herein.

Plaintiff does not have any documents responsive to this request in his possession at this time. Plaintiff reserves the right to supplement this response.

4. Copies of any and all statements, memoranda, bills or other materials which substantiate or relate to the claimed damages sustained by the Plaintiff herein.

Plaintiff makes reference to the documents produced on the enclosed thumb drive.

Plaintiff reserves the right to supplement this response.

5. All photographs, sketches or diagrams relating in any way to the allegations of the Plaintiff's Complaint.

Other than the documents, videos and recordings on the produced thumb drive, Plaintiff does not have any documents responsive to this request in his possession at this time.

Plaintiff reserves the right to supplement this response.

6. Copies of all exhibits or other documents, including those to be used for demonstrative purposes, to impeach witnesses, or to be used in the direct examination or cross examination of any witness, which may be used in the trial of this case.

Other than the documents, videos and recordings on the produced thumb drive, Plaintiff does not have any documents responsive to this request in his possession at this time.

Plaintiff reserves the right to supplement this response.

7. Copies of any and all records or documents identified by the Plaintiff in his answers to interrogatories.

Other than the documents, videos and recordings on the produced thumb drive, Plaintiff does not have any documents responsive to this request in his possession at this time.

Plaintiff reserves the right to supplement this response.

8. Copies of any and all records or documents received by the Plaintiff in response to a Freedom of Information Act request, subpoena, or any other request for documents and/or records.

Plaintiff objects that this request is not limited in time or scope. Other than the documents, videos and recordings on the produced thumb drive, Plaintiff does not have any relevant documents responsive to this request in his possession at this time. MUSC never responded to Plaintiff's FOIA request related to this incident. Plaintiff demands all responsive documents be produced. Plaintiff reserves the right to supplement this response.

9. Copies of any code, regulation, statute, custom or standard which you contend the Defendants violated.

Plaintiff objects to the extent this request calls for a legal conclusion and refers Defendants to his Complaint and the associated documents produced on the thumb drive.

10. All photographs, sketches or diagrams relating in any way to the allegations of the Plaintiff's Complaint.

Other than the documents, videos and recordings on the produced thumb drive, Plaintiff does not have any documents responsive to this request in his possession at this time. Plaintiff reserves the right to supplement this response.

11. A copy of any journal or diary kept by the Plaintiff during the relevant time period. **Plaintiff does not have any documents responsive to this request in his possession at this time. Plaintiff reserves the right to supplement this response.**

12. Produce all electronically stored documents in which the events described in the Plaintiff's Complaint are discussed or referenced. This request includes any:

- a) Email communications;
- b) Instant messages including, but not limited to: Gmail/Gchat, Facebook, or Outlook;
- c) .jpeg or .tiff file;
- d) Text message; or
- e) Messages or posts stored on a social media account including but not limited to: Facebook, Twitter, Tumblr, or Instagram.

Other than the documents, videos and recordings on the produced thumb drive, Plaintiff does not have any documents responsive to this request in his possession at this time. Plaintiff reserves the right to supplement this response.

13. Copies of all written correspondence, email correspondence or text messages of Plaintiff Caine Henry regarding the incident alleged in the Plaintiff's Complaint.

Other than the documents, videos and recordings on the produced thumb drive, Plaintiff does not have any documents responsive to this request in his possession at this time. Plaintiff reserves the right to supplement this response.

14. Copies of all social media postings by Plaintiff Caine Henry regarding the incident alleged in the Plaintiff's Complaint.

Other than the documents, videos and recordings on the produced thumb drive, Plaintiff does not have any documents responsive to this request in his possession at this time. Plaintiff reserves the right to supplement this response.

15. Copies of all documents reflecting any communications of the Defendants with Charleston Mobile Crisis regarding the incident alleged in the Plaintiff's Complaint.

These documents are in the care custody and control of the Defendants and Plaintiff has requested a copy of the same.

16. Copies of all documents reflecting any communications of the Defendants with the North Charleston Police Department regarding the incident alleged in the Plaintiff's Complaint.

These documents are in the care custody and control of the Defendants and Plaintiff has requested a copy of the same.

17. Copies of all documents reflecting any communications of the Defendants regarding the incident alleged in the Plaintiff's Complaint.

These documents are in the care custody and control of the Defendants and Plaintiff has requested a copy of the same.

18. Copies of all documents supporting Plaintiff's position any of the Defendants ordered the welfare check alleged in the Plaintiff's Complaint.

These documents are in the care custody and control of the Defendants and Plaintiff has requested a copy of the same.

19. Copies of all documents identifying the individuals who ordered the welfare check alleged in the Plaintiff's Complaint.

These documents are in the care custody and control of the Defendants and Plaintiff has requested a copy of the same.

20. Copies of all social media postings made by Plaintiff related to the events alleged in the Plaintiff's Complaint.

Other than the documents, videos and recordings on the produced thumb drive, Plaintiff does not have any documents responsive to this request in his possession at this time.

Plaintiff reserves the right to supplement this response.

Interrogatory Responses

1. Give the names and addresses of persons known to the Plaintiff to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

RESPONSE: Plaintiff identifies the following persons:

The Plaintiff;

Katherine Waggoner 7882 Red Birch Circle, North Charleston, SC 29418 – no recorded statement;

Peter Ramins 7882 Red Birch Circle, North Charleston, SC 29418 – no recorded statement;

John Plitsch 101 Jonathan Lucas St, Charleston, SC 29425;

Kevin Kurley 101 Jonathan Lucas St, Charleston, SC 29425 Recorded statement in possession of Plaintiff;

Micheal Prodan 4400 Broad River Rd, Columbia, SC 29210 Recorded statement in possession of Plaintiff;

Cami from Mobile Crisis 2100 Charlie Hall Blvd, Charleston, SC 29414 Recorded statement in possession of Plaintiff;

Darius Rivers 2500 City Hall Ln, North Charleston, SC 29418 Recorded statement in possession of Plaintiff;

Olin Heneghan 2500 City Hall Ln, North Charleston, SC 29418 Recorded statement in possession of Plaintiff; and

Plaintiff reserves the right to supplement this response.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.

RESPONSE: Plaintiff has not made such a list.

3. Set forth the names and addresses of all physicians who have treated the party and all hospitals to which the party has been committed in connection with said injuries and also set forth a statement of all medical costs involved.

RESPONSE: Plaintiff identifies Dr. Mari Asper 9263 Medical Plaza Dr, North Charleston, SC 29406, Dr. Richard Bowens 570 Long Point Rd suite 150, Mt Pleasant, SC 29464 and Roper St. Francis 316 Calhoun St, Charleston, SC 29401. Plaintiff produced the medical bills he had in his possession. Plaintiff reserves the right to supplement this response.

4. Set forth an itemized statement of all damages, exclusive of pain and suffering, claimed to have been sustained by the Plaintiff.

RESPONSE: Plaintiff identifies the medical bills produced and those that may be produced in the future. Medical care and treatment is ongoing. Plaintiff reserves the right to supplement this response.

5. List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case.

Response: Plaintiff has not hired any expert witnesses to date.

6. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

Response: Plaintiff identifies the following persons:

The Plaintiff witnessed the events and the subsequent treatment and care;

Katherine Waggoner was an eye witness to the events and my subsequent care and treatment;

Peter Ramins was an eye witness to the events and my subsequent care and treatment;

John Plitsch had a conversation with Michael Prodan on or about March 15, 2019;

Kevin Kurley Recorded statement included on enclosed on thumb drive;

Micheal Prodan Recorded statement included on enclosed on thumb drive;

Cami from Mobile Crisis Recorded statement included on enclosed on thumb drive;

Darius Rivers Recorded statement included on enclosed on thumb drive;

Olin Heneghan Recorded statement included on enclosed on thumb drive; and

Plaintiff reserves the right to supplement this response.

7. Set forth the basis for Plaintiff's allegation that the Defendants contacted Charleston County Mental Health Mobile Crisis Unit regarding the welfare check of the Plaintiff on March 15, 2019.

Response: Plaintiff had communications with the Defendants. Charleston County Mental Health Mobile Crisis Unit appeared shortly thereafter. Plaintiff did not contact Charleston County Mental Health Mobile Crisis Unit and ask them for a welfare check on March 15, 2019. Plaintiff is awaiting discovery responses from the Defendants. Plaintiff reserves the right to supplement this response.

8. Set forth the basis for Plaintiff's allegation that the Defendants contacted North Charleston Police regarding the welfare check of the Plaintiff on March 15, 2019.

Response: Plaintiff had communications with the Defendants. The North Charleston Police Department Officers appeared shortly thereafter. Plaintiff did not contact the North Charleston Police Department and ask them for an armed welfare check on March 15,

2019. Plaintiff is awaiting discovery responses from the Defendants. Plaintiff reserves the right to supplement this response.

9. Set forth the basis for the Plaintiff's allegations that the Defendants contacted the North Charleston Police Department regarding email "concerns" as set forth in Paragraph 29 of the Plaintiff's Complaint.

Response: Plaintiff had email communications with the Defendants. The North Charleston Police Department Officers appeared shortly thereafter. Plaintiff did not contact the North Charleston Police Department and ask them for an armed welfare check on March 15, 2019. Plaintiff is awaiting discovery responses from the Defendants. Plaintiff reserves the right to supplement this response.

10. Identify all individuals involved in the alleged communications of the Defendants with the Charleston County Mental Health Mobile Crisis Unit and North Charleston Police regarding the welfare check of the Plaintiff on March 15, 2019.

Response: Defendant has this information in its care custody and control. Defendants have identified Caption Prodan and Captain Plitch. Plaintiff believes Kevin Kurley and Annette Drachmann may have had some involvement as well. Discovery is ongoing and Plaintiff has requested this same information from the Defendants.

11. Identify all alleged false and defamatory communications/statements made by the Defendants to include the date such communication/statement, the individual who made such alleged communication/statement and the individual to whom such communication/statement was made.

Response: Plaintiff was informed by those making the welfare check that they were instructed that the Plaintiff was armed and dangerous and that he had threatened to shoot anyone who came to his front door. Discovery is ongoing and Plaintiff reserves the right to supplement this response.

12. Identify with specificity all individuals alleged to be involved in a civil conspiracy as alleged in Paragraph 25 of the Plaintiff's Complaint.

Response: Plaintiff has requested this information from Defendants. Plaintiff identifies Captain Prodan, Captain Plitch, Annette Drachmann and Kevin Kurley and Plaintiff reserves the right to supplement this response as discovery is ongoing.

13. Identify with specificity all actions taken in furtherance of the alleged civil conspiracy as alleged by the Plaintiff in Paragraph 26 of the Plaintiff's Complaint.

Response: In the past, the Defendants caused Plaintiff to be wrongfully arrested and discharged in the past as a result of the wrongful arrest. Plaintiff is of the belief that reckless disregard was given to his disability and that the Defendants set forth a conspiracy to teach Plaintiff a lesson.

14. Identify with specific all special damages alleged to have been incurred by the Plaintiff as a result of the alleged civil conspiracy as set forth in Paragraph 27 of the Plaintiff's Complaint.

Response: Plaintiff has suffered special damages including pain and suffering, emotional distress, medical bills, costs associated with legal filings and other damages as the Court may deem just and proper.

Respectfully Submitted, this 12th Day of April, 2021.

s/Caine Henry
Caine Henry, pro se Plaintiff
7882 Red Birch Circle
North Charleston, SC 29418

Certificate of Service

I certify, that I served counsel of record with these discovery responses via email and served the thumb drive with the production materials via US Mail on April 12, 2021.

s/Caine Henry

STATE SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON)
)
) CASE NO.:2020-CP-10-01315
 CAINE HENRY,)
) **PLAINTIFF CAINE HENRY'S RESPONSE**
Plaintiff,) **BRIEF TO DEFENDANTS MOTION FOR**
) **SUMMARY JUDGMENT**
)
 Versus)
)
)
 MEDICAL UNIVERSITY OF SOUTH)
 CAROLINA, MEDICAL UNIVERSITY)
 OF SOUTH CAROLINA DEPARTMENT)
 OF PUBLIC SAFETY, KEVIN KERLEY)
)
Defendants,)

FILED
 2022 OCT 25 PM 3:21
 JULIE J. ARMSTRONG
 CLERK OF COURT

I. PRELIMINARY STATEMENT

Defendants have moved for a no-evidence, no genuine issue of material fact and traditional summary judgment on Plaintiffs causes of action against Defendant for defamation, civil conspiracy, intentional infliction of emotional distress and negligence. For the reasons discussed below, the Defendants’ motion should be denied in its entirety.

II. SUMMARY JUDGMENT EVIDENCE

Plaintiff submits the following summary judgment evidence in opposition to Defendant’s Motion for Summary Judgment:

- (1) the Affidavit of Tristen Watts and NCPD Body Cam Transcript (Ex. A)
- (2) the DEFENDANTS’ ANSWERS TO PLAINTIFF’S REQUEST FOR INTERROGATORIES (Ex. B)
- (3) the Affidavit of Tristen Watts and MUSC Chief Kerley / Caine Henry Audio Recording Transcript (Ex. C)
- (4) SLED MTC (Ex. D)
- (5) MUSC FOIA Requests (Ex. E)
- (6) NCPD Body Cam (Ex. F1 & F2)
- (7) MUSC Chief Kerley / Caine Henry Audio Recording (Ex. G)

III. DISPUTED ISSUES OF MATERIAL FACT

- 1. **Defendant’s assertion:** “The Defendants’ factual affirmative defenses are based on there being no evidence of the Defendants’ involvement in the execution of the welfare check on Plaintiff alleged to have occurred on March 15, 2019” (DEFENDANTS’ ANSWERS TO PLAINTIFF’S REQUEST FOR INTERROGATORIES 4.) Further, the discovery

exchanged confirms the Defendants did not order or participate in the wellness check alleged and serving as the basis for the Plaintiff's case. **(DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT)**

2. **Disputed facts.** Defendants did have involvement regarding the wellness check that was conducted on the plaintiff. MUSC Captain John Plitsch participated in a phone call with SLED Captain Michael Prodan about a pending recommended wellness check with the Plaintiff. **(DEFENDANTS' ANSWERS TO PLAINTIFF'S REQUEST FOR INTERROGATORIES 15.)**

IV. ARGUMENT

A. The Existence of Disputed Fact Issues Make Summary Judgment on Plaintiff's Claims Inappropriate.

1. A No-Evidence, No-genuine issue of material fact Summary Judgment Is Inappropriate Because Plaintiff Has Produced Evidence Supporting Each Challenged Element of its Claims.

First, Defendant's motion for summary judgment on Plaintiff's defamation claim should be denied because Defendants have produced evidence that prove: (1) Defendants did discuss a wellness check with SLED agent Prodan and shortly thereafter North Charleston Police officers were wrongfully and maliciously informed that the Plaintiff would "kill law enforcement or anybody that came to his house" (NCPD Body Cam Transcript (Ex. A) p2). (2) Plaintiff has provided video, audio and transcript evidence revealing NCPD Officers were dishonestly informed that the Plaintiff was actively ready to shoot them (NCPD Body Cam Transcript (Ex. A) p3 & p4). (3) The defendants have not produced any evidence that the Plaintiff made such terroristic comments.

Defendants state that during the welfare check Plaintiff said he "was trying to scare MUSC into a grievance hearing." (MUSC Chief Kerley / Caine Henry Audio Recording Transcript (Ex. C) p3) Plaintiff obtained and transcribed the entire welfare/ wellness check via NCPD Body Cams. Nowhere in the video or in the transcripts is plaintiff suggesting anything close to wanting to scare MUSC into a grievance hearing. Defendants defamed Plaintiff face to face in a recorded one on one meeting. (MUSC Chief Kerley / Caine Henry Audio Recording Transcript (Ex. C) p3) Plaintiff believes this false narrative the defendants claimed was shared by an unknown entity suggesting a civil conspiracy.

Second, Defendant's motion for summary judgment on Plaintiff's civil conspiracy claim should be denied because the Defendant's have produced evidence that: (1) They did indeed have a participating conversation with SLED regarding a pending wellness check. (2) NCPD Body Cam footage reveals SLED had a conversation with Mobile Crisis. (3) Mobile Crisis had a conversation with NCPD officers (NCPD Body Cam Transcript (Ex A) p2). (4) No party attempted to fact check the chain of embellishing information that ultimately led to police officers fearing the plaintiff under an outrageous conspiracy. (5) NCPD Officers were lethally prepared to confront the defendants harmful conspiracy of the Plaintiff that could have resulted in the death or serious injury of the plaintiff (NCPD Body Cam (Ex. F1)).

Third, Defendant's motion for summary judgment on Plaintiff's intentional infliction of Emotional Distress claim should be denied because The Plaintiff has produced evidence that: (1) The Plaintiff incurred thousands of dollars in Psychiatric care as a result of the Defendants actions and has submitted records of care. Plaintiff will provide records under seal from public should Your Honor desire evidence of this nature.

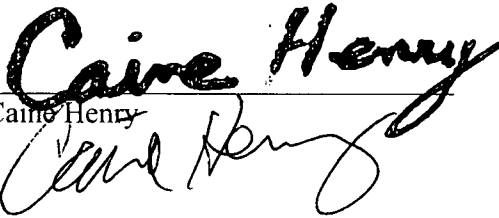
Forth, Defendant claims Plaintiff "has been afforded an opportunity for discovery" (Defendant's Notice of Motion for Summary Judgment) Plaintiff has submitted several FOIA request to MUSC. MUSC has not complied with most of the requests (MUSC FOIA Requests (Ex. E)). Defendants have listed SLED agent Michael Prodan as a witness. Plaintiff subpoenaed SLED on 07/15/2021 for information related to the agent's pending testimony. SLED did not comply with subpoena. Plaintiff filed a Motion to Compel SLED for subpoena information crucial to the Plaintiffs claims in Charleston County on 8/11/2021. Then a MTC was filed in SLED's home county Richland. The MTC was filed on 7/5/2022 in Richland County and is pending a hearing (SLED MTC (Ex. D)).

2. Triable Fact Issues Preclude a Traditional Summary Judgment on Plaintiff's Claims.

V. CONCLUSION

For the foregoing reasons, Defendant's Motion for Summary Judgment should be denied in its entirety.

Caine Henry, Pro Se
7882 Red Birch Circle *
North Charleston, SC 29418
(843) 817-2672 / cainekh@gmail.com

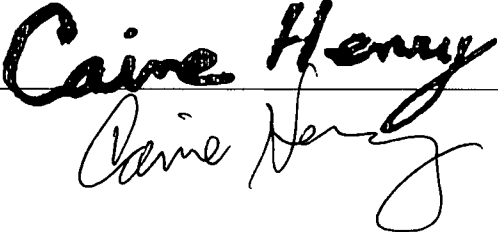

Caine Henry

October 19th 2022
North Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of **PLAINTIFF CAINE HENRY'S RESPONSE BRIEF TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT** was served on Defendants by electronic mail in the manner prescribed by the applicable Rule of Civil Procedure.

This 19th day of October, 2022


Caine Henry

Transcription of

NCPD Body Cam audio files:
2031710852_190315_193406.mkv
AKA
Cop1 A Raw.mkw [00:00-42:49]

&

2031710852_190315_201655.mkv
AKA
Cop1 B raw.mkv [00:00-07:23]

Transcribed by:

Tristen Watts (863)-345-0040

1

2 **Cop1 A Raw.mkw [00:00-42:49]**

3

4

5 **[00:23]**

6 **Officer Rivers:** Hello.

7

8 **Cammie:** Hello. How're you today?

9

10 **Officer Rivers:** I'm okay.

11

12 **Cammie:** So, we are going to meet a gentleman by the name of
13 Caine Henry. He is real unhappy with his old employer MUSC.
14 Officer, Captain Michael [inaudible] special agent with SLED,
15 they've asked that we come do an assessment on him.

16

17 **Officer Rivers:** Okay.

18

19 **Cammie:** And here we are [chuckles].

20

21 **Officer Rivers:** I dont know if they've told you about the call
22 notes on the house.

23

24 **Cammie/Lisa:** About the what?

25

26 **Officer Rivers:** The call notes on the house. He's threatening to
27 kill law enforcement or anyone that comes to his house.

28

29 **Cammie:** Oh.

30

31 **Officer Rivers:** So I'm waiting for my partner-

32

33 **Cammie:** I can understand that.

34

35 **Officer Rivers:** Before we make contact.

36

37 **[crosstalk]**

38

39 **Officer Rivers:** Yeah, I was told that and my supervisor said
40 "look at the call notes". I looked and sure enough that's what
41 it said. So I was like uhm.. I asked for a second unit because
42 I'm not going here by myself [chuckles].

43

44 **Cammie:** Oh I don't blame you. And we bring you for a reason We
45 want to know we're safe too [chuckles].

46

47 **Lisa:** [inaudible]

ROA p. 182

1

2 [01:37]

3 **Officer Rivers:** Does he know this is happening?

4

5 **Lisa:** No.

6

7 **Cammie:** He does not. Its a surprise. They want us to make a cold
8 call because they don't want him to leave when he realizes that
9 we're coming out. I don't think it's the greatest idea myself.

10

11 **Officer Rivers:** Not at all.

12

13 **Cammie:** Management put this in and said "you need to go out."
14 [chuckles]

15

16 **Officer Rivers:** What if he doesn't want to talk to us?

17

18 **Cammie:** Then, we don't talk to him and we leave.

19

20 **Officer Rivers:** Okay.

21

22 [Cammie and Lisa conversing briefly]

23

24 **Officer Rivers:** I saw the notes and was like "I hope to god
25 they're not there. Please don't say they're there already."

26

27 **Cammie:** We never approach without an officer because you never
28 know what you're walking into.

29

30 **Lisa:** [inaudible - asking about the call notes]

31

32 **Officer Rivers:** He's - yes, he's made threats against law
33 enforcement, public officials [inaudible].

34

35 [02:47]

36 **Officer Rivers:** Of course he pulls up right to the front door
37 [chuckles]. Not a good idea.

