

MAR 20 2024

FOR MAILING

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT IN AND  
FOR NEWBERRY COUNTY, SOUTH CAROLINA

Terence L. Rush,  
Plaintiff/Appellant,

v.

Michael B. Stribble, Individually and in  
his Official capacity as Sergeant at the  
Newberry County Sheriff's Office, et al.,  
Respondent(s)/Appellee(s). /

Trial Court Case No. 2020 CP 3600506  
Appellate Case No. 2021-000817

**RECEIVED**  
MAR 28 2024  
SC Court of Appeals

NOTICE OF MOTION AND MOTION REQUESTING LEAVE OF COURT TO  
TAKE DEPOSITIONS UPON WRITTEN QUESTIONS

Plaintiff/Appellant, Terence L. Rush, COMES before this Honorable Court giving notice of his intention to file a Motion Requesting Leave of Court to take Depositions upon written Questions of Respondent/Appellee, Michael B. Stribble.

Terence L. Rush

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I placed a correct copy of this document in the hands of a Wakulla Corr. Inst. - mailroom Official to be delivered to: Riley Pope & Laney, LLC., 2838 Devine Street, Columbia, S.C. 29205, Elizabeth P. Folk, Clerk of Court Newberry County Court of Common Pleas, P.O. Drawer 10, Newberry, S.C. 29108, and to the South Carolina Court of Appeals, Jenny Abbott Kitchings, Clerk, Post Office Box 11629, Columbia, S.C. 29211 by U.S. Postal mail delivery on this 20<sup>th</sup> day of March, 2024.

Terence L. Rush, Sui Juris  
% RUSH, TERENCE L., #E03490  
Wakulla Corr. Inst. - Main  
110 Melaleuca Drive  
Crawfordville, FL 32327

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT IN AND  
FOR NEWBERRY COUNTY, SOUTH CAROLINA

Terence L. Rush,  
Plaintiff/Appellant,

Trial Court Case No. 2020CP3600566  
Appellate Case No. 2021-000917

v.

Michael B. Strible, Individually and in  
his Official Capacity as Sergeant at the  
Newberry County Sheriff's Office, et. al.,  
Respondent(s)/Appellee(s). /

RECEIVED  
MAR 28 2024  
SC Court of Appeals

MOTION REQUESTING LEAVE OF COURT TO TAKE DEPOSITIONS UPON  
WRITTEN QUESTIONS

Pursuant to South Carolina Rules Civil Procedure (SCRCP) Rule 27(b), SCRCP Rule 31, and SCRCP Rule 30, the Plaintiff/Appellant, Terence L. Rush, Request Leave of Court to take Deposition Upon Written Questions to Respondent, Michael B. Strible, Individually and in his Official capacity as Sergeant at the Newberry County Sheriff's Office. The Petitioner/Appellant stipulates that Michael B. Strible can respond to the questions under penalty of perjury with a signed jurat oath before a notary public or deputy Clerk of Court that the answers to the written deposition are truthful, accurate, trustworthy and his own.


Respondent, Michael B. Strible the Individual and the Sergeant in his official Capacity as a Sergeant at the Newberry County Sheriff's office can be reached and subpoenaed<sup>①</sup> for being deposed at his attorney's address of Riley Pope & Laney, LLC., 2838 Devine Street, Columbia, S.C. 29205. The Respondent shall have 30 days to respond and return, submitting his answers under notary seal and annexing original documents to the Court, and copies of these requested documents pertaining to the written questions back to

this Honorable Court and Appellant.

1. Subpoena for deposing Michael B. Strible enclosed.


The substance of the Respondent's deposition the Petitioner/Appellant expects to elicit revolve around his probable cause for the date in question, statements or opinions of fact, the application of law to fact, and documents available for copying and inspection with regard to his probable cause for the date in question with regards to this case. The Appellant seeks to preserve the information and whereabouts of documents that might be lost or destroyed due to the length of time it is taking to receive justice for defending the Constitution of the United States Fourth Amendment against any and all threats be they foreign or domestic, which is the Appellant's right as a citizen of the United States of America and any state of this Union which he may reside.

WHEREFORE, the Petitioner/Appellant is seeking this Honorable Court to grant his motion and issue an order <sup>②</sup> allowing deposition to be taken upon written questions <sup>③</sup> in the manner and under the conditions stipulated and are prescribed by the rules of SCRPC.