38

39 **Lisa:** [on the phone] So were out here to see Caine Henry
40 [inaudible - speaking about call notes] - this person has
41 threatened to shoot any officer on scene [inaudible].

42

43 [Officer Rivers walks away from the car to second officer and
44 groans.]

45

46 **Officer Rivers:** So, that's the guy we need that just walked out
47 in his driveway. In his call notes - he's threatened to shoot

1 any law enforcement officer or anybody on scene so.. do you want
2 to go talk to him?

3

4 **Officer Hanigan:** Might not be a good idea to stand out here if
5 he's threatened to shoot people, so we got to move.

6

7 **Officer Rivers:** All right, lets go. We're going to go make
8 contact. Oh my goodness gracious.

9

10 **Officer Rivers:** Mr. Henry. He's right here. Are you Mr. Henry?

11

12 **Caine Henry:** Yes.

13

14 **Officer Rivers:** How're you doing? I'm Officer Rivers with the
15 North Charleston Police Department This is my partner, Officer
16 Hanigan. Do you mind talking to us? Talking to you for a second?
17 You're not in any trouble, any danger or anything. We just need
18 to talk to you real quick.

19

20 **Officer Rivers:** These two fine lovely people - I'm not 100% who
21 they're with - they just have a couple questions for you.

22

23 **Caine Henry:** Okay.

24

25 **Officer Rivers:** Do you mind answering a couple questions for
26 them?

27

28 **Caine:** Sure.

29

30 **Officer Rivers:** Okay.

31

32 **Officer Hanigan:** How's things been? How's your day? You doing
33 okay?

34

35 **Caine:** Yeah I'm fine.

36

37 **Officer Hanigan:** Okay. Like I said, were just as confused as you
38 are. Thy told us to make contact with you, and see if they could
39 talk to you as well. Hopefully they've got more info. I
40 appreciate it. Pleasure to meet you ma'am, I'm Officer Hanigan.

41

42 **Kat:** Hello, I'm Kat.

43

44 **Officer Rivers:** I'm officer Rivers.

45

46 **Kat:** Hello.

47

1 **Cammie:** Hello, How're you.

2

3 **Caine:** Hello. How're you guys?

4

5 **Cammie:** I'm good, how're you? My names Cammie, this is Lisa -

6

7 **Lisa:** Hey.

8

9 **Cammie:** -were with the department of mental healths crisis team.

10

11 **Caine:** Okay.

12

13 **Cammie:** We've been asked to come out and see how you're doing
14 and just kind of touch base today. You good with talking to us
15 today?

16

17 **Caine:** [chuckles] Yeah.

18

19 **Cammie:** All right.

20

21 **Caine:** Sure.

22

23 **Lisa:** So hows things going? Are you doing okay?

24

25 **Caine:** Well lets get to it.

26

27 **Lisa:** Okay. Uh, hows your sleep-

28

29 **Caine:** [inaudible]

30

31 **Lisa:** all right, hows your sleep been?

32

33 **Caine:** No, get to it.

34

35 **Cammie:** But what are we getting to?

36

37 **Caine:** I don't know.You were called out here for a reason.

38

39 **Lisa:** Okay, yeah we were called out to see how you were doing
40 and we've got a series of questions that we ask everybody when
41 were doing a check on people. So, if you could answer the
42 questions to the best of your ability. Part of it is how you're
43 doing overall.

44

45 **Caine:** Okay.

46

47 **Lisa:** All right, part of it is how you've been sleeping.

1
2 **Caine:** [to Kat] What time did I get up this morning?
3
4 **Kat:** About 7:30 AM with me.
5
6 **Caine:** Okay.
7
8 **Lisa:** So are you sleeping okay? Do you feel rested? How many
9 hours are you getting?
10
11 **Kat:** Is his family concerned about [inaudible].
12
13 **Lisa:** We got a call to come out and come check on you to see how
14 you're doing. There's been some concerning situations going on
15 and we just want to do a welfare check.
16
17 **Caine:** Concerning emails? About police corruption at MUSC?
18
19 **Lisa:** Something to that effect. So we want to check on your
20 wellbeing and see how you're doing.
21
22 **Caine:** Okay.
23
24 **Lisa:** So are you getting like 6 hours of sleep? 8 hours of
25 sleep? Do you feel rested or-
26
27 **Caine:** Usually 8 hours of sleep. I've got an app on my phone
28 here. I use a CPAP machine and it records my sleep hours. Would
29 you like to see that?
30
31 **Lisa:** Oh, that's fine.
32
33 **Officer Hanigan:** What happened over at MUSC if you don't mind me
34 asking?
35
36 **Caine:** There's a lot of emails that explain it, but it basically
37 boils down to a cop that thought I committed larceny and then he
38 ignored some evidence about something else and had me arrested.
39
40 **Officer Hanigan:** Oh okay.
41
42 **Caine:** I have all the recordings. I sent a lot of emails to the
43 attorney at MUSC. The president at MUSC.
44
45 **Cammie:** Is this something that's happened recently?
46
47 **Caine:** No, this happened about 10 years ago.

1

2 **Cammie:** Oh, okay.

3

4 **Caine:** But you know the problem started with Charleston mental
5 health and ignoring me about the safety and well being of her
6 [points to Kat].

7

8 **Cammie:** Okay.

9

10 **Caine:** Over some of these emails.

11

12 **Lisa:** So what was not safe about her?

13

14 **Caine:** She just, was not in a safe situation. That's her own
15 thing.

16

17 **Lisa:** So are you feeling safe?

18

19 **Caine:** yeah I'm fine.

20

21 **Lisa:** Are you having any thoughts of wanting to hurt yourself?

22

23 **Caine:** No.

24

25 **Lisa:** Any thoughts of hurting anybody else?

26

27 **Caine:** No.

28

29 **Lisa:** Okay.

30

31 **Caine:** Did whoever contacted you actually pass on the emails to
32 you?

33

34 **Lisa:** yeah, we've got the information, but we have to ask you
35 how you're doing and these questions that we have to ask.

36

37 **Caine:** Okay, do you still want the sleep data?

38

39 **Lisa:** Sure. How about your appetite?

40

41 **Caine:** My appetites fine.

42

43 **Lisa:** Okay. Any drug or alcohol use at all?

44

45 **Caine:** I do occasionally drink.

46

47 **Lisa:** Okay. How often and how much?

1
2 **Caine:** How often do I drink Kat?
3
4 **Kat:** Maybe once a week.
5
6 **Lisa:** Once a week? And how much in a sitting?
7
8 **Caine:** 2 16oz Blue Moons.
9
10 **Lisa:** Okay.
11
12 **Officer Rivers:** Good choice.
13
14 **Caine:** [to Kat] Do I ever go over that?
15
16 [laughter in background at Rivers comment]
17
18 **Kat:** No.
19
20 **Lisa:** So sleeps pretty good, appetites good is what I'm hearing.
21
22 **Caine:** I'm trying to find my app here just so I can show you
23 guys I'm not trying to pull one over on you.
24
25 **Lisa:** I got you.
26
27 **Caine:** If you want me to pull up that emails I sent this morning
28 ill be more than happy to read it to you.
29
30 **Lisa:** Okay.
31
32 **Caine:** I also have a mail tracking system and noticed that after
33 they read it they did go back and read my demands.
34
35 **Lisa:** Okay, and what are your demands?
36
37 **Caine:** What are my demands?
38
39 **Lisa:** yeah, I mean if you want to share with us that's okay.
40
41 **Caine:** 10 years of back pay and to be reinstated.
42
43 **Lisa:** Okay.
44
45 **Caine:** And I have enough evidence to show that what they did to
46 me was because of policing my coworkers over suicide checks at
47 the institute of psychiatry.

1

2 **Lisa:** Okay, they're not able to -

3

4 **Caine:** And when I started getting some employees in trouble the
5 police got involved. And I got investigated for larceny,
6 attempting to steal another persons motorcycle, threatening to
7 release protected health information of the patients. I had
8 built a suicide patient database. They came up with all kinds of
9 stuff and MUSC public safety investigated me for 4 crimes that I
10 did not do.

11

12 **Cammie:** But whatever became of it if its been that long ago?

13

14 **Caine:** They keep refusing to do police investigations I need to
15 get me a grievance hearing. I have all the proof I need to prove
16 my innocence.

17

18 **Lisa:** Have you been arrested or gone to jail for any of it?

19

20 **Caine:** I did get arrested for it and I went to jail. And then I
21 was found not guilty up in a higher court.

22

23 **Lisa:** You've filed a grievance report with MUSC is what I'm
24 hearing.

25

26 **Caine:** Right and they keep refusing to act on it and its state
27 law that they have to. And if I request a police - an internal
28 police investigation they really should do one. I don't know if
29 they're required- Are you guys required to do one if somebody
30 says that you absolutely have to do one?

31

32 **Officer Hanigan:** As in an internal investigation in our
33 department? Our internal affairs? They more than likely would do
34 one for you.

35

36 **Officer Rivers:** We don't work the same as MUSC though. Were
37 municipality. We don't work the same as they do.

38

39 **Caine:** I understand that, but most police departments if you ask
40 them to do a police investigation they should look into it.

41

42 **Lisa:** So if they decide that they're not going to do this going
43 forward, if they say "were done, were not - were done with this"
44 how're you going to go forward? What are your plans?

45

46 **Caine:** How am I going to go forward? Is to contact their board
47 members. And I will go to each one of them. I will bring them

1 the recordings, the evidence and I will show each and every one
2 of them what happened. And this was a result of me policing
3 coworkers that weren't doing suicide checks. Do you know how
4 many times I saw suicides at the institute of psychiatry? How
5 many times -

6

7 **Lisa:** I can only imagine. I don't know exactly how many but -

8

9 **Cain:** And do you know what it was from?

10

11 **Lisa:** From what?

12

13 **Caine:** It was from coworkers that were more engaged into
14 Facebook because it was kind of the golden era of Facebook -
15 social media, fantasy football. And after the craziness of the
16 day people kind of want to relax and it was the witching hour
17 when these suicides would take place at MUSC. Between 8 PM when
18 things start slowing down. When employees are on the computer
19 and not doing their checks like they're supposed to. This is
20 what got me here.

21

22 **Cammie:** Okay.

23

24 **Caine:** When I started policing them and writing that their
25 checks were not done on these patients - they were friends with
26 the director and the director was friends with the public safety
27 department there. Its kind of funny how I started getting
28 invested for larceny, attempting to steal a motorcycle,
29 releasing private - or protected health information.

30

31 **Cammie:** So were you a tech on the unit? Or a nurse?

32

33 **Caine:** No, I was a tech.

34

35 **Cammie:** Just working and seeing people not doing what they were
36 supposed to do and turning that in is where all of this started?

37

38 **Caine:** Yeah.

39

40 **Lisa:** Okay, So you witnessed people actually kill themselves on
41 the unit is what I'm hearing.

42

43 **Caine:** No, I didn't witness it.

44

45 **Lisa:** You heard about it.

46

1 **Caine:** Yeah, I had a roommate that was one of the people that
2 actually missed her check, and a guy was later found hung. Ive
3 done checks and I've found people strangled. And when I learned
4 about Melinda Carter - she's a 14 year old girl that committed
5 suicide on there. A nurse told me that the director of the IOP
6 came in there and said "if you forgot to document that you
7 checked on her, please go back and mark it." Im sorry, all the
8 people that were involved that night ended up getting fired or
9 terminated.

10

11 **[background chatter]**

12

13 **Cammie:** Not wanting to hurt anybody?

14

15 **Caine:** No.

16

17 **Cammie:** Seeing and shapes, shadows, people?

18

19 **Caine:** I just want to talk to board members or the president.
20 That is all I've wanted to do for the past 10 years. Nobody has
21 ever talked to me about this. They keep refusing grievance
22 hearings. They keep refusing police investigations.

23

24 **Cammie:** Why do you think that is?

25

26 **Caine:** Why do I think that is? Its because a doctor diagnosed me
27 with narcissistic personality disorder.

28

29 **Cammie:** Okay.

30

31 **Caine:** And they have their own narrative. Let me ask you
32 something. I've worked the 211 hotline for 15 years. The crisis
33 suicide hotline. Do narcissists have empathy? Do they?

34

35 **Cammie:** Typically they don't.

36

37 **Caine:** No, they don't. Do they ever admit that they have a
38 problem?

39

40 **Cammie:** Where are we going-

41

42 **Caine:** Do narcissists ever admit that they have problems?

43

44 **Cammie:** I guess that depends who you're talking to. I don't have
45 a lot of chats with narcissists. So, I'm not the best person to
46 have that-

47

1 **Caine:** I can tell you I've had a mental illness. I have
2 depression, I have anxiety, and I have a hard time adjusting to
3 new routines. And for the past 30 years I've had a therapist and
4 psychiatrist. This thing with MUSC did trigger some PTSD. I have
5 thoughts of killing the cop that refused to look into this. I
6 told them about this. I told them that my plans had gotten
7 serious about this. And I said, if I had a road to democracy- if
8 I had the ability to have a fair trial I would not be having
9 these thoughts.

10

11 **Cammie:** So you feel like if you got that trial it would all be
12 laid to rest, one way or the other.

13

14 **Caine:** Ive already made peace with it now. I mean, thhe way I
15 look at it, is this officer was either thinking this guy really
16 did do larceny and I finally got him or he was friends with the
17 director and she knew about the policing I was doing over my
18 coworkers that were friends of hers. Theres a phone recording of
19 the police officer saying "I talked to Harriet" which was the
20 person involved. Ive got a lot of evidence. Its all nailed down.
21 I want to talk to a board member at MUSC or I want to talk to
22 the president. I don't want to hurt anybody. Im beyond that. You
23 know what changed things? What really changed thinking about
24 killing this cop? This happened several years ago by the way.
25 SLED came out here to make sure I was seeing my therapist. But
26 what changed it was a documentary on MPR. About PTSD. And taking
27 your situation and reimagining a different outcome. I started
28 doing that. I started imagining a new outcome.

29

30 **Cammie:** So that's where this all started.

31

32 **Caine:** Right.

33

34 **Cammie:** Is this somebody you know, that's coming?

35

36 **Caine:** Yes, that's my roommate.

37

38 [18:21]

39 **Rivers:** You like Blue Moon too?

40

41 **Caine:** Yeah.

42

43 **Cammie:** [chuckles] Trying to lighten the mood a bit.

44

45 **Rivers:** I like a good Blue Moon every once in awhile myself so I
46 cant complain.

47

1 **Caine:** I mean, I am beyond that and I've written in these emails
2 that I'm beyond that.

3
4 **Cammie:** Okay.

5
6 **Caine:** I have no urge to- I even told them that I don't want
7 this officer fired. MUSC is a teaching hospital and we should
8 learn from our mistakes and move on. Somebody should look into
9 this. There is still stuff there, the fact that its been 10
10 years now and they still refuse to look at it.

11
12 **Cammie:** So in- if you were to have a perfect outcome, what would
13 that situation look like?

14
15 **Caine:** Well, just getting to talk to a board member or the
16 president.

17
18 **Cammie:** Do you feel like you could let things go if you took it
19 as high as you could take it, you'd put it in their hands-

20
21 [inaudible]

22
23 **Rivers:** Im not stopping you from anything. You got food.

24
25 **Cammie:** Happy birthday.

26
27 **Rivers:** Happy birthday. Have a Blue Moon on me.

28
29 **Unidentified Male:** I didn't expect a police welcome [chuckles].
30 Whats going on Caine?

31
32 **Caine:** Its just a strip show.

33
34 **Cammie:** I don't know about all that.

35
36 **Rivers:** My clothes are on as you can tell.

37
38 **Caine:** He knows all about it so.

39
40 **Unidentified Male:** Wait, wait wait. Did someone call mobile
41 crisis on you?

42
43 **Caine:** Yeah. This is the narrative that they've played. This-

44
45 **Unidentified Male:** You're being used. Maliciously.

46
47 **Caine:** This is part of their defense. This is why I-

1 **Lisa:** If you don't get to speak to a board member or to anybody
2 else and its just- they decide they're not going to investigate
3 any further would you be at peace with letting it go?
4

5 **Caine:** If they're not going to investigate it further?
6

7 **Lisa:** If they decide that that's whats going to happen would you
8 be at peace with letting it go?
9

10 **Caine:** Am I going to stop there? No.
11

12 **Lisa:** Okay.
13

14 **Caine:** Im going to go to congressman Kimson and then I don't
15 know where i'm going after that. Its going to be heard.
16 Somebody's going to listen to these recordings and- somebody's
17 going too listen to this. They've refused it for 10 years now.
18 Its affected my life, its affected my ability to advocate for
19 her at the mental health center. Ighored emails about her
20 suicidal thoughts. And just getting completely ignored because
21 that's how you deal with a narcissist. You ignore them. I know
22 you guys know Dr. Casor.
23

24 **Cammie:** Yeah, I know the name. He's not taken me to dinner or
25 anything [chuckles] I mean, i'm not important enough for all
26 that now.
27

28 **Rivers:** I can tell you I've never heard of him. Or her.
29

30 **Caine:** Well he's the director of their facility. The one that
31 went with the MUSC thing of narcissistic personality disorder
32 which fits perfectly into the MUSC narrative and what they want.
33 They want me to appear crazy and like I'm a loose cannon.
34 They've been doing it since the incident and I'm sick of it. Its
35 defamation that's gone on for a decade now. Its affected my
36 ability to advocate for her to where you guys work. She fucking
37 kicked out this window. She almost killed herself and I have
38 been sending emails-
39

40 **Cammie:** When did this happen?
41

42 **Kat:** November.
43

44 **Caine:** -to you guys-
45

46 **Cammie:** November of when?
47

1 **Kat:** Last year.
2
3 **Caine:** -because she was declining.
4
5 **Rivers:** How come you guys didn't call us?
6
7 **Cammie:** Why are you just now telling us? Like hey, come out
8 here, we need you.
9
10 **Caine:** There were smaller issues in the beginning. They weren't
11 crisis' so we didn't really need you guys.
12
13 **Lisa:** [inaudible] that's a crisis.
14
15 **[crosstalk]**
16
17 **Caine:** yes, that is a crisis and we did call you then. But they
18 had the ability to do something before that. She just needed
19 Cloziril. The hurricane came in, she was unable to get her
20 Cloziril, she couldn't sleep for four days, she was having
21 delusions. She kicked out the window because she thought there
22 was poisoned air in the house and that she was saving our lives.
23
24 **Kat:** Not my proudest moment.
25
26 **Rivers:** But stuff like that's going on give us a call. We have
27 all the re- If she needs medication, we have all the resources
28 and everything to get the medication.
29
30 **Caine:** As a crisis suicide counselor I know when to call the
31 crisis, and that was the time to do it.
32
33 **Cammie:** Absolutely.
34
35 **Caine:** But prior to that when we were trying to get the
36 medication we were being ignored.
37
38 **Cammie:** Im sorry that was your experience.
39
40 **Caine:** Its all documented. I am going to be contacting the South
41 Carolina department of mental health general council about this
42 after I settle the MUSC situation. I mean this is not my full-
43 time job. Did you know South Carolina is ranked 18th worst in the
44 nation for mental health care?
45
46 **Lisa:** No, I did not know that.
47

1 **Caine:** That they have been in the bottom 10% for the past 25
2 years? There is complete evidence why that is and you can see it
3 at the center. You can see it at MUSC. You can see the reasons
4 why we are always ranked at the bottom. And until people start
5 throwing fits and demanding change, I'm sorry its not going to
6 happen. Until I talk to a board member and they actually hear
7 this and look into it and see that I am not bullshitting them
8 its not going to change.

9

10 **Cammie:** You're looking for more big societal policy changes.

11

12 **Caine:** Well, that and I want to be reinstated. I told them I
13 want to be reinstated to a committee that's goal is to move the
14 needle on our ranking on mental health care in this state. That
15 is in my demands. I am giving them demands. Just like you would
16 in a legal situation.

17

18 **[25:53]**

19 **Caine:** This is my sleep history and the hours that I sleep.

20

21 **Cammie:** Oh, you're doing pretty all right.

22

23 **Caine:** Im up there. I had one night where I slept 14 hours. I
24 drive up to Kentucky on Sundays so I don't get much sleep so I
25 usually-

26

27 **Cammie:** You do that every weekend?

28

29 **Caine:** Every Sunday. You can see, there was only one night last
30 week, I got 5 hours of sleep.

31

32 **Kat:** He sleeps pretty good.

33

34 **Caine:** Im doing the stuff I need to do. Im seeing a psychiatrist
35 at Tri-county behavioral. I see a therapist there. They know
36 about this situation. They know how I'm wanting to handle it.

37

38 **Cammie:** You said Tri-county behavioral? Wheres that?

39

40 **Caine:** Its at Trident hospital.

41

42 **Cammie:** Oh okay. I know I've seen the sign I just couldn't place
43 where. So what do you think we can do to help you out today?

44

45 **Caine:** I mean, just listening. I guess you guys know as
46 counselors that letting people vent and letting them talk about
47 their situation deescalates their situation. But I'm not revved

1 up. Im doing this trying to get a resolve. If I don't get a
2 resolve then I will move on to the next step which is talking to
3 the court. They keep ignoring my emails, ignoring my phone calls
4 so its very hard. What do you do?

5

6 **Lisa:** Have you sought legal counsel about this?

7

8 **Caine:** Im not going through the legal system. I am not going
9 through the legal system with this. This is a matter of ethics
10 and responsibility, and accountability. Ive been through the
11 justice system before and theres a fact that MUSC public safety
12 had ex parte communications with the judge that found me guilty.
13 Im not going back. MUSC is a great brand. Every single one of
14 you knows somebody that's Beene saved by MUSC. You cant beat
15 MUSC in the justice system. Everybody knows somebody that's been
16 helped out by MUSC. My mom worked at MUSC, theres a lot of good
17 people there. The fact that their attorney and their president
18 continuously refused to investigate this to do a police
19 investigation, its clear that they're trying to keep this under
20 wraps. I think the former president Greenberg, when I was making
21 a big fuss about this after it happened- He resigned. I think
22 when he started looking into this and he realized really what
23 happened- the FBI came to my house. The FBI came and searched
24 all of my computers. I showed them everything that I had. It was
25 a suicide program that I was doing as a means of checks and
26 balances at our unit. To keep people accountable for checking on
27 suicidal patients. That's all I had. I didn't have any patient
28 information.