  
Terence L. Rush, Sui Juris

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I placed a correct copy of this document in the hands of a Wakulla Corr. Inst. - Mail Room official to be delivered to: Riley Pope & Laney, LLC., 2838 Devine Street, Columbia, S.C. 29205, Elizabeth Pope, Clerk of Court Newberry County Court of Common Pleas, P.O. Drawer 10, Newberry, S.C. 29108, and to the South Carolina Court of Appeals, Jenny Abbott Kitchings, Clerk, Post Office Box 11629, Columbia, S.C. 29211 by U.S. Postal mail delivery on this 20<sup>th</sup> day of March, 2024.

  
Terence L. Rush, Sui Juris  
% RUSH, TERENCE L., #E03490  
Wakulla Corr. Inst. - Main  
110 Melaleuca Drive  
Crawfordville, FL 32327

2. Proposed Order of Court  
3. written Questions enclosed.

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT IN AND  
FOR NEWBERRY COUNTY, SOUTH CAROLINA

Terence L. Rush,  
Plaintiff /Appellant,

Trial Court Case No. 2020CF3600506  
Appellate Case No. 2021-000817

v.

Michael B. Stribble, Individually and in  
his Official Capacity as Sergeant at the  
Newberry County Sheriff's Office, et.al.,  
Respondent(s).

REQUEST FOR SUBPOENA AD TESTIFICANDUM/ DUCES TECUM

Plaintiff/Appellant, Terence L. Rush comes now before this Court requesting this Court to issue a Subpoena Ad Testificandum and Subpoena Duces Tecum to Respondent Michael B. Stribble.

Plaintiff/Appellant represents that the request is relevant to prevent failure and a delay of justice in the above styled captioned cause for a full and fair determination of the facts by preserving this information for further proceedings in the future.

WHEREFORE, Plaintiff /Appellant respectfully request that this Court issue the subpoenas to the Respondent to complete these matters within thirty (30) days.

Respectfully submitted this 27<sup>th</sup> day of February, 20 24.

Terence L. Rush, Sui Juris

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I placed a correct copy of this document in the hands of a Wakulla Corr. Inst. - Mail Room Official to be delivered to: Riley Pope & Lancy, LLC., 2838 Devine Street, Columbia, S.C. 29205 (Certified mail # 7019 2280 0000 2568 9070), Elizabeth Pope, Clerk of Court Newberry County Court of Common Pleas, P.O. Drawer 10, Newberry, S.C. 29108, and to the South Carolina Court of Appeals, Jenny Abbot Kitchings, clerk, P.O. Box 11629, Columbia, S.C. 29211 by U.S. Postal Mail delivery on this 27<sup>th</sup> day of February, 2024.

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Terence L. Rush, Sui Juris  
c/o Rush, TERENCE L., # E03490  
Wakulla Corr. Inst. - Main  
110 Melaleuca Drive  
Crawfordville, FL 32327

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT IN AND  
FOR NEWBERRY COUNTY, SOUTH CAROLINA

Terence L. Rush,  
Plaintiff/Appellant,

Trial Court Case No. 2020CP3600506  
Appellate Case No. 2021-000317

v.

Michael B. Stribble, Individually and in  
his Official capacity as Sergeant at the  
Newberry County Sheriff's Office, et al.,  
Respondent(s).

ORDER

This cause comes before the Court pursuant to the Plaintiff/Appellant's Request for Leave of Court to Take Deposition Upon Written Questions.

The Court having seen, read, and being duly advised in said request, finds that the perpetuation of the testimony is proper to avoid a failure or delay of justice.

IT IS THEREFORE ORDERED by the Court that the Clerk of this Court shall cause a subpoena to be issued for Michael B. Stribble that he is to have 30 days to provide this Court with responses to the Plaintiff's interrogatories and the warrant application he submitted detailing his probable cause against the plaintiff at the address of 2809 Hwy 66, Whitmire, S.C. 29178 for inspection and copying and a copy to the plaintiff when he returns the responses to the interrogatories.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge

CC: Terence L. Rush, DL# E03490, Winkulla Corr. Inst. - Main,  
110 Melaleuca Drive, Crawfordville, FL 32327 (Plaintiff)

Riley Pope & Laney, LLC, 2838 Devine Street,  
Columbia, S.C. 29205 (Attorney for Respondent)

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT IN AND  
FOR NEWBERRY COUNTY, SOUTH CAROLINA

Terence L. Rush,  
Plaintiff/Appellant,

Trial Court Case No. 2020CP3600506  
Appellate Case No. 2021-000817

v.