29

30 **Cammie:** So when you were implementing that did you try to reach
31 out and have your supervisor, manager, whatever they call it
32 back you and support you in doing that? So that change could
33 happen?

34

35 **Caine:** Shes the one who wrote me up for policing my coworkers.
36 When I was writing on those forms that these suicidal patients
37 weren't checked she wrote me up for policing my co workers. I
38 was told to go to their EAP, which is their Employee Assistance
39 Program, and I had to see a counselor. About better ways to deal
40 with this. Im sorry but taking a permanent marker and writing
41 "this patient wasn't checked on"- when someone tried to say they
42 did- man I worked there for 5 years. I was very invested in that
43 place. I was invested in the patients. She was actually one of
44 the patients there. From a long time ago. We went to school
45 together so its kind of a different situation. But I am going to
46 keep contacting them. I am going to keep emailing them. Until I
47 get to talk to the president or a board member. They've got like

1 15 board members. Somebody can talk to me about this. I went to
2 the police department there, I asked for an internal
3 investigation, I showed them what I had, and then they said "no
4 were not going to do it". To me that's highly suspicious. Police
5 department wont look into their own activities. I can assure
6 you, I'm wound up and this is now my full time job- to start
7 moving the needle on mental health care and some of the stuff
8 that's gone on even at your center. She knows that I'm working
9 on some of it. Some of the stuff that happened to her should not
10 have happened to her. When she needed Cloziril, I know you guys
11 have Cloziril available, but she couldn't get it.

12

13 **Cammie:** Well I don't know anything about that. I know they don't
14 let me plan pills.

15

16 **Lisa:** Nope, me either.

17

18 **Caine:** But you guys have access to them. If a patient needs
19 Cloziril, it's a state mandated, regulated medication. But while
20 we've got you here- we were just talking about mobile crisis and
21 we've got a question.

22

23 **Cammie:** Okay.

24

25 **Lisa:** Okay.

26

27 **Cammie:** Here we are [chuckles].

28

29 **Caine:** She occasionally get suicidal, and has attempted suicide.
30 Once by overdose on Cloziril, Once by sticking a fork in an
31 outlet.

32

33 **Kat:** [inaudible]

34

35 **Caine:** Do you guys carry Ketamine on you?

36

37 **Cammie:** They don't let us play in the med room. That was a
38 sincere answer when I told you I don't have access- I don't have
39 access.

40

41 **Caine:** That's something that we think the center should look
42 into because now its legal, it saves lives.

43

44 **Rivers:** So i'll let you know ma'am, if you call, we come, EMS
45 comes with us and they do carry it.

46

47 **Caine:** They do carry Ketamine?

1
2 **Rivers:** They carry it and EMS will come administer it.
3
4 **Caine:** Are you sure?
5
6 **Rivers:** I am 100% sure. 100% sure.
7
8 **Caine:** Why is it that you guys don't carry it?
9
10 **Cammie:** Were not doctors, were not EMT's.
11
12 **Kat:** Are you talking about Ketamine or Cloziril?
13
14 **Caine:** Ketamine.
15
16 **Kat:** Oh, so EMS carries that?
17
18 **Lisa:** Yeah.
19
20 **Kat:** Oh okay.
21
22 **Caine:** So that's good to know.
23
24 **Lisa:** Call 911 and they'll bring EMS with them.
25
26 **Kat:** So when I had that problem did you call 911 or mobile
27 crisis?
28
29 **Caine:** I called 911 and told them I needed mobile crisis to come
30 out instead of police because you thought you were going to be
31 executed and-
32
33 **Kat:** I was paranoid.
34
35 **Caine:** The police around her during that time-
36
37 **Lisa:** If mobile crisis comes police comes with them.
38
39 **Rivers:** Yeah we have to come no mater what.
40
41 **Lisa:** The police have to come with us.
42
43 **Cammie:** They come to play with us.
44
45 **Lisa:** They're our buddies.
46
47 **Cammie:** It's the rules. Any other questions you've got for us?

1
2 **Caine:** Last time when you guys came out here, when somebody
3 called, there was a charge for \$175. Id like you to bill whoever
4 called.
5
6 **Cammie:** Well I cant do all that, but I also don't bill you \$175.
7 That's bigger than me too. Im down here buddy. They don't let me
8 play with drugs, they don't let me play with dollars. You're
9 welcome to call the billing office and that's what I would
10 encourage you to do is call the billing office because they can
11 answer those questions better than I can. I don't have that
12 number on me.
13
14 **Caine:** Did you guys actually read the email?
15
16 **Cammie:** I have not read all of the email. I cant speak in it.
17
18 **Lisa:** I didn't read all of it, no. . .
19
20 **Cammie:**I came out to do one thing and they said "go see this guy
21 and see how he's doing". Okay, I can do that.
22
23 **Caine:** I think if people had read the entire email, they would
24 get it. The whole point of me coming forward and talking about
25 me wanting to kill a police officer is because we do have a huge
26 problem with hate right now. Look at what just happened in New
27 Zealand.
28
29 **Cammie:** I cant carry that conversation [chuckles] I have no idea
30 what happened in New Zealand.
31
32 **Caine:** 49 people were killed in mosques, execution style and it
33 was live streamed on Facebook.
34
35 **Cammie:** That's terrible.
36
37 **Caine:** So my point in this letter was, its time for us as
38 psychologists and mental health professionals to step up and
39 start researching hate. Theres a lot of reasons I hated that
40 cop- I was in foreclosure, i couldn't find a job. Nobody's gonna
41 hire you with an arrest on your record for at least two years.
42 Your life fucking goes down the toilet.
43
44 **Rivers:** You said you were found not guilty, correct?
45
46 **Caine:** Through appeals.
47

1 **Rivers:** Then why haven't you had them removed from your record?

2

3 **Caine:** Its been removed from my record.

4

5 **Rivers:** So now you could go back to work if you wanted to.

6

7 **Caine:** That's what I'm trying to do. Im trying to get somebody
8 to listen to what happened. Trying to get them to do what
9 they're supposed to do, which is give me a grievance hearing. I
10 requested one. The fact that they denied it and its state law
11 that state employees have a right to a grievance hearing and
12 they just flat out denied it. Its against the law. Grievance
13 hearings prevent stuff like this from happening. When you allow
14 a worker to go in and explain his side of the story. You guys
15 know this. In crisis situations its all about talking and
16 letting somebody vent, get their side of the story, and find out
17 its like magic. It starts deescalating the situation. Ive moved
18 past it. The thing with reimagining the situation and a
19 different outcome. That's what I did. Thinking about good
20 outcomes. Wanting to get back to better mental health care. 8th
21 worst in the state sucks. The fact that I went to mental health
22 to get help with my POTS and then I was diagnosed with
23 narcissistic personality disorder. When for 30 years I've always
24 been diagnosed with depression and generalized anxiety. One
25 doctor to do that because he believed the MUSC narrative. Im
26 sorry, theres some corruption here.

27

28 **Cammie:** I know nothing about all that, but just so you know what
29 we do- we always staff up an admin on call, that's just normal.
30 So if you see us go back to the car, hop in the car and call
31 somebody that's why. Were required to call someone before we
32 ever leave. Okay? Do you have any other question for us?

33

34 **Caine:** I just think you should read the rest of the email. I
35 think if you read the rest of it you'll see there was no harm
36 meant by it.

37

38 **Cammie:** Okay. Well its good to hear, as we go back through and
39 read-

40

41 **Caine:** The subject line was an eye catcher. It was meant to be
42 that because it's a serious problem. It's a serious problem I
43 had to work through.

44

45 **Kat:** We've been teasing him lovingly about fighting with
46 [inaudible] and being a bit overly passionate and that I was
47 concerned that maybe his delivery was a bit much [inaudible]

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Caine: I mean, I'm getting a dog today.

Cammie: Yeah? What kind of dog? You're talking to puppy lovers.

Caine: He's half Rottweiler and half Lab.

Cammie: Big baby.

Caine: Ive had dogs all of my life. That was part of the thing that sparked my thoughts about killing this police officer was if I lost my ability to care for my dogs and this guy caused this and deliberately did it- that was part of it. When you start losing everything, I'm telling you everybody is capable of hate under the right circumstances- or under the wrong circumstances. Its sad.

Lisa: Any weapons or anything in the house?

Caine: No, no weapons. Im depressed, anxious and sometimes suicidal.

Cammie: So that's a good thing.

Caine: We all know that guns aren't welcome here.

Cammie: For those very reasons.

Caine: For those very reasons.

Cammie: Okay. All right, well if you need us, you know how to reach us.

Caine: Okay.

Lisa: Were going to staff with the resident and we'll be right back.

Caine: All right. Thank you.

Hanigan: Have a good one.

[inaudible]

Rivers: Whats next?

Hanigan: I don't know.

1
2 **Rivers:** You have anything else for us?
3
4 **Lisa:** Well just don't leave yet until we talk to our supervisor.
5
6 **Rivers:** Yeah, we can stand by if you want.
7
8 **Lisa:** Yeah.
9
10 **Hanigan:** Im going to check on calls.
11
12 **Rivers:** Okay.
13
14 **Lisa:** He's a hardcore advocate. That's why I was trying to ask
15 him. If you don't get the president or a board member what are
16 you going to do? Just going to keep going to the top.
17
18 **Cammie:** All right, call her up. Lets do this.
19
20 **Lisa:** There's no weapons, so I don't think he's going to hurt
21 anybody. He's just going to be persistent and they're going to
22 have to deal with it.
23
24 **[inaudible]**
25
26 **Woman on phone:** Hello?
27
28 **Lisa:** Hey [Lynn?] its Lisa.
29
30 **Woman:** Hey Lisa.
31
32 **Lisa:** All right, so no imminent risk that were seeing. Just an
33 odd duck. He's going to be persistently trying to talk to the
34 board member or the president of MUSC. We asked "if you're not
35 able to reach them, what are you going to do?" He said he'll go
36 even further and speak with his congressman. He wants to get
37 this settled. He feels like he was wrongly accused and he wants
38 to be reinstated. He has depression, anxiety, has some suicidal
39 thoughts on occasion- not today.
40
41 **[video ends]**
42
43
44
45
46
47

1 Cop1 B raw.mkv [00:00-07:23]

2
3
4
5

6 **Lisa:** No suicide, no homicide no weapons in the house.

7

8 **Woman on phone:** [inaudible]

9

10 **Lisa:** Yeah, the cop he wanted to kill was the one at MUSC and
11 the reason - he said that was a long time ago. So, I guess the
12 reason its in the call notes is because of the statement he made
13 while he was at MUSC. I mean, I don't know if id take that out
14 of the call notes- id probably just leave it in there. And
15 that's probably good so if they ever come back out they can just
16 be on their guard. He tells us theres no weapons in the house
17 because of his depression as well as the girlfriends depression
18 and suicidal idealizations.

19

20 **Rivers:** [to hanigan] Yeah, I unlocked it when we got back.

21

22 **Lisa:** Yeah, so he feels like it was mishandled and he wants to
23 advocate

24

25 **[crosstalk - inaudible - multiple conversations]**

26

27 **Lisa:** Apparently there was someone [inaudible - crosstalk]
28 documenting that they weren't checking on people every 15
29 minutes.

30

31 **[Rivers conversing with Hanigan - irrelevant]**

32

33 **Woman on phone:** [inaudible] there was a 14 year old that
34 committed suicide, so.

35

36 **Lisa:** He said everybody that worked that night got fired.

37

38 **Woman on phone:** Yeah, [inaudible] one of those things where
39 theres some reality base to it

40

41 **[conversation continues between Lisa and unidentified woman on
42 phone - inaudible]**

43

44 **[crosstalk - phone conversation is inaudible - Rivers and
45 Hanigan converse about gloves]**

46

47 **Lisa:** We're just going to go back and tell him we're good to go.

1
2 **Rivers:** Okay.
3
4 **Rivers:** That's a pretty dog. I really want to know what kind it
5 is.
6
7 **Hanigan:** They're walking it with a golf cart.
8
9 **Rivers:** You've got to man. Those things got to walk.
10
11 **Lisa:** [inaudible] For a minute I thought it was pulling it. Do
12 they always walk their dogs around here with the golf cart?
13
14 **Caine:** No, just that dog, because that's a really big dog.
15
16 **Cammie:** [chuckles] Yeah.
17
18 **Caine:** That dog actually got into my [inaudible] my dog and I
19 had to get in-between them and I got stitches in my thumb from
20 pulling on the collar.
21
22 **Cammie:** Oh, that's not good. All right, were good to go. Were
23 gonna take off if you need us, you call us. Otherwise-
24
25 **Caine:** Is there any way I can find out who - who did the report?
26
27 **Cammie:** Honestly I don't know who did the report, I was just
28 sent out.
29
30 **Lisa:** We were both in the middle of notes and we were like "hey
31 we need to go to this gentleman and heres the address."
32
33 **Cammie:** If anything id chalk it up to - they came, they saw me
34 and said have a great night and they left.
35
36 **Caine:** Okay.
37
38 **Cammie:** If you have billing questions you can call our office
39 and get the billing number. I don't have it with me.
40
41 **Caine:** Yeah, I've got it.
42
43 **Lisa:** Okay.
44
45 **Cammie:** They're not in house, they're out house. So, I know they
46 have a different number.
47

1 **Caine:** I just want you guys to know that I have nothing against
2 cops. I really don't.

3

4 **Hanigan:** [inaudible] you've said otherwise. Yeah, just for
5 future reference - when things like that happen or you feel the
6 need to get somebody involved you can always call us. You just
7 ask [inaudible]

8

9 **Rivers:** Especially if its like a storm or hurricane, or
10 something like that - North Charleston shuts down - we have
11 everyone in one big office. If someone calls and says 'hey I
12 don't have my medication, I need it" They throw it in the police
13 car and we bring it. No questions asked. We get it to that
14 person. We do not - if the city shuts down for a natural
15 disaster, we still work. That hurricane and everything, were
16 still out there.

17

18 **Kat:** What medication does that include?

19

20 **Rivers:** They don't even have specifications on medications. If
21 someone needs medications they need them. They don't care. They
22 find a way to get them.

23

24 **Caine:** Cloziril is really hard to get. Theres only one pharmacy
25 around here that carries it.

26

27 **Kat:** I have to go to Columbia - I have to get lab work done, and
28 they said that theres [inaudible].

29

30 **Caine:** It really was a mess when she started running out of it.
31 Anyway, I really do appreciate you guys coming out and
32 [inaudible].

33

34 **Cammie:** We get it. Were here to help you out. Sometimes help me
35 out means we come and we check on you and we go and we wont come
36 [inaudible].

37

38 **Caine:** Im trying to do this the right way, I really am.

39

40 **Cammie:** We hear you.

41

42 **Caine:** Ive made my peace with what happened, and that cop he had
43 his reasons for whatever he did. Maybe he was really convinced
44 that I was the larcenist and this was his way to mend. I don't
45 know, I really don't have the answers and that's why I wanted
46 the police investigation. I just know that I didn't do what they
47 said I did.

1

2 **Cammie:** Some days its just easier to [inaudible] and move
3 forward.

4 **Caine:** it is and I've done that for a long time and something
5 recently came up and it's a problem. Its time to nip it in the
6 bud.

7

8 **Cammie:** Well, I wish you the best with all that you're doing.

9

10 **Caine:** I appreciate you guys.

11

12 **Cammie:** Take care.

13

14 [inaudible]

15

16 **Rivers:** Its just the beginning.

17

18 **Cammie:** Thank y'all.

19

20 **Rivers:** No problem.

21

22 [video ends]

1
2
3
4
5

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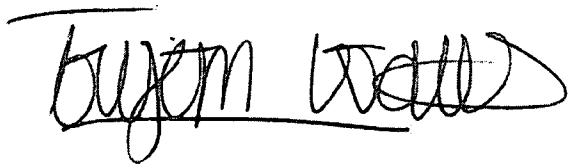
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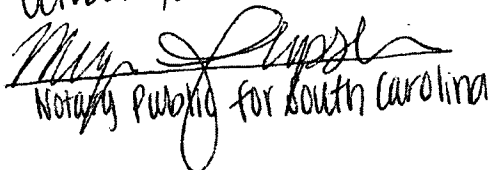
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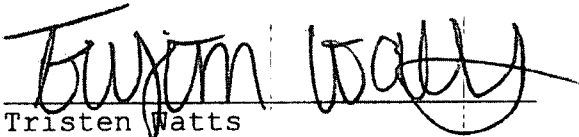
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Sworn to before this 18th day of
October, 2022.


Notary Public for South Carolina

I, Tristen Celeste Watts, a resident of Spartanburg County in South Carolina, certify that the audio file titled 'kerley.mp3' and the video files titled 'Cop1 A Raw.mkv' and 'Cop 1 B raw.mkv' were transcribed by myself to the best of my ability. I have no interest in any proceedings that these documents may be used in.


Tristen Watts
(864) 345-0040

Sworn to before this 18th day of October, 20 22.


NOTARY PUBLIC FOR SOUTH CAROLINA

Megan Shropshier
deputy clerk of court in Spartanburg county



BRIAN E. JOHNSON
Partner
DIRECT DIAL: (843) 577-1209
EMAIL: brian.johnson@hoodlaw.com

May 29, 2020

Caine Henry
7882 Red Birch Circle
North Charleston, SC 29418

Re: Caine Henry v. Medical University of South Carolina, Medical University of South Carolina
Department of Public Safety, and Kevin Kerley
C/A No. 2020-CP-10-01315, Charleston CP
HLF File No. 1.348

Dear Mr. Henry:

Enclosed please find Defendants' Answers to Plaintiff's Request for Interrogatories in the above-referenced case.

Kind regards,

Yours truly,

A handwritten signature in black ink, appearing to read "B. E. Johnson", written over a horizontal line.

Brian E. Johnson

BEJ/spc
Enclosure(s)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
)	
Caine Henry,	)	C/A No. 2020-CP-10-01315
)	
	)	DEFENDANTS' ANSWERS TO
	)	PLAINTIFF'S REQUEST FOR
	)	INTERROGATORIES
)	
Versus)	
)	
Medical University of South Carolina, Medical)	
University of South Carolina Department of)	
Public Safety, and Kevin Kerley,)	
)	
<u>Defendants.</u>)	

TO: CAINE HENRY, PRO SE:

Pursuant to Rules 33 and 26 of the South Carolina Rules of Civil Procedure, the Defendants, Medical University of South Carolina ("MUSC"), Medical University of South Carolina Department of Public Safety ("MUSC Public Safety"), and Kevin Kerley, (hereinafter "the Defendants"), answer the Plaintiff's Request for Interrogatories, as follows:

1. Give the names and addresses of persons known to the Defendant, or the Defendants' attorneys, to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER: The Defendants identify:

**Captain Mike Prodan
South Carolina Law Enforcement Division
4400 Broad River Rd.
Columbia, SC 29210**

**Darius Rivers
Olin Owen Heneghan
North Charleston Police Department
2500 City Hall Lane
North Charleston, SC 29418**

**Representatives of Charleston County Mental Health Mobile Crisis Unit
2100 Charlie Hall Boulevard
Charleston, SC 29414**

**Chief Kevin Kerley
c/o Hood Law Firm
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402**

The Defendants have not taken any written or recorded statements from any of the witnesses.

The Defendants reserve the right to supplement their response as discovery progresses.

2. Set forth a list of photographs, plats, sketches or other prepared documents in the possession or control of the Defendant, or the Defendant's attorneys, that relate to the claim or defense in the case.

ANSWER: In addition to documents previously produced by Plaintiff, see *DEF RRF 0007-0008* previously produced. The Defendants reserve the right to supplement this response.

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim, and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy, and the named insured in the same.

ANSWER: The Defendants are insured through the Insurance Reserve Fund of South Carolina. The South Carolina Insurance Reserve Fund provides coverage for the Defendants pursuant to the limits of the South Carolina Tort Claims Act and is subject to the limits and terms set forth therein. Insurance Reserve Fund, PO Box 1106, 1201 Main Street, Columbia, South Carolina.

4. Furnish a detailed factual basis for the defenses asserted in the Defendants' Answer.

ANSWER: The Defendants' factual affirmative defenses are based on there being no evidence of the Defendants' involvement in the execution of the welfare check on Plaintiff alleged to have occurred on March 15, 2019. These factual defenses will be supported by the testimony of representatives of the Defendants, the witnesses identified in Answer to Interrogatory No. 1, the testimony of any retained experts, and documents produced via discovery. Further, the legal defenses cited in the Defendants' Amended Answer are supported by the statutes cited therein. The Defendants reserve the right to supplement and/or change this response as discovery progresses and more information is obtained.

5. Describe in detail all laws, acts having the force and effect of law, codes, regulations and legal principles, standards, and customs or usages, which the Defendant contends are applicable to this action.

ANSWER: See the Defendants' Amended Answer, which includes the affirmative defenses the Defendants contend are applicable to this action, including the statutory citations for the affirmative defenses asserted. The Defendants reserve the right to supplement and/or change this response as discovery progresses and more information is obtained.

6. If the Defendant contends that some other person or legal entity is, in whole or in part, liable to the Plaintiff or Defendant in this matter, state their full name, address, and telephone number and describe in detail the basis of said liability.

ANSWER: The Defendants make no contention at this time that any person or entity is liable to the Plaintiff or Defendants. The Defendants reserve the right to supplement and/or change this response as discovery progresses and more information is obtained.

7. Set forth the full names, addresses, and telephone numbers of all lay witnesses

whose testimony the Defendant may use at the trial of this case; describe the issues to which that testimony will relate; and provide a summary of their testimony.

ANSWER: The Defendants have not yet identified what lay witness testimony they plan to use at trial. The Defendants reserves the right to utilize the testimony of the Plaintiff, any lay witnesses called by the Plaintiff and any witnesses identified in the Defendants' Answer #1. The Defendants reserve the right to supplement this response as discovery progresses.

8. Identify by full name, address, and telephone number each person whom the Defendant expects to call as an expert witness at the trial of this case and, as to each expert so identified, state the subject matter on which he is expected to testify, the substance of the facts and opinions to which he is expected to testify, and a summary of the grounds for each opinion.

ANSWER: The Defendants have not identified any experts they intend to call at the trial of this case at this time. The Defendants reserve the right to call as an expert any expert witness identified by the Plaintiff. This response may be supplemented as discovery progresses.

9. If the Defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct information.

ANSWER: The Defendants the Medical University of South Carolina and Kevin Kerley are properly identified. The Medical University of South Carolina Department of Public Safety is not a distinct entity and falls under the Medical University of South Carolina. Thus, Defendant Medical University of South Carolina Department of Public Safety is improperly identified.

10. Give the Defendants' complete name, address, place and date of birth, Social Security number, and driver's license number and the state of issuance.

ANSWER: The Defendants object to providing the personal addresses, dates of birth, social security numbers and driver's license numbers for any individuals named in this matter as such is unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence and unnecessarily invades the privacy of the Defendants. Subject to and without waiving these objections, the Defendants response as follows:

**The Medical University of South Carolina
c/o Hood Law Firm
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402**

**The Department of Public Safety at the Medical University of South Carolina
c/o Hood Law Firm
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402**

**Chief Kevin Kerley
c/o Hood Law Firm
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402**

11. Please state whether the Defendant has ever been convicted of any criminal charges and, if applicable, for each such conviction give the date, state and county, and charge(s) involved.

ANSWER: MUSC and MUSC Public Safety are not individual Defendants and this Interrogatory does not apply to them. Further answering, as to Defendant Kerley, he has never been convicted of any criminal charges.

12. Please state the Defendants educational background, including name(s) of school(s), dates attended, whether or not the Defendant graduated, and any degree(s) held, beginning with high school to present.

ANSWER: MUSC and MUSC Public Safety are not individual Defendants and this Interrogatory does not apply to them. Further answering, as to Defendant Kerley, he has obtained a bachelor's degree from SUNY Empire State and a master's degree from the University of Cincinnati. Defendant Kerley also graduated from the FBI National Academy and has completed numerous educational courses and training related to his criminal justice career.

13. Please list the names and addresses of every place of employment which the Defendant has held during the last five (5) years and for each such place of employment listed give the dates of employment and the position held.

ANSWER: MUSC and MUSC Public Safety are not individual Defendants and this Interrogatory does not apply to them. Further answering, as to Defendant Kerley, he has been employed as the Director of Public Safety/Chief of Police for MUSC for the past five years.

14. Please list each and every address where the Defendant has lived during the last ten (10) years and give the dates during which the Defendant lived at each such address.

ANSWER: Objection. The Defendants object to this Interrogatory as it is overly broad, not reasonably calculated to lead to the discovery of admissible evidence and unnecessarily invades the privacy of the Defendants.

15. List every phone call made or received by defendants regarding the welfare check of Caine Henry on 3/15/2019. List the recipient name and the receiver name.

ANSWER: The Defendants recall a phone call between Captain John Plitsch and Captain Michael Prodan wherein SLED recommended a welfare check of Caine Henry on 03/15/19. The Defendants did not order a welfare check and did not communicate with

Charleston County Mental Health Mobile Crisis Unit or the North Charleston Police Department regarding the same.

16. List any follow-up welfare check phone calls that took place after actual welfare check.

ANSWER: Upon information and belief, Captain John Plitsch received a subsequent phone call from Captain Michael Prodan at SLED advising the welfare check of Caine Henry on 03/15/19 had been completed. The Defendants did not order a welfare check and did not communicate with Charleston County Mental Health Mobile Crisis Unit or the North Charleston Police Department regarding the same.

17. List any guidelines defendants have for conducting a safe welfare check of a concerned person.

ANSWER: Objection. The Defendants object to this Interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as the Defendants were not involved in any welfare check of Caine Henry, which was conducted by Charleston County Mental Health Mobile Crisis Unit and the North Charleston Police Department.

18. List any information that lead Defendants to allegedly believe that plaintiff was armed and ready to shoot anyone that came to the door.

ANSWER: The Defendants did not conduct the welfare check of Caine Henry on 03/15/2019 and did not communicate with either Charleston County Mental Health Mobile Crisis Unit or the North Charleston Police Department regarding the welfare check. Accordingly, the Defendants are not in possession of information responsive to this request.

19. List the number of welfare checks conducted by defendant Kevin Kerley in the last

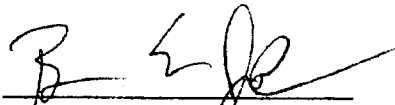
24 months.

ANSWER: Objection. The Defendants object to this Interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as the Defendants were not involved in any welfare check of Caine Henry, which was conducted by Charleston County Mental Health Mobile Crisis Unit and the North Charleston Police Department.

20. List any documents created as a result of the welfare check of Caine Henry on 03/15/2019.

ANSWER: The Defendants did not conduct the welfare check of Caine Henry on 03/15/2019 and did not create any documents as a result of such welfare check. The Defendants are not in possession of any documents related to the welfare check of Caine Henry on 03/15/2019 other than the North Charleston Police Department CAD report previously provided by the Plaintiff in this litigation.

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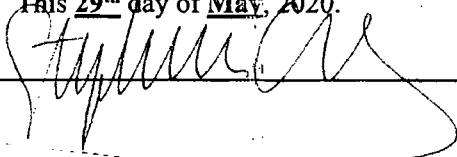
*Attorneys for the Defendants
Medical University of South Carolina, Medical
University of South Carolina Department of Public
Safety, and Kevin Kerley*

May 29, 2020
Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of *DEFENDANTS' ANSWERS TO PLAINTIFF'S REQUEST FOR INTERROGATORIES* was served on each party or counsel of record mailing, e-mailing, facsimile, or hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This 29th day of May, 2020.



Transcription of
kerley.mp3 [00:00-1:00:19]

Transcribed by:

Tristen Watts (863)-345-0040

1
2 **kerley.mp3 [00:00-1:00:19]**
3
4
5
6

7 **Kerley:** This is the one that you had sent to me, printed out.
8 But, the - If you were coming down for something, lets just say
9 for argument sake - you have something from Human Resources you
10 need and you call us and say "hey I'm going to be down at Human
11 Resources at noon". Not a problem, we'll meet you down there,
12 we'll take care of any business that you have to take care of.
13 You're not going in any famous building. You're not going in. If
14 you legitimately-

15
16 **Caine:** As long as it's a legitimate reason?
17

18 **Kerley:** Im the one that's going to decide if it's a legitimate
19 reason. You determining that you want to meet with someone who
20 has no desire to meet with you is not a legitimate reason. So
21 this is what you sent me. It says 'medical and prior
22 notification'. It doesn't say 'medical or prior notification'.
23

24 **Caine:** Okay, let me read this to you.
25

26 **Kerley:** No, don't read it to me. Im telling you what it says.
27 Don't read it to me. This is what I'm giving you today, it just
28 reaffirms what I sent you last time. Also, you asked me to give
29 you the legal background for Wyatt. Im allowed to do that, so
30 included in there is the state law that allows me to do it.
31

32 **Caine:** Allows you to do what?
33

34 **Kerley:** Allows me to warn someone off campus. Which is what you
35 asked me for. You wanted to know what law warning someone off
36 campus is based on. So I gave you that. I also gave you a print
37 out from the state attorney generals office that interprets the
38 law. So you can see exactly what the reasoning is in a board of
39 trustees at a university or someone who represents the board of
40 trustees, such as the president or the provost, or the chief of
41 public safety has the authority to warn someone off campus. So
42 that's what you asked me for, that's what I gave you. I gave you
43 everything you asked for.
44

45 **Caine:** And validates?
46

47 **Kerley:** Excuse me?

1
2 **Caine:** Validates.
3
4 **Kerley:** Validates?
5
6 **Caine:** Yes, I was told with a trespass notice there must be
7 validated-
8
9 **Kerley:** No, theres not. You'll see the legal representation from
10 the state attorney general. It basically lasts 6 months from the
11 day you've been issued that thing. So I issued that to you
12 today- the 29th of March.
13
14 **Caine:** On what grounds?
15
16 **Kerley:** On the grounds that you're not allowed on this campus.
17 Because you've created-
18
19 **Caine:** In the past 6 months, what have I done to-
20
21 **Kerley:** You've written significant- come on, I'm not playing a
22 game with you. You know exactly what you're doing. When North
23 Charleston went to visit you, your quote to North Charleston and
24 to- When Mike Prodan asked North Charleston to visit you, your
25 quote to them was "you're just trying to scare MUSC into giving
26 you a grievance hearing."
27
28 **Caine:** What?
29
30 **Kerley:** Listen, don't play a game with me. I tried to be
31 gentlemanly-
32
33 **Caine:** It seems like you're playing a game with me. I am trying
34 to find out what the check and balances thing is.
35
36 **Kerley:** There isn't any. Its up to me or the board of trustees
37 to determine what valid reason you have to be on our campus. You
38 don't have one.
39
40 **Caine:** Okay and that why I'm trying to get get in contact with
41 the board of trustees.
42
43 **Kerley:** You're not getting in touch with them.
44
45 **Caine:** How is it that you're the say all?
46
47 **Kerley:** Im not the say all. Im just the guy.

1
2 **Caine:** You're telling me that the administration has not told
3 you any of this, that you're just taking it of your own board-
4
5 **Kerley:** That's exactly what I am. That's my job. Im the chief of
6 public safety here. I have to watch out for the safety of
7 everyone on this campus and when you write threatening emails
8 time, after time, after time, after time, after time, after
9 time, after time to the point where you are back at your house
10 laughing about how you basically pushed the envelope right to
11 the edge- that's fine.
12
13 **Caine:** Back at my house laughing?
14
15 **Kerley:** Listen to me. Im not going to play the game with you.
16 You know exactly what you're doing.
17
18 **Caine:** I do know what I'm doing.
19
20 **Kerley:** Of course you do.
21
22 **Caine:** Im trying to find out what the check and balance system
23 is-
24
25 **Kerley:** There is none.
26
27 **Caine:** -and the proper channels to handle this.
28
29 **Kerley:** And I tried to tell you. I tried to tell you and you cut
30 me right off. When I tried to tell you your options, you cut me
31 right off. So you do what you want. Im just telling you, you can
32 bring this to your legal advisor. 6 months from the day it was
33 handed to you its in effect. 6 months from today ill be mailing
34 you another one. 6 months from then, ill be mailing you another
35 one. So, you do whatever you want to do.
36
37 **Caine:** On what grounds?
38
39 **Kerley:** On the grounds that you continue to create a hostile
40 environment. By constantly emailing people who don't want to
41 hear from you, yet you continue to do it.
42
43 **Caine:** Im not getting any response from the people that I am-
44
45 **Kerley:** You're not going to get any response. You're not going
46 to.
47

1 **Caine:** I should be able to appeal this to the board.
2
3 **Kerley:** No you shouldn't.
4
5 **Caine:** I should be able to appeal this to the president.
6
7 **Kerley:** No you shouldn't.
8
9 **Caine:** And this documentation right here-
10
11 **Kerley:** Don't give it to me. I have nothing to do with the
12 bored. I have nothing to do with anything.
13
14 **Caine:** You seem to have everything to do with everything.
15
16 **Kerley:** I have nothing to do with them. If you were to convince
17 me right now, "Caine Henry has a right to a grievance hearing".
18 Say you convinced Kevin Kerley that I have got the right to a
19 grievance hearing- how would I get you that grievance hearing?
20
21 **Caine:** Well it seems like you're in charge of everything else.
22
23 **Kerley:** No, I'm just in charge of public safety. That's all I'm
24 in charge of.
25
26 **Caine:** You seem to have the final authority weather I can
27 contact the president, weather I can contact the board. Weather
28 I can check into the check and balances.
29
30 **Kerley:** All I can tell you is you're not allowed on campus. You
31 can do anything you want, but you cant come on campus. That's
32 all I'm telling you. If you can reach out to the president or
33 somebody else through a non threatening way and they respond to
34 you, that's up to you. I don't really care. Im just telling you
35 you're not allowed on campus. That's all I can tell you.
36
37 **Caine:** Well I can say from here, it says changes also include
38 allowing employees at their own cost have legal representation
39 when dealing with grievances and have an opportunity to appeal
40 to the MUSC president. I have been trying to appeal to the MUSC
41 president.
42
43 **Kerley:** But you didn't have a grievance hearing.
44
45 **Caine:** That's what its saying, it is saying if you were denied-
46

1 **Kerley:** No, its saying if you have a grievance hearing and are
2 denied, then you can appeal the grievance boards decision. Its
3 not saying if you don't have a grievance hearing you get to- the
4 reason you get to appeal to the president is you had a grievance
5 hearing and you lost your grievance hearing or were denied your
6 grievance. Which is the same as losing a grievance hearing. You
7 were denied your grievance, you then have the ability to appeal
8 that denial to the president of the university. You never had a
9 grievance hearing.

10

11 **Caine:** But I should have.

12

13 **Kerley:** I don't know. Im not involved in that. But-

14

15 **Caine:** That's what I'm trying to get at. I had a legal right to
16 a grievance hearing. I had one scheduled.

17

18 **Kerley:** You didn't show up.

19

20 **Caine:** My grandmother died.

21

22 **Kerley:** It doesn't matter.

23

24 **Caine:** Yes it does matter.

25

26 **Kerley:** If you had contacted them before the grievance hearing
27 and told them that your grandmother had died-

28

29 **Caine:** I did.

30

31 **Kerley:** No you didn't. You didn't.

32

33 **Caine:** How can you say I didn't?

34

35 **Kerley:** Because they would have given you the grievance hearing.
36 I wasn't here then, I wasn't in charge then. Ive only been here
37 for-

38

39 **Caine:** That sounds like an assumption. What evidence do you
40 have-

41

42 **Kerley:** I apologize. I made an assumption, and I was wrong. I
43 apologize. What you need to do, and ill try to make this
44 statement again if you'll let me finish. You're not going to get
45 and redress from anyone at MUSC. You're not going to.

46

47 **Caine:** Even though I have not exhausted all of my options?

1
2 **Kerley:** Correct. No ones going to speak to you. No one.
3
4 **Caine:** And nobody has told you this, you're saying this of your
5 own accord?
6
7 **Kerley:** Im telling you that based on what I know from speaking
8 to people, but not speaking to people on the board, that no one
9 wants to deal with you. You sent an email-
10
11 **Caine:** Who? Who is telling you this?
12
13 **Kerley:** Don't worry about it. That's between me and them. I
14 don't have to tell you anything. You're lucky I'm even in here
15 having a conversation with you.
16
17 **Caine:** Is it Annette Drachman? Is it President Cole?
18
19 **Kerley:** I haven't spoken with President Cole. President Cole
20 first of all, just so you know, President Cole is a person whose
21 not, he's not here on a regular basis due to some things he has
22 going on in his private life. So you thinking that President
23 Cole is going to drop everything he's doing and come see Caine
24 Henry is just not going to happen.
25
26 **Caine:** Im just trying to schedule an appointment-
27
28 **Kerley:** You're not going to get one. This is what- you keep
29 talking-
30
31 **Caine:** But under what authority are you telling me that I'm not
32 going to?
33
34 **Kerley:** I don't have any authority. Im just telling you that
35 based on my experience at MUSC and watching what's gone on for
36 10 years and you writing these absurd demands- like "hey listen
37 I'm willing to settle for 9 ½ years back pay". You honestly
38 believe you send that email that you're willing to settle for 9
39 ½ years back pay that the presidents going to say "hey that's a
40 reasonable request. Bring that guy in id like to speak to him."
41
42 **Caine:** I said "if I get my grievance hearing and win it"
43
44 **Kerley:** [laughs] Okay, you're not getting a grievance hearing
45 and you should understand that.
46

1 **Caine:** I feel very confident that if I do get a grievance
2 hearing that I have the proof-

3
4 **Kerley:** I know you do. Im sure you do and I'm sure you would win
5 it, and I really don't- but like I tried to tell you and you
6 refuse to listen, even if I wanted to give you a grievance
7 hearing, I have no ability to give you a grievance hearing.
8 None.

9
10 **Caine:** But you have the ability to tell me that I have no other
11 recourse.

12
13 **Kerley:** No I told you, I started to tell you your options for
14 recourse but you wont allow me to finish, because as soon as I
15 till you you're not going to get redress here, you cut me off
16 and say you want redress here. You're not going to get it.

17
18 **Caine:** All right, can you tell me the source of this recourse
19 that you were about to tell me.

20
21 **Kerley:** Are you going to let me finish? Or are you going to cut
22 me right off when I start talking?

23
24 **Caine:** I will let you finish and I may follow up with a
25 question.

26
27 **Kerley:** That's fine. There are a couple options that you have.
28 Number one, you could go through the state attorney generals
29 office. Number two, you can go to the state inspector generals
30 office. Or number three, if you don't get any satisfaction
31 there, you could go through the US attorneys office in Columbia.
32 Those are about the only three options you have left to try and
33 force some sort of action from MUSC. What those people will do?
34 I don't know. But those are the only three options that I can
35 say you might have some ability to convince them to at least
36 come down and have a conversation with somebody or at least look
37 and see what your complaint is all about and see if in fact your
38 complaint is grounded in some sort of legitimacy where you may
39 be able to convince them that hey this guy was wrong, you need
40 to come take a hard look at it. Your tactics have made things
41 difficult for you on campus. I just don't think sending a
42 picture of what some people could construe as a threatening
43 picture, that was probably not the smartest way to try and get
44 someone to react to you, but that's me. Im not the guy that's
45 fighting for what you're fighting for. Im just saying-

46
47 **Caine:** You do realize why I sent that picture?

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Kerley: No, I don't care. I don't really care.

Caine: But you just speculated as to why I did it.

Kerley: No I didn't speculate. I said to you- I never speculated as to why you did it. This is why its incredibly difficult to have a conversation with you. All I said to you was that I don't know if I would have sent a picture of things, items that someone could misinterpret would be the smartest way to get a grievance hearing. I didn't say your thought process, I didn't say your motive, I didn't say any of that. But you want to twist that, that I was- I didn't say any of that.

Caine: Well just for the record, I sent that-

Kerley: Hold on, hold on. I don't know if I would have done that. That's what I said. That's all I said. I said I don't know if I would have done that. How does that interpret to your motive or- nothing. It doesn't have nothing to do with you. All I said was, me, if I was trying to get something from somebody, I don't think I would have sent that. I would have probably looked at some other way. But again, you do what you think is right.

Caine: I think opening up dialogue and actually having a sit down and talking to people and-

Kerley: Im trying to help you out. There are certain things I can do and certain things I cant. You want to argue with me as if I'm going to be able to say to you "you know Caine, you're right. Im going to-

Caine: I don't feel like I'm trying to argue with you. I feel like I'm trying to have a conversation and clarify things.

Kerley: Well, I don't have the answers to certain things. I have answers to other things. The things I have answers for I gave. I tried to give you some avenues that may help you, they may not. I cant guarantee-

Caine: And I appreciate that, and I may end up looking into that.

Kerley: If you talk to the state inspector general, as your first stop. They're going to call down here to find out whats going on. I don't know what that calls going to result in. If

1 that doesn't work, you go to the states attorney. If that
2 doesn't work, you go to the US attorney. At least that way you
3 can go through every step you could possibly go through. At the
4 end of the day, it might not mean anything. They may all say, no
5 were not helping you. I don't know. But right now, you've got a
6 better chance of one of those three organizations helping you,
7 than you do of anyone here giving you a grievance hearing.

8
9 **Caine:** Well I need to before I go to them, understand the check
10 and balance system-

11
12 **Kerley:** I cant give you the answer to that because I don't know
13 what you mean.

14
15 **Caine:** Who can?

16
17 **Kerley:** I have no idea, because I don't know what you're talking
18 about. The checks and balances.

19
20 **Caine:** Who has a check and balance on you, who has a check and
21 balance on the president, who has a check and balance on the
22 board?

23
24 **Kerley:** You know the answer to who has a check and balance on
25 the president. You already know that.

26
27 **Caine:** I have no idea.

28
29 **Kerley:** The only person who would have a check and balance on
30 the president would be the board of trustees. That's all. There's
31 nobody else.

32
33 **Caine:** Okay, and that's why I've been trying to contact Mr.
34 Sweatman.

35
36 **Kerley:** Well Mr. Sweatman, like I said to you is a man who works
37 here but his primary job is a lobbyist. He spends the majority
38 of his time, honestly if I tell you 70% and it turns out to be
39 65% of his time in Columbia I don't want to be wrong because im
40 just guesstimating- but he spends the majority of his time not on
41 this campus.

42
43 **Caine:** Well that would have been helpful information for him to
44 tell me after my first email. Then there would have been no more
45 emails to him. It says on the website that he's the secretary on
46 the board. So he would have been the proper person for me to
47 contact regarding the board.

1
2 **Kerley:** You've worked here, you know the way this place
3 operates. There's a lot of things on the website. That might be
4 his official title, but his main job function is he's the chief
5 lobbyist for MUSC. So, he's probably again, spending 65-70-75%
6 of his time either A, in Columbia. Or B, meeting with federal
7 representatives. Probably Joe Cunningham, Tim Scott, and Lindsay
8 Graham. That's probably where he spends the majority of his
9 time. With politicians trying to get money for a ½ billion
10 dollar children hospital. They're going to be tearing down that
11 hospital down and building a new hospital. They're going to be
12 expanding the end of the psychiatric care, both in the PEDs and
13 the adult wing. They need huge amounts of money for this and its
14 not coming from the state so, they need money for-

15
16 **Caine:** Well that's very helpful information to know that its
17 kind of useless contacting him. But I know that there has got to
18 be somebody that is a secretary or a liaison to the board of
19 trustees.