Michael B. Stribble, Individually and in  
his Official capacity as Sergeant at the  
Newberry County Sheriff's Office, et al.,  
Respondent(s).

REQUEST FOR RESPONSE TO INTERROGATORIES

1. What is your name? \_\_\_\_\_
2. What is your occupation? \_\_\_\_\_
3. Why were you at 2809 Highway (Hwy) 66, Whitmire, S.C. 29178 on October 2<sup>nd</sup>, 2015? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Before you went to the address of 2809 Hwy 66, Whitmire, S.C. 29178, who was the magistrate judge that you submitted your probable cause to in order to get the State of South Carolina, Newberry County Sheriff's Office legal authority behind you to conduct a search for the Plaintiff? \_\_\_\_\_  
\_\_\_\_\_
5. What was your probable cause you submitted to the magistrate judge before you went to conduct your search? \_\_\_\_\_  
\_\_\_\_\_
6. Where is the warrant you had for Corey Pena stating that you are to search the address of 2809 Highway 66, Whitmire, S.C. 29178 for him? \_\_\_\_\_  
\_\_\_\_\_
7. Why did you tell the Plaintiff, Terence L. Rush you had a warrant for Corey Pena? \_\_\_\_\_  
\_\_\_\_\_
8. Why did you say that the Plaintiff, Terence L. Rush looked like Corey Pena? \_\_\_\_\_  
\_\_\_\_\_

9. Why didn't you provide a copy of the warrant to the Plaintiff, Terence L. Rush when he requested you to show him it so that he may inspect it himself? \_\_\_\_\_
10. What is the purpose of the Fourth Amendment in the Constitution for the United States of America? \_\_\_\_\_
11. Why would you violate the Plaintiff's Fourth Amendment <sup>rights to</sup> the Constitution for the United States of America? \_\_\_\_\_
12. What are the names of the four other deputies that aided you in your search for Corey Pena at 2809 Hwy 66, Whitmire, S.C. 29178 on October 2, 2015? \_\_\_\_\_
13. What probable cause did you provide to the four other deputies to get them to believe South Carolina laws were being violated? \_\_\_\_\_
14. Why was the documents the Plaintiff provided for you to prove his identity not satisfactory enough for you? \_\_\_\_\_
15. Why did you go thru the Plaintiff's privacy fence into the backyard instead of going to his front door to announce your presence? \_\_\_\_\_
16. After you placed the Plaintiff in your vehicle and the dispatcher informed you of him having a failure to appear in court in Orange County, FL; what did you mean when you state that, "I worked on this all night,"? \_\_\_\_\_

17. How many warrants have you served in your career as a Newberry County Sheriff's deputy?

18. What are the requirements needed to obtain a warrant from a judge in order to satisfy the clauses in the Fourth Amendment for the Constitution for the United States?

19. Why did you not seek to get a magistrate judge to sign off for a warrant to search 2809 Hwy 66, Whitmire, S.C. 29178 for the Plaintiff before you went and conducted one?

20. Why did you think the Plaintiff violated the law?

21. There is always room for improvement, in regards to the execution of your actions with the Plaintiff, what would you do better?

22. Who can corroborate the actions you took up to October 2, 2015 with regards to there being a lawful and legal duty for you to be at 2809 Hwy 66, Whitmire, S.C. 29178 searching for the plaintiff?

23. Prior to October 2, 2015, where have you met or interacted with the Plaintiff to where you would have knowledge of him?

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS: JURAT AFFIRMATION

I, the undersigned, do hereby swear or affirm under penalty of perjury, that the responses to the written interrogatory questions are truthful, accurate, trustworthy and my own as being true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature) (signed in presence of a Notary)

\_\_\_\_\_, Affiant  
(Printed name)

\_\_\_\_\_  
(Mailing address)

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(City) (State) (Zip code)

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS: NOTARIZATION

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the above  
state and county by \_\_\_\_\_ personally appearing OR \_\_\_\_\_ by online notarization, on this  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Terence L. Rosh,  
% RUSH, TERENCE L., # E03490

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MAR 28 2024

SC Court of Appeals

South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk  
Post Office Box 11629  
Columbia, S.C. 29211

LEGAL MAIL

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