20
21 **Kerley:** I understand what you're saying, but the person who
22 probably has as much contact with the board of trustee as anyone
23 is probably the person you've been dealing with most of the time
24 and that's Annette Drachman. That's probably the person who has
25 the most contact with them and if we were honest, if I could be
26 honest with you without you getting all upset, they're not going
27 to do anything for you. Nobody told me that, I'm just telling
28 you. I've worked here for almost 14 years now. I've watched this
29 game and I've watched this dance be played by many people.
30 They're not going to do anything for you. So you need to figure
31 out a different tact to try to get this, for lack of a better
32 term, get this show cracked open. That might be the state
33 inspector general, that might be the state attorney, it might be
34 the US attorney.

35
36 **Caine:** Do you not see that there's a problem if you've had other
37 people that have had this same issue and keep running into the
38 same thing I'm running into?

39
40 **Kerley:** No, its not the same issue.

41
42 **Caine:** Well obviously, but they have their own issues.

43
44 **Kerley:** They have other issues.

45
46 **Caine:** There should be proper channels for people to go through.

47

1 **Kerley:** There might be. Im not arguing with you.

2

3 **Caine:** That you don't have crazy ideas of shooting a police
4 officer and-

5

6 **Kerley:** That was the first mistake you made.

7

8 **Caine:** Its not a mistake, I have an illness and suicide and
9 homicidal thoughts are a part of depression.

10

11 **Kerley:** That's fine.

12

13 **Caine:** When you are depressed and ignored those are the kind of
14 things that happen and I was just trying to be helpful and-

15

16 **Kerley:** Im going to say that you really weren't trying to be
17 helpful, you were trying to- if you would have talked to, for
18 argument sake one of your friends about that, or your therapist
19 about that, or whatever- if you have a therapist because I don't
20 know your situation- but if you would have talked to them about
21 that, that would have been one thing. But when you send an email
22 to an organization that you're trying to convince you were
23 wronged by, they might interpret it a little bit different than
24 your intent in sending it. They didn't interpret it as 'oh this
25 guy was wronged and he's had these thoughts, he's not going to
26 act on these thoughts, but he's had these thoughts and we should
27 do something'. That's not how they interpreted it.

28

29 **Caine:** I can assure you that those thoughts would never have
30 happened if there was a pathway. If there was proper channels
31 and pathways.

32

33 **Kerley:** You're talking to someone who's not knowledgeable in
34 that field. I don't know. I don't know anything about it. You
35 could be saying [inaudible]. I don't know.

36

37 **Caine:** I think as a law enforcement officer, you know that when
38 there are proper channels and proper ways to do things it keeps
39 things organized.

40

41 **Kerley:** Absolutely. Im telling you right now, while you may
42 think that MUSC didn't treat you fairly, and you may be 100%
43 correct, you might be 100% correct. What you've been doing since
44 then hasn't been proper either. Okay, so I tried to help you. I
45 tried to give you some options that may or may not help you out.

46

47 **Caine:** I appreciate that.

1
2 **Kerley:** But at the end of the day you can call me anytime you
3 want, you can shoot me an email anytime you want. If you're
4 coming on campus to pick up something of yours, to go and get
5 records from employee health or to get records, not a problem.
6 But if you think you're coming down here to knock on somebody's
7 door to get an appointment, I'm telling you its not going to
8 work. Its not going to happen. If for argument sake, you get in
9 touch with someone and they say come down, you shoot me an email
10 and you say I spoke to this person and they invited me down,
11 that's a different animal. If you get someone here to say "yeah
12 come on down anytime you want and talk to me" and you say to me,
13 "Chief Kerley I'm coming down Tuesday because I already have an
14 appointment with Mr. Sweatman. He said I can come down and see
15 him", then I'm fine. But I'm telling you, you're not going to be
16 allowed to just come here and knock on peoples doors and say,
17 "hey id like to have a meeting with you". Its not going to
18 happen.

19
20 **Caine:** So are you willing to help me find a way to petition the
21 board to get somebody to talk to me?

22
23 **Kerley:** I don't know. I will promise you is ill look into it,
24 but ill be honest with you, if its going to reflect negatively
25 on me, I'm probably not going to be able to help you out. I will
26 make some quiet appeals to see if theres anything I can do to
27 help you out, but I'm telling you it's an uphill battle.

28
29 **Caine:** I know.

30
31 **Kerley:** Just telling you upfront, its an uphill battle. Im not
32 throwing you out of here, I'm willing to help you if I can, but
33 if I approach them and they say "absolutely not" I cant have you
34 then deciding that I'm the target of your angst because I'm
35 telling you upfront that I'm most likely not going to be able to
36 do it, but I'm willing to at least ask.

37
38 **Caine:** I appreciate that.

39
40 **Kerley:** But, you've got to understand if I cant do it, you cant
41 go on some tirade that I lied to you because I'm really only- I
42 don't have any obligation to even try, but I'm going to try. Ill
43 have a conversation with somebody. If they tell me, "Kevin
44 they're not going to meet him", I'll shoot you an email, let you
45 know 'look it, I struck out'. If they're willing to listen, ill
46 tell them ill sit in the room so theres no issues, but again you
47 have to understand, you probably have as good a chance of that

1 happening as if you stopped at the store and bought a lotto
2 ticket. The wells been poisoned, weather you did it
3 intentionally or not. The wells been poisoned. They're all
4 afraid of you.

5
6 **Caine:** Again, I think that most of this could have been cleared
7 up much earlier with a face to face or a grievance hearing.

8
9 **Kerley:** It very well may have been. Im not going to dispute that
10 with you because I don't know. What I am going to tell you is
11 that we've gone so far down this road and wether you're 20% to
12 blame or 40% to blame, the wells poisoned. Im just telling you.

13
14 **Caine:** I understand that.

15
16 **Kerley:** Theres a number of people here, weather you
17 intentionally did it or unintentionally did it, are intimidated
18 by you. If I even say the name Caine Henry, they are totally
19 intimidated by you. They don't even know who you are. They've
20 never seen you, whatever, but they hear your name and they're
21 totally intimidated. So the wells been poisoned. This isn't
22 going to be some "hey Dr. Smith, this is Chief Kerley, I've got
23 someone here who wants to talk to you, ill sit in the room with
24 you so theres no issues, he'd like to take a half hour of your
25 time". Boom. As soon as he asked me what the guys name is, I
26 don't know what he's going to say. You have to understand that
27 this is going to be a very difficult thing to do. Im willing to
28 try, but i'm telling you I think the wells been poisoned and its
29 going to be very difficult.

30
31 **Caine:** I understand that having homicidal thoughts in the past
32 can be scary, and it was not my intent to scare anybody-

33
34 **Kerley:** I understand that, because every dealing I've had with
35 you, Ernie Brown, the lieutenant you met yesterday, we've never
36 had an issue with you. Ernie Brown thought you were a gentleman,
37 had no problems, said "hey the guy was great the guy asked me to
38 help him and that was it." So people that have dealt with you
39 face to face are a lot less intimidated than people who have to
40 deal with you behind a computer screen.

41
42 **Caine:** Yes, I totally agree. And I think that setting down,
43 looking at each other's eyes, body language, it does a lot.

44
45 **Kerley:** I agree with you. But again, the problem that we have,
46 and I'm just being honest with you, the well's poisoned the well
47 is, its going to be very hard to get past the well being

1 poisoned. Whether you, and I'm not saying you did it
2 intentionally, but the well is poisoned. There's a group of
3 people here, not a lot of them. There's a group people scared to
4 death of you. They don't even know you. They say your name and
5 they're scared to death. They hear your name and they want to
6 put, they want to have roll down doors on their office. They
7 want to have four way locks that bolt in place. They have no
8 idea who you are, but in their mind, you are some six foot, six
9 inch, 350 pound guy with a bazooka on his back. When they see
10 your name, that's their vision because they've never met you.
11 They've just seen stuff on a computer screen and they get, they
12 get paranoid or they get panicked. Whatever. I'm not- I have no
13 background in the mental health field, paranoid might not be the
14 right word, but it stirs angst in them when they see your name.
15 So your best course of action is to contact one or all three of
16 those people I told you about and see if that stirs anything to
17 have someone come and meet you. It's a tough situation for you.
18 There's gonna be, I mean even, let's just say I got you a
19 hearing in front of the board. Let's just say something happened
20 where they said, "Okay, let's meet with this guy." I would be
21 shocked. I would be completely blown away if they said to you,
22 "Okay, we're gonna give you nine and a half years back pay,
23 we're gonna bring you back in with full benefits". I just, you
24 know, me sitting in a chair, I just don't see that happening.
25 But I could be wrong. I just think they would say no.

26

27 **Caine:** Well, I would say with the narrative that MUSC has and
28 the fact that you don't know all of the facts and details of
29 what led up to things, that's probably a fair assessment.

30

31 **Kerley:** I mean, I don't know more than what a little bit of
32 reading has done. I've read some case reports that I- When you,
33 you sent a FOIA to, legal about maybe two weeks ago, three weeks
34 ago, they sent me a list of things that you wanted. I sent them
35 back everything that I had that you wanted. Part of the issue is
36 when your case was overturned, the judge sent us an order saying
37 that we had to destroy all records of the case because you were
38 basically now found innocent. So there should be no records
39 retained and everything should be destroyed. And that was how
40 many years ago? When did you get your case overturned?

41

42 **Caine:** 2012.

43

44 **Kerley:** 2012. So seven years ago. So all of the records from
45 that individual interaction, by court order, were destroyed. We
46 don't have anything. And it wasn't because we woke up and said,
47 " Hey, let's destroy"- anything that we had-

1
2 **Caine:** But it was said that I'm the one that applied for, and I
3 did not apply for it.

4
5 **Kerley:** Well, whoever said that, the problem is- this is the way
6 the law reads and you can talk to your lawyer friend. He'll tell
7 you the same thing. If you are found not guilty at a trial, it's
8 routine for the judge to order an expungement of all records.
9 Because why? If you were innocent, why should the police
10 department have records that have portrayed you as being guilty.
11 So all of the records are required to be expunged if you were
12 found not guilty. That's a typical judicial order. And that's
13 what happened in your case. You were, originally you were found
14 guilty, then on appeal was overturned. We got a court order
15 saying it needed to be expunged, everything. And if we were just
16 getting rid of everything with Cainé Henry's name on it- I sent
17 the whole package over to legal of every report we ever took
18 where you were a witness, which there were a couple things- or
19 some woman made a harassment complaint because some guy smacked
20 her in her head when she wouldn't give him a cigarette standing
21 in front of you. I mean, it was one of those things, they were
22 smoking cigarettes together and he asked her for another one.
23 She said, "I don't have any". So he gave her like one of these.
24 You happened to be standing there. It was no big deal, nothing
25 happened. You were just a witness. The woman was the
26 complainant, The other guy was named. She didn't want to
27 prosecute, it became a information only complaint, but your name
28 was listed. So I gave him that. I gave him anything where your
29 name was listed as-

30
31 **Caine:** Can I ask you a question?

32
33 **Kerley:** Sure.

34
35 **Caine:** Officer Register investigated me for larceny. Did you
36 find anything in there about larceny?

37
38 **Kerley:** I don't believe so, but again, there was a pile of
39 reports that we sent over there. I don't remember seeing
40 anything about larceny.

41
42 **Caine:** Officer Register also investigating me for attempting to
43 steal a coworker's motorcycle and there should have been
44 videotape of that, that he obtained from the parking garage.

45
46 **Kerley:** Between me and you, there is no video in the parking
47 garage. The only video in a parking garage- there's only one

1 camera on every parking garage, and that's showing the exit.
2 There's no other video cameras in the parking garage.

3
4 **Caine:** Well, he had a video of somebody that looked kind of my
5 stature with facial hair.

6
7 **Kerley:** Okay, let's, let's back up again.

8
9 **Caine:** And he said he was going to go to the Charleston Police
10 Department to have it enhanced. I encouraged him to do so.

11
12 **Kerley:** And then what happened? Did you get arrested for that?

13
14 **Caine:** No.

15
16 **Kerley:** Okay. So maybe when he had it enhanced, you were no
17 longer the suspect. So you were no longer- your names not listed
18 in that report. Because I ran- not me personally, but I had one
19 of the- the woman in charge of records here input your name into
20 the system, it printed out every report we have where you are a
21 witness, you are, if you were listed as a suspect, we obviously
22 have the one where you were, actually we don't have the one
23 where you were arrested. We just have the one, there was one
24 for, I think it was one for a harassment complaint by the same
25 person that you were eventually, eventually led to your arrest.
26 But this was a separate incident that you, you'll get all of
27 this, It was all sent over to you. There's one where you were
28 listed as a suspect, but the woman was, heavily medicated over
29 in the IOP. You'll get all of that. But I mean it was, nothing
30 happened. The woman was heavily medicated. Every male tech who
31 worked in the IOP on that floor, she basically was saying was
32 sexually harassing her and everybody got cleared. It was no big
33 deal. But I'm giving you that to show you that I'm not
34 withholding anything. Anything we had that we put in where it
35 said Caine Henry, anywhere in the report, victim, suspect,
36 witness, anywhere- we sent all of them over there. Okay. There
37 was one about when they referred the case to the FBI for
38 alleged- had malware in the computer. Some other bullshit. I
39 didn't read too deep into it. That's in there. All the things
40 you asked for about how many people we, any other complainants
41 where, where MUSC employees were arrested. Anything we have we
42 sent over there. A lot of that's gonna be redacted because
43 you're not entitled to the person's name who was arrested.
44 You'll get, you'll get the reports.

1 **Caine:** Right. But I have noticed you guys have seem to have
2 changed your policy that if there is an MUSC employee suspected
3 of a crime, you guys now use SLED instead of-

4
5 **Kerley:** No, that's not true. That's not true.

6
7 **Caine:** I just have read that in the past few post and courier-

8
9 **Kerley:** Yeah, well that's because this is what happened. We had
10 a large number of MUSC employees stealing stuff from MUSC. It
11 wasn't one person and it was organized stuff. What they were
12 doing, they were working in engineering and facilities and what
13 they would do is, let's say me and you had a side business and
14 we were building decks on the side, right? And we needed some
15 sort of specialty DeWalt sliding [mito saw?]. So that was gonna
16 cost us 1200 bucks. Well, I work in engineering facilities. I go
17 into engineering facilities and I order that saw from MUSC. It
18 gets delivered here, I throw it in the back of my pickup truck
19 and I take it home and now you and I have a saw to use. So there
20 was organized theft between a group of MUSC employees, a
21 contractor here and a supplier here. Fast all was the supplier.
22 There was a contractor. So basically what it was, we had, I
23 think about nine MUSC employees got arrested. So yes, we did
24 bring SLED in for that because that wasn't an ordinary case. We
25 had MUSC employees, we had outside contractors, we had organized
26 theft and we brought SLED into assist us on that case. Then
27 there was another case in a dental school where we had people
28 stealing a lot of state resources and we needed help with that
29 because most of the theft was going on off campus. They were
30 ordering, like you and I have a business. We're in a real estate
31 business on the side. A lot of these realtors now have drones.
32 Why don't we buy a drone and have MUSC pay for it? And we use it
33 for our real estate business. Well, the drone never got
34 delivered here, so we needed some assistance. So yes, we have
35 used SLED and probably in the last five years we've probably
36 used SLED three or four times, but on a typical case, a typical
37 individual theft or an individual- somebody punches somebody in
38 the face and its two employees, we make those arrests. It's
39 cases that are a little more complex and, involve some off
40 campus activity besides campus activity than we bring SLED in.
41 But yes, we haven't changed our policy with bringing SLED on
42 board or you know- there's a sexual assault on campus, we're
43 required by state law to bring SLED in and if there's a homicide
44 on campus or a suicide, we have to contact SLED and they choose
45 whether or not they're coming down or not. That's kind of the
46 way that is. But for you, they recently changed the grievance
47 policy. That was probably maybe two, three years ago they

1 changed the grievance policy. But the old grievance policy was
2 pretty much cut and dry. I just went to a grievance about three,
3 two months ago maybe and the employee was allowed to have an
4 attorney. It was almost, it was a mini trial, but that wasn't
5 the way it was back in 2010 or whatever it was when you were
6 terminated. It was the old system when you came in alone and
7 your manager would say, "you know, he's a good worker, he's a
8 bad worker, or he got arrested or he didn't get a debt" and then
9 the board would say, Okay. Now they formalize it a lot more
10 where they actually, like I said, you actually have attorneys
11 and it's a little more formal process than it used to be.

12
13 **Caine:** All right. I was glad to see that those changes were
14 made because I know that part of the protest group that I was in
15 there was a handful of other people that had issues with that.
16 Not like mine. There were more, I guess you could say racial in
17 nature.

18
19 **Kerley:** Lets be honest here. Most of the time those things
20 started out as performance based issues. Did they evolve to
21 racial? Possibly. I wasn't involved in the- because a number of
22 the people that they were protesting were hospital employees
23 that got terminated. And those things started, most of them that
24 I'm aware of started as performance based issues and then
25 evolved and then, could it have been racial? It may have been, I
26 don't know. I know that was the complaint that a couple of them
27 made, but the reality is they started out as performance based
28 complaints and it slowly evolved into the termination and then
29 the protests and everything else. But I mean, to be fair, if we
30 look at as fair people, this is a better process for everybody
31 involved, right? Cause you-

32
33 **Caine:** I agree.

34
35 **Kerley:** If you were an attorney and you went to a grievance and
36 you lost the grievance with your attorney there, most people
37 would walk away saying, "Hey, I gave her my best fight, but I
38 lost, I had an attorney with me." Now if you have an attorney
39 and you go to your grievance and you win, well then obviously
40 it's a good thing because you won but I believe it's a better
41 process. I think it's more fair to the employee than the old
42 process was. But again, I don't sit on grievance boards. They've
43 never asked me to sit on the board. I don't really have any
44 input in the grievance process. That's all through HR, but me
45 personally, I believe it's a better process for everybody
46 involved. But anyway-

47

1 **Caine:** Well, my number one issue really, I guess since the
2 beginning of this, is if there is whistle blowing, which I did
3 report and I was disciplined for. If there is whistle blowing
4 involved, I do not think that an employer's police department
5 should be part of an investigation after that, if there is a
6 crime because it presents ethical concerns. So here I am ratting
7 on somebody that was not doing suicide checks but was writing
8 it, I get reprimanded for it and then six months later I'm being
9 investigated for larceny and harassment.

10
11 **Kerley:** Well, let's get the larceny out the picture because
12 nothing ever happened with that. Okay?

13
14 **Caine:** Nothing ever happened with what?

15
16 **Kerley:** The larceny the case disappeared. Your name's not listed
17 in the case anywhere. Now did Register-

18
19 **Caine:** I know, but Register, when he took me to the jail, his
20 first words to me, I swear to God, I will put my hand on a
21 Bible. He said, now you remember me from the larceny incident
22 and he had no idea that the person was already arrested and
23 fired.

24
25 **Kerley:** I understand. I'll be honest with you, between me and
26 you, had Register been a more competent guy, you wouldn't have
27 won your appeal. You won your appeal because Register effed up
28 the warrant, had the warrant-

29
30 **Caine:** And he probably screwed up other things too.

31
32 **Kerley:** I'm not gonna argue that with you. You're probably
33 right, but had Register written the warrant properly and charged
34 you with the misdemeanor on the warrant and stuff- because what
35 he did wrong, was he put the wrong subdivision down where you
36 were, even though they went into court charging you in front of
37 Coker with a misdemeanor on the warrant, the subdivision that
38 was listed made it a felony. So that should have been in general
39 sessions court. So because there was a mistake made on the
40 warrant- had he put the right subdivision down, you wouldn't
41 have won your appeal. You would've been guilty and not that- and
42 nobody cared anyway. What did Coker do? You didn't get sentenced
43 any type of prison time. I mean, what'd you get a fine?

44
45 **Caine:** Yeah, I got a fine.

46
47 **Kerley:** Right. So-

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Caine: But also there was the fact that on the phone recordings, he completely dismissed the alleged victim's doubt that I even did it. He skipped right over it. She actually tells him that it's a seven year old and I don't think he knew what time it was.

Kerley: That's quite possible.

Caine: Why he skipped over that-

Kerley: He's been gone for five years now. He hasn't worked. You know, we could-

Caine: I have no grudges against him. I just really want to know why I was part of so many investigations for him. I mean, this person that I ratted on was, was he maybe the friend of this person? I have no idea. I more questions than I have answers.

Kerley: Just to be honest with you Caine, I don't have any idea either. But I'm just telling you that had he been a little more competent in his job, we wouldn't be sitting there having this conversation, but he's retired. He's been gone for probably, I think five years now. We've moved on. Everything was expunged. All your records as far as that incident are expunged. They're gone but like I said to you, your battle is different here. Your battle- because like I told you a couple times, the well is the wells poisoned. Whether you did it on purpose or not, the well is poisoned. You have a group of people here that are scared to death of you and didn't even know you. They don't even know-

Caine: I was scared of myself.

Kerley: You and I can have a conversation, right? There's no issues. You and Ernie Brown had a conversation, whatever it was two days ago, yesterday, whatever the day was, he came back and said, "why are they worried about that guy for he's a great guy." I said, "I'm not worried about the guy either". But I said, when you are, let's just say for arguments sake, not that we want to get into genders or anything, but let's just say you are a small female who's got no idea who Caine Henry is, and you get forwarded an email and you read the email and it's, "hey, I had a dream that I"- I'm just making it up because I don't remember what email said, but "I had a dream last night that I had my eye up against the scope of a rifle, and just like Eric Frein, I thought maybe it would be good for me to to shoot red". These people freak out. First of all, they have no idea who Eric

1 Frein is. You and I do. They don't. They just go panic city. So
2 the well is tainted, they're poisoned and you these people are
3 all scared to death of you. Whether they should be or shouldn't
4 be is irrelevant. Not all people, a small group of people here,
5 when they hear your name, they- I'm gonna say just short of
6 panic. Just hear your name, never mind, forget anything else.
7 Just hear the name Caine Henry. They go panic city because they
8 don't know who you are. They don't- they've never seen you, but
9 in their eye from looking at a computer screen, you are some six
10 foot four- six foot, five inch, 280 pound monster with three
11 guns on your hip and a bazooka on your back. That's what they
12 see. That's what they see, and they have no idea who you are,
13 but because of this process going on for almost 10 years now,
14 you are not-

15
16 **Caine:** I'm just looking for the proper channels to address this.
17

18 **Kerley:** I understand that, but you and I both know that most of
19 those doors have been closed because of number one, the well
20 being poisoned. Like I said, I'm not saying you did it on
21 purpose, but the well is poisoned and then what happens once the
22 well is poisoned, it becomes urban legend. All of a sudden it's
23 someone says something to somebody else. Then it goes, and you
24 have- you basically created an atmosphere, not saying did on
25 purpose, but you created an atmosphere around here. When people
26 hear the name Caine Henry, they go- people have left this campus
27 and gone home and they never met you. They've left, put in a
28 leave slip and gone home because they heard you were coming down
29 on campus. Now-

30
31 **Caine:** I think that's part of the MUSC narrative, and I said if
32 people would let me make appointments and talk to them face to
33 face, then you don't have any of this.

34
35 **Kerley:** Maybe not, maybe- because no one knows. Had you, let's
36 say you had an appointment with Ray Greenberg and Ray said,
37 "Yeah, Caine, I listened to what you said, but I'm not giving
38 you grievance hearing", whatever. Let's just say he would've
39 listened to you and said, "No, I'm not, I'm not changing
40 anything. Have a nice day." Do you honestly believe that you
41 would've just said, "Oh, okay"? No, you wouldn't.

42
43 **Caine:** Well, I would ask him is there an appeal process?
44

45 **Kerley:** And he would've said, no. You know, you yourself know.
46 You've got all the stuff right in front of you. The president's
47 the final orbiter of all of this stuff. So Ray Greenberg was the

1 president and he met with you and said, "Hey Caine, it's nice,
2 but I'm not changing anything and have a nice day." You, you and
3 I-

4
5 **Caine:** I would've thanked him for at least listening because
6 when you listen to somebody and you let them air things out, it
7 deescalates-

8
9 **Kerley:** You and I both know that, that wouldn't have been the
10 end of it.

11
12 **Caine:** No, it probably wouldn't have.

13
14 **Kerley:** It wouldn't have been the end of it. So-

15
16 **Caine:** I probably would've taken it to a legal situation, but
17 I'm trying to work within the legal structure within MUSC
18 because you guys are kind of a government on your own. You have
19 all these policies, regulations-

20
21 **Kerley:** You have some valid points but I think your best bet,
22 like I said to you, because I honestly believe the well is
23 tainted and it's gonna be extremely difficult to convince
24 anybody to meet with you. Your best bet is to go outside this
25 circle and see if you can maybe even get for arguments sake, the
26 state, the state inspector general to say, I'll facilitate a
27 meeting. Maybe that works but-

28
29 **Caine:** Maybe it does. I guess I wanted to exhaust all my
30 resources here.

31
32 **Kerley:** Well, between me and you, you have. Whether you did it
33 on purpose or you didn't do it on purpose, like I said, to you.
34 I've been a hundred percent honest with you. I haven't lied to
35 you once in this whole process. They hear your name, people went
36 home and they've never met you, but they saw a computer screen-
37 scared to death. They think you are the next, whoever coming to
38 the, you know, the Sandy Hook or the, the next Orlando nightclub
39 shooter. That's what they envision. Whether it's an accurate
40 portrayal or not, I don't know but that's what they envision. So
41 when they hear you are coming down here, not all the time, but
42 depend on the day they're having- If they're not having a great
43 day and they hear Caine Henry's en route, they go home. And that
44 just feeds the beast and it becomes even more difficult to try
45 and convince anybody that, "Hey, let's just sit down and have a
46 conversation with the guy." That it-

47

1 **Caine:** I mean I feel like all of this has led to defamation and
2 people are leaving here because of misinformation.

3
4 **Kerley:** Possibly, but at the end of the day, there's no
5 defamation. I get your email, I interpret that email to be a
6 threat. Whether it is or not is what I interpret it as. I hear
7 you are coming down. I leave. How is that defamation?

8
9 **Caine:** Well, you said other people are hearing my name and that
10 I've become somewhat of a urban legend here. And its sad that
11 I've never been able to sit down with Annette Drachman or a
12 grievance hearing panel or President Cole.

13
14 **Kerley:** Or President Greenberg.

15
16 **Caine:** Or President Greenberg, anybody.

17
18 **Kerley:** This has been going on for 10 years-

19
20 **Caine:** And I can tell you that it would've been resolved if
21 there was a face to face conversation. It-

22
23 **Kerley:** It may have, if you had won the grievance hearing, it
24 would've been resolved. If you had lost the grievance hearing,
25 It wouldn't have been resolved. It would've been an ongoing- You
26 would've then went to Greenberg and said, "Well, I want to
27 appeal the grievance." They would've said, "Well, I uphold the
28 grievance". Then you would've been starting- Who else can I talk
29 to? It must be somebody else, and it's just the way it is. But I
30 mean-

31
32 **Caine:** As long as there's logic and rationale, I can-

33
34 **Kerley:** I've tried to help you and I gave you the letter. You
35 can bring it to your legal friend. I attached all the state
36 attorney general's opinions on how and why, and all the
37 background of why I'm allowed to do what I'm doing. It's good
38 for six months from today and those sort of facts. I will, I
39 promise you, I'll go speak to somebody probably early next week
40 to see what their reaction is, but I'm just being honest with
41 you. Don't hold out any hope that it's gonna work, because I
42 don't want you to get all bent out of shape if I shoot you an
43 email on Tuesday or Wednesday-

44
45 **Caine:** I do appreciate you giving me other options.

46

1 **Kerley:** -and say, "Hey, look it, nobody wants to talk to you."
2 But I think that if you're gonna get any type of movement on
3 this thing, you're gonna have to go outside the MUSC circle, try
4 and get someone. That's my opinion. You may speak to your lawyer
5 friend that he might say no, then you're better off just keep
6 pushing a rock at MUSC, but my opinion, you're probably gonna
7 have to go outside because I think it's too difficult for a lot
8 of people involved to sit down and have a conversation with you.
9

10 **Caine:** Okay. I understand. At a later point, is it possible to
11 look at my file or you've already sent that over to the freedom
12 of information people.
13

14 **Kerley:** Everything that we have with your name on it has been
15 sent over there.
16

17 **Caine:** But there was no video.
18

19 **Kerley:** No, because I'm telling you, let's just that I'm, I'm
20 just being- I don't know anything about this case you're talking
21 to me about. I have no idea. I'm not saying you, you might be
22 100% right. I'm not saying you're wrong, but I personally don't
23 know anything about it. So when I go out to a woman who works in
24 records who doesn't know you or Register or anybody, and I say
25 to- Oh, she knows Register doesn't know you. When I say to her,
26 "Do me a favor, print out every item we have on, on Caine Henry"
27 and I give her your name, spell it for her, she goes into the
28 computer and about two hours later she comes to me with a stack
29 of papers and she has them labeled where you are a witness,
30 where you are a complainant, I think maybe one of them- and
31 where you are a suspect- every one of them is listed. Okay, and
32 then we gave you everything, even on a couple of the ones, like
33 the one with the alleged malware thing I gave you the
34 investigative page, which I'm tech- by FOIA, I'm not required to
35 do, but I gave it to you anyway.
36

37 **Caine:** I appreciate that. That helps.
38

39 **Kerley:** At the end of the day, we don't have anything here on
40 file about Caine Henry, Nothing. Now do I have the emails you
41 sent me? Yeah, but I mean, you sent them to me and I only store
42 them for 90 days. At the end of 90 days, they rotate off. I
43 don't have a special file with Caine Henry's, I mean, I'll show
44 you right now. I'll do a Caine Henry search.
45

46 **Caine:** No, that's okay. I believe you.
47

1 **Kerley:** I just, I don't have a file that says Caine Henry's
2 emails. I don't, because in my mind, what's going to happen
3 here, in my mind is you're either going to, you're either going
4 to do one, a couple different things that could possibly happen.
5 Number one, you determine that you're going to push the envelope
6 and you're going to get arrested because you're going to
7 challenge the-

8
9 **Caine:** No, I'm not going to shoot myself in the foot.

10
11 **Kerley:** I'm just saying this, this is why I'm saying these are
12 the options that are most likely going to happen. Number one,
13 you determine the trespass warning, you want to challenge that.
14 So you're going to get yourself arrested to challenge that.
15 Okay? Number two, you're going to say, "Hey, look, for 10 years
16 of my life, I've been pursuing this. Nobody will listen to me.
17 I'm gonna move on." The odds of that happening are probably
18 pretty small. Number three, something crazy happens. Those are
19 the only three options because if you don't decide, "Hey, look
20 it, I fought the fight and I'm not getting anywhere and I just
21 need to move on with my life, then your options are limited. You
22 either have to keep writing me emails or keep writing Annette
23 Drachman emails or try to find somebody else besides Sweatman to
24 be a point of contact. But nobody's moving the rock field that's
25 here. Nobody's doing anything to try and say, "Okay, let's sit
26 down". And again, it goes back to, like I said, yeah, I believe
27 the well is poisoned. Whether you did it intentionally or
28 unintentionally, the well is poisoned. And I think the only
29 option for you was to go outside this domain and see if someone
30 else could be your advocate from outside to get a meeting with
31 Cole or to get a meeting with Annette or whatever the deal is,
32 but it's gotta be somebody from outside. Cause nobody here is
33 gonna pick up the ball and start rolling it for you.

34
35 **Caine:** Well, I appreciate your time. I did ask for- to meet with
36 Angela Richards sometime next week to get my personnel file.

37
38 **Kerley:** And all I'm gonna ask you to do, if she agrees to meet
39 with you, is just let us know you're coming. We may escort you
40 there, and then we'll leave and then we'll escort you out
41 because you just showed up last week just to go into that
42 building to get what you could get, and there was some concern
43 people that you were in the building and it wasn't well, he was
44 being escorted by public safety, there's no issue. So-

45
46 **Caine:** But I did notify Annette that I was coming in, that I was
47 going to give her a Google track.

1 **Kerley:** You did. There were no issues. None at all. So I'm just
2 asking you to do the same thing again. If she agrees to meet
3 with you, that's fine. Just let me know you're coming to go meet
4 with her, but you're not gonna go to Cole. You're not gonna go,
5 just start knocking on people's doors. We'll cooperate with you
6 everywhere we can, if someone agrees to meet with you, I'm not
7 going to interject and say, "No, you can't", but it has to be
8 them agreeing to me with you and not you coming down here and
9 saying, "Hey, I wanna meet with you."

10
11 **Caine:** Are you aware what triggered all of this recently?
12

13 **Kerley:** No.
14

15 **Caine:** My girlfriend is over in therapy at revisions and her
16 therapist wanted to meet with me, but I knew that I was required
17 to notify you guys. I told him about it, and when he found out
18 that armed security guards were going to have to be present for
19 a therapy session-

20
21 **Kerley:** Well, if you had reached out to me, I would've made sure
22 there was no armed security there. We would've escorted you to
23 the building, probably might have had an armed guy, just to
24 monitor the situation, but I'll work with you through any of
25 these things, okay? Not here to hurt you. I'm not, I'll work
26 with you, but I told you 30 times wells poisoned There's only so
27 much I can do, but if you run into that situation where the guy
28 wants you to come down to support your girlfriend, you shoot me
29 an email with the guy's name, all I'll do is confirm that he
30 okayed you to come down here. We'll escort you to the building,
31 let you go in, maybe have an unarmed guy go with you to the
32 floor. I'm not gonna have him sit in there on the, obviously on
33 the, but just escort you in, escort you out. No big deal. I'm
34 not having- if you tell me what the situation is, I'm not gonna
35 make a guy with a gun stand outside the room. If you tell me,
36 "Hey, listen, Chief, this is what's going on. He wants me to
37 come down, my girlfriend's in a therapy session. He'd like me to
38 attend." I'll confirm that and once I confirm it, we'll make it
39 work for you, okay?
40

41 **Caine:** Okay. Fair enough. I appreciate you doing that.
42

43 **Kerley:** Not a problem. And just do me a favor. If you need to
44 get something off your chest, send me an email. Okay?
45

46 **Caine:** Appreciate it.
47

1 **Kerley:** I wish you the best of luck. Not a problem. Recording
2 everything. There's no issue with that. Um, and I wish you the
3 best of luck if I can help you out, I will.

4
5 **Caine:** All right. Thank you.

6
7 **[inaudible chatter]**

8
9 **Caine:** [coughs]

10
11 **[video ends.]**

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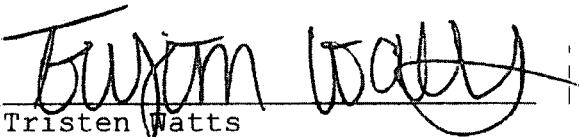
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[Handwritten signature]

Sworn to before this 19th day of
October, 2022.

[Handwritten signature] (Notary Public for
South Carolina)

I, Tristen Celeste Watts, a resident of Spartanburg County in South Carolina, certify that the audio file titled 'kerley.mp3' and the video files titled 'Cop1 A Raw.mkv' and 'Cop 1 B raw.mkv' were transcribed by myself to the best of my ability. I have no interest in any proceedings that these documents may be used in.


Tristen Watts
(864) 345-0040

Sworn to before this 18th day of
October, 2022.


NOTARY PUBLIC FOR SOUTH CAROLINA

Megan Shropshier
Deputy Clerk of Court in Spartanburg County

STATE SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

) **2022CP400 3387**

CAINE HENRY,

) CASE NO.:2020-CP-10-01315

Plaintiff,

) **PLAINTIFF'S NOTICE OF MOTION AND
MOTION TO COMPEL**

Versus

MEDICAL UNIVERSITY OF SOUTH
CAROLINA, MEDICAL UNIVERSITY
OF SOUTH CAROLINA DEPARTMENT
OF PUBLIC SAFETY, KEVIN KERLEY

Defendants,

RICHLAND COUNTY
FILED
2022 JUL -5 PM 12: 36
JEANETTE W. MCBRIDE
CLERK OF COURT

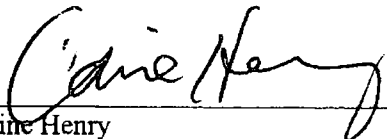
TO: BRIAN JOHNSON, ATTORNEY FOR THE DEFENDANTS AND SLED:

The Plaintiff Caine Henry (hereinafter "the Plaintiff"), will move before the presiding judge, at a time and place ten days from now or to be arranged at the convenience of the Court for an Order compelling SLED to provide full and complete documents and responses without objection to Plaintiffs subpoena to SLED. The Plaintiff makes this Motion upon the grounds a subpoena was served on SLED and that SLED refuses to produce the materials subject to the subpoena without a proper legal basis. The Defendants listed SLED Captain Michael Prodan as a witness in Discovery documents (Exhibit A). Plaintiff served a subpoena seeking documents and information that would be relevant to the testimony of SLED Captain Michael Prodan. (Exhibit B). Defendants did not object to the SLED Subpoena. On November 19, 2021 SLED objected to the subpoena (Exhibit C). Plaintiff believes that the information contained in phone calls, email communications and other information in SLED's possession are relevant to Plaintiff's claims and or the defenses in this case and are discoverable if not vital to Plaintiff's case. Plaintiff's case revolves around the communications between SLED and MUSC. MUSC

has not produced any documents related to those communications. (Exhibit A) What SLED knew and did not know and what was communicated by MUSC to SLED that resulted in a Wellness Check suggesting that the Plaintiff was armed and dangerous is critical to the case. There is no justifiable reason for SLED to maintain that there is an ongoing threat assessment investigation of the Plaintiff. Plaintiff is unaware of any "ongoing threat assessment investigation" of himself. He has not been interviewed by anyone from SLED (since 2014), nor is he aware of any contact with his physicians, close friends and or family members by SLED. Certainly, if SLED believed there was an ongoing threat to be assessed at least one of these things would have happened. Likely, the information SLED possesses in addition to the lack of efforts to investigate "the threat" will assist Plaintiff and the trier of fact in determining that they knew the Plaintiff was not armed or dangerous but actually suffered from mental health issues and that this conduct was indeed ordered and intended by the Defendant MUSC to teach the Plaintiff a lesson.

The Plaintiff respectfully requests the motion to compel be granted and/or a hearing and a subsequent Order requiring SLED to fully comply with SLED subpoena (Exhibit B).


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(843) 817-2672 / cainekh@gmail.com


Caine Henry

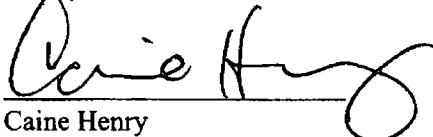
June 30, 2022
North Charleston, South Carolina


CERTIFICATE OF SERVICE

I certify that upon receipt, a copy of **PLAINTIFF'S NOTICE OF MOTION AND MOTION TO COMPEL and proposed Order** was served on SLED and Defendants by electronic mail and US Mail in the manner prescribed by the applicable Rule of Civil Procedure.

Electronic email 
7/8/22

This 30th day of June, 2022


Caine Henry

USPS 7/11/22 

RICHLAND COUNTY
FILED
2022 JUL -5 PM 12:36
JEANNETTE W. McBRIDE
Clerk, Circuit Court, 2nd Floor



BRIAN E. JOHNSON
Partner
DIRECT DIAL: (843) 577-1209
EMAIL: brian.johnson@hoodlaw.com

May 29, 2020

Caine Henry
7882 Red Birch Circle
North Charleston, SC 29418

Re: Caine Henry v. Medical University of South Carolina, Medical University of South Carolina
Department of Public Safety, and Kevin Kerley
C/A No. 2020-CP-10-01315, Charleston CP
HLF File No. 1.348

Dear Mr. Henry:

Enclosed please find Defendants' Answers to Plaintiff's Request for Interrogatories in the above-referenced case.

Kind regards,

Yours truly,

A handwritten signature in black ink, appearing to read "B. E. Johnson", written over a horizontal line.

Brian E. Johnson

BEJ/spc
Enclosure(s)

Plaintiff Exhibit A PAGE 000002 Motion to Compel SLED

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) FOR THE NINTH JUDICIAL CIRCUIT
Caine Henry,) C/A No. 2020-CP-10-01315
)
) *Plaintiff,*) **DEFENDANTS' ANSWERS TO**
) **PLAINTIFF'S REQUEST FOR**
Versus) **INTERROGATORIES**
)
Medical University of South Carolina, Medical)
University of South Carolina Department of)
Public Safety, and Kevin Kerley,)
)
) *Defendants.*)

TO: CAINE HENRY, PRO SE:

Pursuant to Rules 33 and 26 of the South Carolina Rules of Civil Procedure, the Defendants, Medical University of South Carolina ("MUSC"), Medical University of South Carolina Department of Public Safety ("MUSC Public Safety"), and Kevin Kerley, (hereinafter "the Defendants"), answer the Plaintiff's Request for Interrogatories, as follows:

1. Give the names and addresses of persons known to the Defendant, or the Defendants' attorneys, to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER: The Defendants identify:

**Captain Mike Prodan
South Carolina Law Enforcement Division
4400 Broad River Rd.
Columbia, SC 29210**

**Darius Rivers
Olin Owen Heneghan
North Charleston Police Department
2500 City Hall Lane
North Charleston, SC 29418**

**Representatives of Charleston County Mental Health Mobile Crisis Unit
2100 Charlie Hall Boulevard
Charleston, SC 29414**

**Chief Kevin Kerley
c/o Hood Law Firm
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402**

The Defendants have not taken any written or recorded statements from any of the witnesses.

The Defendants reserve the right to supplement their response as discovery progresses.

2. Set forth a list of photographs, plats, sketches or other prepared documents in the possession or control of the Defendant, or the Defendant's attorneys, that relate to the claim or defense in the case.

ANSWER: In addition to documents previously produced by Plaintiff, see *DEF RRF 0007-0008* previously produced. The Defendants reserve the right to supplement this response.

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim, and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy, and the named insured in the same.

ANSWER: The Defendants are insured through the Insurance Reserve Fund of South Carolina. The South Carolina Insurance Reserve Fund provides coverage for the Defendants pursuant to the limits of the South Carolina Tort Claims Act and is subject to the limits and terms set forth therein. Insurance Reserve Fund, PO Box 1106, 1201 Main Street, Columbia, South Carolina.

4. Furnish a detailed factual basis for the defenses asserted in the Defendants' Answer.

Plaintiff Exhibit A PAGE 000004 Motion to Compel SLED

ANSWER: The Defendants' factual affirmative defenses are based on there being no evidence of the Defendants' involvement in the execution of the welfare check on Plaintiff alleged to have occurred on March 15, 2019. These factual defenses will be supported by the testimony of representatives of the Defendants, the witnesses identified in Answer to Interrogatory No. 1, the testimony of any retained experts, and documents produced via discovery. Further, the legal defenses cited in the Defendants' Amended Answer are supported by the statutes cited therein. The Defendants reserve the right to supplement and/or change this response as discovery progresses and more information is obtained.

5. Describe in detail all laws, acts having the force and effect of law, codes, regulations and legal principles, standards, and customs or usages, which the Defendant contends are applicable to this action.

ANSWER: See the Defendants' Amended Answer, which includes the affirmative defenses the Defendants contend are applicable to this action, including the statutory citations for the affirmative defenses asserted. The Defendants reserve the right to supplement and/or change this response as discovery progresses and more information is obtained.

6. If the Defendant contends that some other person or legal entity is, in whole or in part, liable to the Plaintiff or Defendant in this matter, state their full name, address, and telephone number and describe in detail the basis of said liability.

ANSWER: The Defendants make no contention at this time that any person or entity is liable to the Plaintiff or Defendants. The Defendants reserve the right to supplement and/or change this response as discovery progresses and more information is obtained.

7. Set forth the full names, addresses, and telephone numbers of all lay witnesses

whose testimony the Defendant may use at the trial of this case; describe the issues to which that testimony will relate; and provide a summary of their testimony.

ANSWER: The Defendants have not yet identified what lay witness testimony they plan to use at trial. The Defendants reserves the right to utilize the testimony of the Plaintiff, any lay witnesses called by the Plaintiff and any witnesses identified in the Defendants' Answer #1. The Defendants reserve the right to supplement this response as discovery progresses.

8. Identify by full name, address, and telephone number each person whom the Defendant expects to call as an expert witness at the trial of this case and, as to each expert so identified, state the subject matter on which he is expected to testify, the substance of the facts and opinions to which he is expected to testify, and a summary of the grounds for each opinion.

ANSWER: The Defendants have not identified any experts they intend to call at the trial of this case at this time. The Defendants reserve the right to call as an expert any expert witness identified by the Plaintiff. This response may be supplemented as discovery progresses.

9. If the Defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct information.

ANSWER: The Defendants the Medical University of South Carolina and Kevin Kerley are properly identified. The Medical University of South Carolina Department of Public Safety is not a distinct entity and falls under the Medical University of South Carolina. Thus, Defendant Medical University of South Carolina Department of Public Safety is improperly identified.

Plaintiff Exhibit A PAGE 000006 Motion to Compel SLED

10. Give the Defendants' complete name, address, place and date of birth, Social Security number, and driver's license number and the state of issuance.

ANSWER: The Defendants object to providing the personal addresses, dates of birth, social security numbers and driver's license numbers for any individuals named in this matter as such is unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence and unnecessarily invades the privacy of the Defendants. Subject to and without waiving these objections, the Defendants response as follows:

The Medical University of South Carolina
c/o Hood Law Firm
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402

The Department of Public Safety at the Medical University of South Carolina
c/o Hood Law Firm
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402

Chief Kevin Kerley
c/o Hood Law Firm
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402

11. Please state whether the Defendant has ever been convicted of any criminal charges and, if applicable, for each such conviction give the date, state and county, and charge(s) involved.

ANSWER: MUSC and MUSC Public Safety are not individual Defendants and this Interrogatory does not apply to them. Further answering, as to Defendant Kerley, he has never been convicted of any criminal charges.

12. Please state the Defendants educational background, including name(s) of school(s), dates attended, whether or not the Defendant graduated, and any degree(s) held, beginning with high school to present.

ANSWER: MUSC and MUSC Public Safety are not individual Defendants and this Interrogatory does not apply to them. Further answering, as to Defendant Kerley, he has obtained a bachelor's degree from SUNY Empire State and a master's degree from the University of Cincinnati. Defendant Kerley also graduated from the FBI National Academy and has completed numerous educational courses and training related to his criminal justice career.

13. Please list the names and addresses of every place of employment which the Defendant has held during the last five (5) years and for each such place of employment listed give the dates of employment and the position held.

ANSWER: MUSC and MUSC Public Safety are not individual Defendants and this Interrogatory does not apply to them. Further answering, as to Defendant Kerley, he has been employed as the Director of Public Safety/Chief of Police for MUSC for the past five years.

14. Please list each and every address where the Defendant has lived during the last ten (10) years and give the dates during which the Defendant lived at each such address.

ANSWER: Objection. The Defendants object to this Interrogatory as it is overly broad, not reasonably calculated to lead to the discovery of admissible evidence and unnecessarily invades the privacy of the Defendants.

15. List every phone call made or received by defendants regarding the welfare check of Caine Henry on 3/15/2019. List the recipient name and the receiver name.

ANSWER: The Defendants recall a phone call between Captain John Plitsch and Captain Michael Prodan wherein SLED recommended a welfare check of Caine Henry on 03/15/19. The Defendants did not order a welfare check and did not communicate with

Charleston County Mental Health Mobile Crisis Unit or the North Charleston Police Department regarding the same.

16. List any follow-up welfare check phone calls that took place after actual welfare check.

ANSWER: Upon information and belief, Captain John Plitsch received a subsequent phone call from Captain Michael Prodan at SLED advising the welfare check of Caine Henry on 03/15/19 had been completed. The Defendants did not order a welfare check and did not communicate with Charleston County Mental Health Mobile Crisis Unit or the North Charleston Police Department regarding the same.

17. List any guidelines defendants have for conducting a safe welfare check of a concerned person.

ANSWER: Objection. The Defendants object to this Interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as the Defendants were not involved in any welfare check of Caine Henry, which was conducted by Charleston County Mental Health Mobile Crisis Unit and the North Charleston Police Department.

18. List any information that lead Defendants to allegedly believe that plaintiff was armed and ready to shoot anyone that came to the door.

ANSWER: The Defendants did not conduct the welfare check of Caine Henry on 03/15/2019 and did not communicate with either Charleston County Mental Health Mobile Crisis Unit or the North Charleston Police Department regarding the welfare check. Accordingly, the Defendants are not in possession of information responsive to this request.

19. List the number of welfare checks conducted by defendant Kevin Kerley in the last


24 months.

ANSWER: Objection. The Defendants object to this Interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as the Defendants were not involved in any welfare check of Caine Henry, which was conducted by Charleston County Mental Health Mobile Crisis Unit and the North Charleston Police Department.

20. List any documents created as a result of the welfare check of Caine Henry on 03/15/2019.

ANSWER: The Defendants did not conduct the welfare check of Caine Henry on 03/15/2019 and did not create any documents as a result of such welfare check. The Defendants are not in possession of any documents related to the welfare check of Caine Henry on 03/15/2019 other than the North Charleston Police Department CAD report previously provided by the Plaintiff in this litigation.

HOOD LAW FIRM, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
Ph: (843) 577-4435 / Fax: (843) 722-1630
Email: info@hoodlaw.com



Brian E. Johnson (SC #76103)
Alyssa L. Agostino (SC #103597)

*Attorneys for the Defendants
Medical University of South Carolina, Medical
University of South Carolina Department of Public
Safety, and Kevin Kerley*

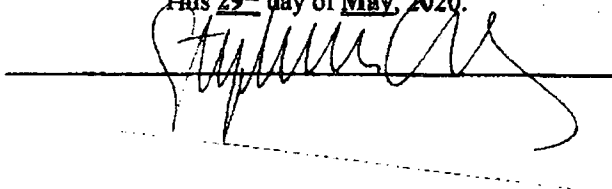
May 29, 2020
Charleston, South Carolina

Plaintiff Exhibit A PAGE 000010 Motion to Compel SLED

CERTIFICATE OF SERVICE

I certify that on this date a copy of **DEFENDANTS' ANSWERS TO PLAINTIFF'S REQUEST FOR INTERROGATORIES** was served on each party or counsel of record mailing, e-mailing, facsimile, or hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This 29th day of May, 2020.



Plaintiff Exhibit B 000001 Motion to Compel SLED

STATE OF SOUTH CAROLINA
ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF RICHLAND

Caine Henry, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

MEDICAL UNIVERSITY OF SOUTH CAROLINA,
MEDICAL UNIVERSITY OF SOUTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY, KEVIN
KERLEY, Defendant(s)

Case Number: 2020-CP-10-01315

Pending in Charleston County

*Issued by
Richland County
Clerk of Court*

TO: South Carolina Law Enforcement Division
Attn: Records Custodian; Cpt Michael Prodan
4400 Broad River Road
Columbia, SC 29210

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME , AM
---------------------	--------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

****Copies of any and all records, notes, correspondence, audio recordings, run reports, incident reports and/or files, if any, related to a welfare check conducted on or about March 15, 2019 regarding Caine Henry, 7882 Red Birch Circle North Charleston, SC 29418, to include correspondence or communications with City of North Charleston Police, MUSC, MUSC Public Safety or Caine Henry himself regarding the welfare check. You may mail records or serve them electronically in lieu of producing them in person.**

This Subpoena is being issued pursuant to Rule 45(b) of the SC Rules of Civil Procedure. In lieu of personally appearing, please send true and certified copies of the records to the address listed below.

PLACE 1913 Bull Street Columbia, SC 29201	DATE AND TIME November 19, 2021 9:00 a.m.
---	--

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME , AM
----------	--------------------

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

SCCA 254 (05/2015)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

Plaintiff Exhibit B 000002 Motion to Compel SLED

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature _____ Date _____ Print Name _____
Indicate if Attorney for Plaintiff or Defendant _____
Attorney's Address and Telephone Number: _____

Jeanette W. McBride _____ *11-1-2021* _____ *Jeanette W. McBride* _____
Clerk of Court/Issuing Officer's Signature _____ Date _____ Print Name _____

Pro Se Litigant's Name, Address and Telephone Number :
Caine Henry Pro Se, 7882 Red Birch Circle, North Charleston,
SC 29418, (843) 817-2672

Issued by Richland County Clerk of Court

PROOF OF SERVICE

SERVED	DATE 11/04/2021	SCHEDULED DATE	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE 4400 BROAD RIVER RD. COLUMBIA SC		
SERVED ON	SLED		MANNER OF SERVICE USPS Certified Mail
SERVED BY	POST OFFICE WORKER		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 11/05/2021

SIGNATURE OF SERVER

Caine Henry

7882 RED BIRCH CIR N. CHARLESTON SC 29418
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

Plaintiff Exhibit B 000004 Motion to Compel SLED

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	\$3.05
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.52
Total Postage and Fees	\$7.32

0240
45

Postmark
Here

11/02/2021

Sent To _____

Street and Apt. No., or PO Box No. _____

City, State, ZIP+4® _____

PS Form 3800, April 2011

See Reverse for Instructions

7021 1970 0000 0167 1202
8508 2969 0000 0167 1202

Plaintiff Exhibit B 000006 Motion to Compel SLED

To ensure delivery of the enclosed
 material, please return the enclosed
 material to the back of the mailpiece,
 if possible, in the appropriate permits.

To ensure delivery of the enclosed
 material, please return the enclosed
 material to the back of the mailpiece,
 if possible, in the appropriate permits.

SLED
 Attn: Records Custodian
 4400 Broad River Rd
 Columbia, SC 29210

D. Is delivery restricted?
 If YES, enter ZIP code:

NOV 05 2001
 J MCGEE SLED

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Insured Mail Restricted Delivery (over \$500)

Priority Mail®
 Registered Mail®
 Registered Mail Restricted Delivery
 Signature Confirmation®
 Signature Confirmation Restricted Delivery

9590 9402 6771 1074 3306 50

2. Article Number
 7021 1970 0000 6967 8508

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

Plaintiff Exhibit B 000007 Motion to Compel SLED





**South Carolina
Law Enforcement Division**

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

November 19, 2021

Via Email To: cainekh@gmail.com

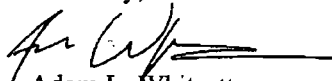
Mr. Caine Henry
7882 Red Birch Circle
North Charleston, SC 29418

**RE: SUBPOENA OBJECTION – SLED Subpoena Tracking No.: 2021-S0099
Caine Henry v. MUSC et al.**

Dear Mr. Henry:

Pursuant to Rule 45 of the South Carolina Rules of Civil Procedure, please allow this correspondence to serve as SLED's formal objection to your subpoena seeking information about an ongoing SLED threat assessment. SLED's position is that the entirety of SLED's file is comprised of sensitive law enforcement records not otherwise available by state and federal law that were compiled in the process of detecting and investigating crime. As such, the premature disclosure of this material would absolutely harm SLED and its prospective law enforcement proceedings in this matter and would also disclose current techniques and procedures for law enforcement investigations. Therefore, SLED hereby objects to the production of any materials at this time. *See*, Rule 26(b), SCRCP; Rule 45(d)(1), SCRCP; Rule 45(d)(3), SCRCP. SLED additionally hereby reserves any and all privileges and immunities applicable to the documents or information sought and all other arguments applicable to this matter.

With kind regards, I am
Sincerely,


Adam L. Whitsett
General Counsel



Caine Henry <caineqh@gmail.com>

FOIA Request

1 message

Caine Henry <caineqh@gmail.com>
To: FOIA@musc.edu

Wed, Mar 6, 2019 at 1:05 PM



Sender notified by
Mailtrack



MUSC FOIA Request Form Caine Henry.pdf
1034K

Freedom of Information Act Request Form

This form is used to request public records, documents, or materials under the South Carolina Freedom of Information Act (FOIA) from the Medical University of South Carolina, the Medical University Hospital Authority and their affiliated entities ("MUSC"), where applicable, and is to be completed by any person and/or entity seeking access for review or copies of public records.

Instructions for completing the Freedom of Information Act Request Form

1. Fill out the top portion of the form, providing as much and as detailed information as possible. We may contact you to obtain additional information necessary to fulfill your request. Please note that insufficient information may result in a delay of the production of the documents requested.
2. Read and sign the Family Privacy Protection Act statement.
3. Deposit and Payment: MUSC may charge an advance deposit based on the estimated cost of searching for the documents requested. **Payment in full must be received prior to the release of the documents requested.** Please see Fee Schedule below.
4. Submit the form through email, by fax, or mail the form to one of the options below:
Email: FOIA@musc.edu
Fax: (843) 792-0570
Mail: FOIA Officer, MUSC, 179 Ashley Avenue, MSC 003, Charleston, SC 29425

Fee Schedule

Search and Retrieval of electronic records and/or hard copy records: MUSC will charge the number of hours required to search and retrieve the records at the lower of \$25.00/hour or the prorated hourly salary of the lowest paid staff member who has the necessary skills and training to perform the search and retrieval of records.

Redaction of non-public information: If any responsive records or portions of responsive records contain information that is not considered public under FOIA and/or any other applicable law, MUSC will charge the number of hours required to redact the records at the lower of \$47.00/hour or the prorated hourly salary of the lowest paid staff member who has the necessary skills and training to redact the requested records.

Copies: \$0.15/page (includes copies made for scanning for electronic transmission)

Postage: Per United States Postal Service

Deposit: MUSC will require a deposit not to exceed 25% of the total reasonably anticipated cost for reproduction of the requested records prior to beginning any search for the requested record(s).

Please note that MUSC is not required to create an electronic version of a public record when one does not exist in order to fulfill a records request, per FOIA at SC Code Ann. § 30-4-30 (A)(2).

Information regarding forms of payment accepted will be provided in MUSC's response and determination regarding the FOIA request.

South Carolina Freedom of Information Act Request Form

Request from (full name): Caine Henry
Company/Organization: N/A
Address of requester: 7882 Red Birch Circle, North Charleston, SC 29418
Requester's contact data (phone and/or email): cainekh@gmail.com
Identification obtained (copy of driver's license, etc.) Yes or No (circle one, attach copy if Yes)

The purpose of FOIA is to allow citizens of the State of South Carolina or their representatives access to information concerning public business. Although the Medical University of South Carolina supports the right of citizens of the State of South Carolina to learn about the activities of state government, the Medical University of South Carolina and its affiliates may request verification of South Carolina residency and reserve the right to deny requests from those who are not citizens of South Carolina.

Identification obtained (copy of driver's license, etc.): Yes or No (circle one, attach copy if Yes)

Request to: Review records -- or -- Obtain a copy/copies of records (circle one)

Exact request (please include full request or attach copy of original request if needed): see attachment

Family Privacy Protection Act

The Family Protection Act, S.C. Code of Laws §30-2-50, prohibits a person or private entity from knowingly obtaining or using any personal information obtained from the Medical University of South Carolina or other state agencies for commercial solicitation directed to any person in this state. Commercial solicitation as defined in the Act means contact by telephone, mail, or electronic mail for the purpose of selling or marketing a consumer product or service. A person who knowingly violates this prohibition is guilty of a misdemeanor and subject to the penalties specified in S.C. Code of Laws §30-2-50(D).

I have read, understand, and agree to abide by the Family Privacy Protection Act. I will not use any personal information I may receive as a result of this request for purposes of commercial solicitation or in violation of law.

Signed: Caine Henry Date: 3/6/2019

To Submit FOIA Requests and for Additional Information, please contact:

FOIA Officer Phone: (843) 792-0570
Medical University of South Carolina Email: FOIA@musc.edu
179 Ashley Avenue, MSC 003
Charleston, SC 29425

For Internal Use Only

Requesters: please do not write below this line until you are asked to sign and date this form.

Request received by (print name and initial): _____

Date and Time received: _____

Responded to request (check one line):

- Same business day
- Within 20 business days
- Within 10 business days
- Other timeframe, (date) _____

Nature of response: (check one and provide detailed explanation)

- Denial of request, letter sent on (date) _____
- Confirmation of request letter sent on (date) _____

Summarize contents of all letters sent and note dates mailed: _____

Cost of each b&w one-page, single-sided letter copy: _____

Estimated number of letter-sized pages to be copied: _____

Cost of each b&w one-page, single-sided legal copy: _____

Estimated number of legal-sized pages to be copied: _____

(Requesters may incur additional charges for oversized, two-sided and color copies)

Labor Cost per hour	X	Estimated number of hours	=	Per person total
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
		Total	=	_____

(Please duplicate and complete another copy of this page if more than eight team members are required to fulfill this request.)

List and describe any other production costs associated with fulfillment of this request and attach documentation if needed: _____

Records to be:

____ Picked up by requester;

____ Mailed, if so, estimate mailing cost _____;

____ Sent by overnight delivery, if so, estimate cost _____.

Estimated grand total for request fulfillment: _____.

Estimated cost communicated to requester on (date) _____ by mail (letter with copy of this form).

Advance payment of estimated cost received from requester by ____ Cash or ____ Check (made payable to Medical University of South Carolina) on (date): _____.

Cost waived due to: ____ Grand Total does not meet \$25 threshold;

____ Other reason (explain in detail):

(Requester's signature with date above on receipt of estimate, please return signed form to MUSC)

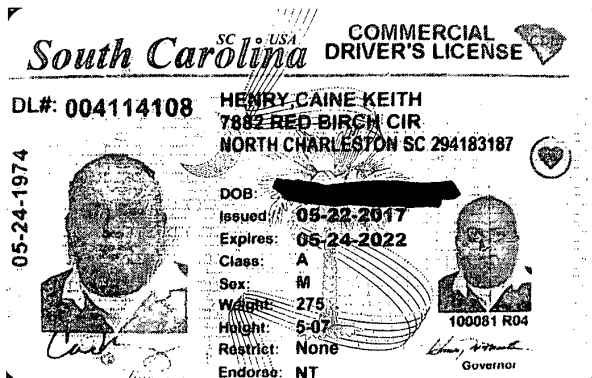
(MUSC representative's signature with date when copies are mailed to requester)

(MUSC representative's signature with date when signed form is received)

(Requester's signature with date above on receipt of copies, please return signed form to MUSC)

Numbered Attachment – FOIA Request

1. Email requests Annette Drachman got from Caine Henry requesting/ demanding a grievance hearing. Best guesses are acceptable if data is has been deleted.
2. All emails of correspondence between Annette Drachman and Public Safety employees regarding a request for an internal investigation of Public Safety actions for any current or former employee.
3. All formal response's given to Caine Henry regarding all his requests submitted to Annette Drachman and Public Safety for a grievance hearing or an internal police investigation.
4. All Counseling service records of Caine Henry while using MUSC Employee Assistant Program (EAP).
5. Employment date for Caine Henry.
6. Termination letter for Caine Henry.
7. Employment dates at MUSC for Raymond Shingler.
8. Employment dates at MUSC for Andrea Lewis RN
9. The date Raymond Shingler began Counseling Services with my therapist at EAP?
10. All communications with SLED regarding Caine Henry.
11. All communications with the FBI regarding Caine Henry.
12. All communications with Charleston Mental Health regarding Caine Henry.
13. The dates of employment for Linda Lewis RN Unit manager of 3N.
14. The dates of employment for Harriet Cooney Director of IOP.
15. Number of cases MUSC Public Safety has prosecuted involving an employee of MUSC.
16. All emails and phone recordings of Public Safety conversations involving Caine Henrys desire to attend public board hearings with a protest group.
17. The names of all unit secretaries employed on 3N IOP in January 2009.
18. The names of all unit secretaries employed on 3N IOP in July 2009.
19. The dates of employment for Charles Banks RN.
20. The dates of employment for Social Worker Rebecca "Becky" Hassle 3N Social Worker.
21. The number of MUSC Employees, Doctors or DENTISTS that have committed suicide on MUSC grounds.
22. The number of patients that have committed suicide while at MUSC from Jan 1, 2000-December 31, 2009.
23. The number of patients that have committed suicide while at MUSC from Jan 1, 2010-Present day.
24. The number of families that engaged in settlement talks after their loved one(an inpatient at MUSC) committed suicide within a week of discharge (1999-2019).
25. All formal root cause analysis written reports of all inpatient suicides since 1999.
26. Any and all written communication from President Cole concerning any decision on deny any of Caine Henrys grievance hearing request or Public Safety internal Investigation request.
27. All written or emailed conversations President Cole received or sent involving Caine Henry.
28. All Harriet Cooneys emails or recorded phone calls to Public Safety or Public Safety Officers in 2009.
29. All investigation records, forms Officer William Register is/was involved in concern Caine Henry as a suspect.





Caine Henry <cainekh@gmail.com>

Re: FOIA Request

1 message

Caine Henry <cainekh@gmail.com>

Tue, Apr 23, 2019 at 11:01 AM

To: "Drachman, Annette R." <drachmar@musc.edu>, foia@musc.edu

Cc: "Kerley, Kevin" <kerley@musc.edu>

Ms. Drachman I'm writing to check on the status of my FOIA request and fees. Chief Kerley did inform me that he submitted some of the information I requested.

Caine



Sender notified by
Mailtrack

On Wed, Mar 6, 2019 at 1:22 PM Caine Henry <cainekh@gmail.com> wrote:

Annette, The foia@musc.edu address I sent (per the form instructions) returned my email. Please confirm receipt.



Sender notified by
Mailtrack



Sender notified by
Mailtrack



Caine Henry <cainekh@gmail.com>

Email read: «FOIA Request»

1 message

MailTrack Alerts <alerts@mailtrack.io>

Tue, Apr 23, 2019 at 11:10 AM

Reply-To: no-reply@mailtrack.io

To: cainekh@gmail.com





 **Email alert from Mailtrack**

[Turn off email alerts](#) Turn off


FOIA Request open email


Your email has been read 9 minutes after it was sent


 Sent on 2019-04-23 at 11:02h

 Read on 2019-04-23 at 11:10h by one of the recipients

Recipients

 drachmar@musc.edu (invite to Mailtrack)

 foia@musc.edu (invite to Mailtrack)

 kerley@musc.edu (invite to Mailtrack)

Identifying who opened your mails when there are multiple recipients has its limitations. Get around these limitations and know for sure who's opened your mail by asking your contacts to install Mailtrack

[Turn off email alerts](#)



Caine Henry <cainekh@gmail.com>

Mailtrack Daily Report 4/23/19: 2 emails sent

1 message

Mailtrack Daily Report <daily-reports@mailtrack.io>
Reply-To: no-reply@mailtrack.io
To: cainekh@gmail.com

Wed, Apr 24, 2019 at 7:00 AM



MAILTRACK DAILY REPORT

4/23/19

SUMMARY (4/23/19, 7:00:00 AM - 4/24/19, 7:00:00 AM)

2

**EMAILS
SENT**

100%

**WERE
READ**

0%

**WERE
CLICKED**

ALREADY READ (2)

FOIA Request

11:02, Apr 23

Read once

To: Drachman, Annette R., foia@musc.edu and 1 more.



FOIA, 20 business days, Henry Caine, Kane Henry, Cain Henry

12:16, Apr 23

Read 3 times

To: Drachman, Annette R., Kerley, Kevin



You can disable these daily reports by clicking here.

Subscribe to our blog



Caine Henry <cainekh@gmail.com>

Email read: «FOIA Request»

1 message

MailTrack Alerts <alerts@mailtrack.io>

Fri, Apr 26, 2019 at 2:05 PM

Reply-To: no-reply@mailtrack.io

To: cainekh@gmail.com



Email alert from Mailtrack

[Turn off email alerts](#) [Turn off](#)

FOIA Request open email

Your email has been read 3 days after it was sent



Sent on 2019-04-23 at 11:02h



Read on 2019-04-26 at 14:05h by one of the recipients

Recipients



drachmar@musc.edu (invite to Mailtrack)



foia@musc.edu (invite to Mailtrack)



kerley@musc.edu (invite to Mailtrack)

Identifying who opened your mails when there are multiple recipients has its limitations. Get around these limitations and know for sure who's opened your mail by asking your contacts to install Mailtrack

[Turn off email alerts](#)



Caine Henry <cainekh@gmail.com>

Email read: «FOIA Request»

1 message

MailTrack Alerts <alerts@mailtrack.io>

Thu, May 2, 2019 at 8:41 AM

Reply-To: no-reply@mailtrack.io

To: cainekh@gmail.com



Email alert from Mailtrack

[Turn off email alerts](#) Turn off

FOIA Request open email

Your email has been read 1 week after it was sent



Sent on 2019-04-23 at 11:02h



Read on 2019-05-02 at 08:41h by one of the recipients

Recipients



drachmar@musc.edu (invite to Mailtrack)



foia@musc.edu (invite to Mailtrack)



kerley@musc.edu (invite to Mailtrack)

Identifying who opened your mails when there are multiple recipients has its limitations. Get around these limitations and know for sure who's opened your mail by asking your contacts to install Mailtrack

[Turn off email alerts](#)



Caine Henry <caineqh@gmail.com>

FOIA Request Caine Henry 07302019

1 message

Caine Henry <caineqh@gmail.com>
To: FOIA@muscd.edu

Tue, Jul 30, 2019 at 2:27 AM



Sender notified by
Mailtrack



MUSC FOIA Request Form Caine Henry.pdf
1001K

Freedom of Information Act Request Form

This form is used to request public records, documents, or materials under the South Carolina Freedom of Information Act (FOIA) from the Medical University of South Carolina, the Medical University Hospital Authority and their affiliated entities ("MUSC"), where applicable, and is to be completed by any person and/or entity seeking access for review or copies of public records.

Instructions for completing the Freedom of Information Act Request Form

1. Fill out the top portion of the form, providing as much and as detailed information as possible. We may contact you to obtain additional information necessary to fulfill your request. Please note that insufficient information may result in a delay of the production of the documents requested.
2. Read and sign the Family Privacy Protection Act statement.
3. Deposit and Payment: MUSC may charge an advance deposit based on the estimated cost of searching for the documents requested. **Payment in full must be received prior to the release of the documents requested.** Please see Fee Schedule below.
4. Submit the form through email, by fax, or mail the form to one of the options below:
Email: FOIA@musc.edu
Fax: (843) 792-0570
Mail: FOIA Officer, MUSC, 179 Ashley Avenue, MSC 003, Charleston, SC 29425

Fee Schedule

Search and Retrieval of electronic records and/or hard copy records: MUSC will charge the number of hours required to search and retrieve the records at the lower of \$25.00/hour or the prorated hourly salary of the lowest paid staff member who has the necessary skills and training to perform the search and retrieval of records.

Redaction of non-public information: If any responsive records or portions of responsive records contain information that is not considered public under FOIA and/or any other applicable law, MUSC will charge the number of hours required to redact the records at the lower of \$47.00/hour or the prorated hourly salary of the lowest paid staff member who has the necessary skills and training to redact the requested records.

Copies: \$0.15/page (includes copies made for scanning for electronic transmission)

Postage: Per United States Postal Service

Deposit: MUSC will require a deposit not to exceed 25% of the total reasonably anticipated cost for reproduction of the requested records prior to beginning any search for the requested record(s).

Please note that MUSC is not required to create an electronic version of a public record when one does not exist in order to fulfill a records request, per FOIA at SC Code Ann. § 30-4-30 (A)(2).

Information regarding forms of payment accepted will be provided in MUSC's response and determination regarding the FOIA request.

South Carolina Freedom of Information Act Request Form

Request from (full name): Caine Henry
Company/Organization: N/A
Address of requester: 7882 Red Birch Circle, North Charleston, SC 29418
Requester's contact data (phone and/or email): cainekh@gmail.com
Identification obtained (copy of driver's license, etc.): Yes or No (circle one, attach copy if Yes)

The purpose of FOIA is to allow citizens of the State of South Carolina or their representatives access to information concerning public business. Although the Medical University of South Carolina supports the right of citizens of the State of South Carolina to learn about the activities of state government, the Medical University of South Carolina and its affiliates may request verification of South Carolina residency and reserve the right to deny requests from those who are not citizens of South Carolina.

Identification obtained (copy of driver's license, etc.): Yes or No (circle one, attach copy if Yes)

Request to: Review records -- or -- Obtain a copy/copies of records (circle one)

Exact request (please include full request or attach copy of original request if needed): see attachment

Family Privacy Protection Act

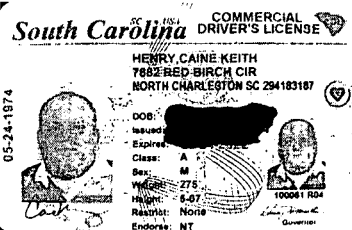
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I have read, understand, and agree to abide by the Family Privacy Protection Act. I will not use any personal information I may receive as a result of this request for purposes of commercial solicitation or in violation of law.

Signed: Caine Henry Date: 7/30/2019

To Submit FOIA Requests and for Additional Information, please contact:

FOIA Officer
Medical University of South Carolina
179 Ashley Avenue, MSC 003
Charleston, SC 29425



For Internal Use Only

Requesters: please do not write below this line until you are asked to sign and date this form.

Request received by (print name and initial): _____

Date and Time received: _____

Responded to request (check one line):

- Same business day
- Within 20 business days
- Within 10 business days
- Other timeframe, (date) _____

Nature of response: (check one and provide detailed explanation)

- Denial of request, letter sent on (date) _____
- Confirmation of request letter sent on (date) _____

Summarize contents of all letters sent and note dates mailed: _____

Cost of each b&w one-page, single-sided letter copy: _____

Estimated number of letter-sized pages to be copied: _____

Cost of each b&w one-page, single-sided legal copy: _____

Estimated number of legal-sized pages to be copied: _____

(Requesters may incur additional charges for oversized, two-sided and color copies)

Labor Cost per hour	X	Estimated number of hours	=	Per person total
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
_____	X	_____	=	_____
		Total	=	_____

(Please duplicate and complete another copy of this page if more than eight team members are required to fulfill this request.)

List and describe any other production costs associated with fulfillment of this request and attach documentation if needed: _____

Records to be:

- Picked up by requester;
- Mailed, if so, estimate mailing cost _____;
- Sent by overnight delivery, if so, estimate cost _____.

Estimated grand total for request fulfillment: _____.

Estimated cost communicated to requester on (date) _____ by mail (letter with copy of this form).

Advance payment of estimated cost received from requester by Cash or Check (made payable to Medical University of South Carolina) on (date): _____.

Cost waived due to: Grand Total does not meet \$25 threshold;
 Other reason (explain in detail):

 (Requester's signature with date above on receipt of estimate, please return signed form to MUSC)

 (MUSC representative's signature with date when copies are mailed to requester)

 (MUSC representative's signature with date when signed form is received)

 (Requester's signature with date above on receipt of copies, please return signed form to MUSC)

Numbered Attachment – FOIA Request

1. All outside legal and private investigator invoices and billable hours regarding Caine Henry.
2. All emails (inbox, outbox, spam, trash, drafts) of Harriet Cooney regarding or from Caine Henry during June, July and September 2010.
3. List of all forwarding recipients' of Annette Drachman's emails from Caine Henry in 2019.
4. Subject Line description of emails received by Annette Drachman from Caine Henry that were deleted.
5. Human Resource position description of Mark Sweatman.
6. HR Policy #12
7. A copy of HR's Current Staff Differentiation Tool
8. Copy of Mark Sweatman's Performance Rating Summary for the year 2018.
9. All emails from cainekh@gmail.com and cainekh@yahoo.com to musc email servers.
10. All emails and Public Safety phone call recording from SLED Captain Mike Prodan mprodan@sled.sc.gov (3/1/19) – (3/31/19).
11. Copy of Guidelines, regulations, by laws , mission statements regarding the MUSC board.
12. All incident reports at MUSC Public Safety regarding: Caine Henry; Cain Henry, Kane Henry, Henry Caine, Henry Cain and Kane Henry.
13. **Redacted** copies of all MUSC suicides investigations done by S.L.E.D. Redacted investigators reports, summary reports since 2005.
14. All employment records of Caine Henry.
15. Redacted screenshots of all inpatient patient-management software used at the Institute of Psychiatry.



Caine Henry <cainekh@gmail.com>

FOIA@musc.edu has just read «FOIA Request Caine Henry 07302019»

1 message

MailTrack Alerts <alerts@mailtrack.io>

Tue, Jul 30, 2019 at 9:33 AM

Reply-To: no-reply@mailtrack.io

To: cainekh@gmail.com



Email alert from Mailtrack

[Turn off email alerts](#) Turn off

FOIA Request Caine Henry 07302019 open email

FOIA@musc.edu read your email 7 hours after it was sent

Sent on 2019-07-30 at 02:28h

Read on 2019-07-30 at 09:33h by FOIA@musc.edu

Recipients

FOIA@musc.edu (invite to Mailtrack)



Caine Henry <caineqh@gmail.com>

FOIA Request Caine Henry

1 message

Caine Henry <caineqh@gmail.com>

To: FOIA@muscd.edu

Cc: brian.johnson@hoodlaw.com

Thu, May 14, 2020 at 11:45 AM

Hi.

I have attached my FOIA request. If there are any questions please let me know.

Kind Regards,

Caine Henry

 **MUSC FOIA.caine.henry.05142020.pdf**
1007K

Freedom of Information Act Request Form

This form is used to request public records, documents, or materials under the South Carolina Freedom of Information Act (FOIA) from the Medical University of South Carolina, the Medical University Hospital Authority and their affiliated entities ("MUSC"), where applicable, and is to be completed by any person and/or entity seeking access for review or copies of public records.

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2. Read and sign the Family Privacy Protection Act statement.
3. Deposit and Payment: MUSC may charge an advance deposit based on the estimated cost of searching for the documents requested. **Payment in full must be received prior to the release of the documents requested.** Please see Fee Schedule below.
4. Submit the form through email, by fax, or mail the form to one of the options below:
Email: FOIA@musc.edu
Fax: (843) 792-0570
Mail: FOIA Officer, MUSC, 179 Ashley Avenue, MSC 003, Charleston, SC 29425

Fee Schedule

Search and Retrieval of electronic records and/or hard copy records: MUSC will charge the number of hours required to search and retrieve the records at the lower of \$25.00/hour or the prorated hourly salary of the lowest paid staff member who has the necessary skills and training to perform the search and retrieval of records.

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Copies: \$0.15/page (includes copies made for scanning for electronic transmission)

Postage: Per United States Postal Service

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Information regarding forms of payment accepted will be provided in MUSC's response and determination regarding the FOIA request.

South Carolina Freedom of Information Act Request Form

Request from (full name): Caine Keith Henry
Company/Organization: N/A
Address of requester: 7882 red birch circle, North Charleston, SC 29418
Requester's contact data (phone and/or email): cainekh@gmail.com
Identification obtained (copy of driver's license, etc.): Yes or No (circle one, attach copy if Yes)

The purpose of FOIA is to allow citizens of the State of South Carolina or their representatives access to information concerning public business. Although the Medical University of South Carolina supports the right of citizens of the State of South Carolina to learn about the activities of state government, the Medical University of South Carolina and its affiliates may request verification of South Carolina residency and reserve the right to deny requests from those who are not citizens of South Carolina.

Identification obtained (copy of driver's license, etc.): Yes or No (circle one, attach copy if Yes)

Request to: Review records -- or -- Obtain a copy/copies of records (circle one)

Exact request (please include full request or attach copy of original request if needed):
All MUSC Public Safety incident reports involving Caine Keith Henry.
All MUSC Public Safety internal complaints filed since 2007.
All previous FOIA request made by Caine Henry.

Family Privacy Protection Act

The Family Protection Act, S.C. Code of Laws §30-2-50, prohibits a person or private entity from knowingly obtaining or using any personal information obtained from the Medical University of South Carolina or other state agencies for commercial solicitation directed to any person in this state. Commercial solicitation as defined in the Act means contact by telephone, mail, or electronic mail for the purpose of selling or marketing a consumer product or service. A person who knowingly violates this prohibition is guilty of a misdemeanor and subject to the penalties specified in S.C. Code of Laws §30-2-50(D).

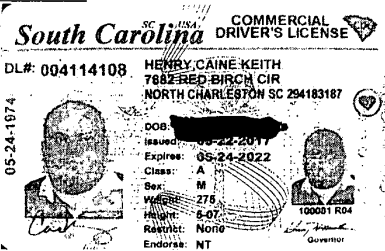
I have read, understand, and agree to abide by the Family Privacy Protection Act. I will not use any personal information I may receive as a result of this request for purposes of commercial solicitation or in violation of law.

Signed: *Caine Henry* Date: 05/14/2020

To Submit FOIA Requests and for Additional Information, please contact:

FOIA Officer
Medical University of South Carolina
179 Ashley Avenue, MSC 003
Charleston, SC 29425

Phone: (843) 792-
Email: FOIA@mu-



Records to be:

- Picked up by requester;
- Mailed, if so, estimate mailing cost _____;
- Sent by overnight delivery, if so, estimate cost _____.

Estimated grand total for request fulfillment: _____.

Estimated cost communicated to requester on (date) _____ by mail (letter with copy of this form).

Advance payment of estimated cost received from requester by Cash or Check (made payable to Medical University of South Carolina) on (date): _____.

Cost waived due to: Grand Total does not meet \$25 threshold;
 Other reason (explain in detail):

 (Requester's signature with date above on receipt of estimate, please return signed form to MUSC)

 (MUSC representative's signature with date when copies are mailed to requester)

 (MUSC representative's signature with date when signed form is received)

 (Requester's signature with date above on receipt of copies, please return signed form to MUSC)



Caine Henry <cainekh@gmail.com>

Email read: «FOIA Request Caine Henry»

1 message

Mailtrack Notification <notification@mailtrack.io>

Thu, May 14, 2020 at 11:48 AM

Reply-To: no-reply@mailtrack.io

To: cainekh@gmail.com




 **Email alert from Mailtrack**


[Turn off read alerts](#)

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FOIA Request Caine Henry open email


Your email has been read 3 minutes after it was sent


 Sent on 2020-05-14 at 11:45h

 Read on 2020-05-14 at 11:48h by One of the recipients

[See full email tracking history](#)

Recipients

 FOIA@musc.edu (invite to Mailtrack)

 brian.johnson@hoodlaw.com (invite to Mailtrack)

Identifying who opened your mails when there are multiple recipients has its limitations. Get around these limitations and know for sure who's opened your mail by asking your contacts to install Mailtrack



Caine Henry <cainekh@gmail.com>

Re: FOIA Request Caine Henry 07302019


1 message

Mailtrack Notification <notification@mailtrack.io>

Mon, May 18, 2020 at 3:58 PM

Reply-To: FOIA@musc.edu

To: cainekh@gmail.com

 Old conversation revival: FOIA@musc.edu opened it 10 months after it was sent. See [tracking history](#) or [turn off revival notifications](#)

2022

STATE SOUTH CAROLINA

COUNTY OF RICHLAND

CAINE HENRY,

Plaintiff,

Versus

MEDICAL UNIVERSITY OF SOUTH
CAROLINA, MEDICAL UNIVERSITY
OF SOUTH CAROLINA DEPARTMENT
OF PUBLIC SAFETY, KEVIN KERLEY

Defendants,

) IN THE COURT OF COMMON PLEAS

)
)
)
) CASE NO.:2020-CP-10-01315

) **ORDER on DEFENDANTS’ MOTION FOR**
) **SUMMARY JUDGMENT (Proposed Order)**

This motion was heard on October 27, 2022. The Court heard from the Pro-Se Plaintiff and Counsel for the Defendants. The Defendants’ motion for Summary Judgment is denied as genuine issues of material fact are disputed. Defendants on one hand claim a wellness check of the Defendant was warranted and in the alternative, they argue they were justified in describing the Plaintiff as armed and dangerous. The result was police officers showing up at the Plaintiff’s home ready to confront someone who allegedly actively ready to “kill law enforcement or anyone who comes to his house” with potential danger to the Plaintiff and a publicly embarrassing scene for the Plaintiff in his neighborhood. Plaintiff was not armed and dangerous and suffered mental harm requiring treatment due to the Defendant’s malious response to the plaintiff. Plaintiff suffered embarrassment and reputational harm as a result of Defendant’s recklessness.

At the hearing the Defendants insisted that Sgt. Register was a SLED employee, when in fact he was an employee of MUSC. Defendants claim they had no involvement in the welfare check yet they admit in interrogatories to having a phone call with SLED Captain Michael

Prodan before a welfare check was ordered and NCPD Officers were informed that the Plaintiff was actively ready to “kill law enforcement or anyone that comes to his house.” There is a big difference between a welfare check and sending police officers to an armed and dangerous situation. What was ordered and by whom are questions of fact for the jury.

In determining whether any triable issue of fact exists, the evidence and all inferences which can reasonably be drawn therefrom must be viewed in the light most favorable to the nonmoving party. Sauner v. Public Serv. Auth., 354 S.C. 397, 581 S.E.2d 161 (2003); Hendricks v. Clemson Univ., 353 S.C. 449, 578 S.E.2d 711 (2003); McNair v. Rainsford, 330 S.C. 332, 499 S.E.2d 488 (Ct. App. 1998). Plaintiff produced multiple transcripts of the welfare check and 3 interactions with MUSC Chief Kerley. Plaintiff cited statements from the transcripts that supported his claims for Defamation, Civil Conspiracy and Intentional Infliction of Emotional distress. The transcripts of the “wellness check” provide more than a scintilla of evidence that Plaintiff can meet his burden of proof. Hancock v. Mid-South Mgmt Co., Inc., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009).

Plaintiff made three FIOA requests of MUSC on 3/6/2019; 4/23/2019 and 5/14/2020. Defendants have only returned a handful of incident reports which were given to the court today. Plaintiff submitted transcripts quoting Chief Kerley would arrest plaintiff if he went to MUSC legal to inquire about his FOIA request. Submitted transcripts of Chief Kerley also said he would arrest plaintiff if he attended a FOIA protected public meeting at MUSC. In addition, Plaintiff served a subpoena on SLED on November 5, 2021 requesting the file related to the wellness check. SLED did not produce any documents pursuant to the Subpoena and Plaintiff has filed a Motion to Compel the subpoena response which is pending in Richland County. Plaintiff believes that when this discovery is obtained, it will show beyond doubt that MUSC, Captain

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Kerley and others conspired and acted with malice to teach the Plaintiff a lesson by sending law enforcement to his doorstep with guns a blazing which could have resulted in significant physical harm to the Plaintiff and which most certainly defamed the Plaintiff, caused the Plaintiff mental harm and significant emotional distress. With outstanding discovery which goes to the heart of the claims and multiple disputed facts argued in court, Summary Judgment is inappropriate at this time.

For the reasons set forth above, Defendants' Motion for Summary Judgment is denied.

IT IS SO ORDERED this __ day of October, 2022.

J. Mullins

RECEIVED

May 22 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Carmen Mullens, Circuit Court Judge

Appeal No. 2023-000227
Case No. 2020-CP-10-01315

Caine Henry,

Appellant,

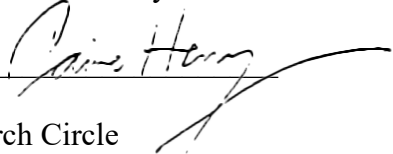
v.

Medical University of South Carolina,
Medical University of South Carolina
Department of Public Safety, and Kevin
Kerley,

Respondents.

CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g), the Appellant certifies that the Record on Appeal contains all material proposed to be included by all of the parties and not any other material.


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(843) 817-2672 cainekh@gmail.com
Pro Se Appellant

North Charleston, South Carolina
May 22nd, 2023