

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM BERKLEY COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Edgar W. Dickson, Circuit Judge

Case No. 2020-CP-08-00773
Appellate Case No. 2024-00797

Stephanie Michelle Gardner Petitioner,

vs.

Berkeley County Sheriff's Office and
Town of Moncks Corner, Respondents,

REPLY TO BERKELEY COUNTY SHERIFF'S OFFICE

LOUIS D. NETTLES
Attorney for PETITIONER
Post Office Box 50442
Summerville, South Carolina 29485
843-409-7744

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Petitioner has consistently argued that she was arrested without probable cause, that the arrest was not barred by the Tort Claims Act, that the Facebook post was defamatory and not for Law Enforcement purposes, and publish to parties not legally interested in the Arrest, and the Trial Court fail to properly consider the authorities of this Court and the Court of Appeals

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TABLE OF AUTHORITIES

Abofreka v. Alston Tobacco Co., 288 S.C. 122, 341 S.E.2d 622 (S.C. 1986).....1

Carter v. Bryant, 429 S.C. 298, 838 S.E.2d 523 (S.C. App. 2020)1

Gist v. Berkeley County Sheriff’s Dept., 336 S.C. 611, 521 S.E.2d 163 (S.C. App. 1999) 1

Hassell v. City of Columbia, 430 S.C. 620, 846 S.E.2d 373 (S.C. App. 2020)1

Richardson v. STATE-RECORD COMPANY, INC., 330 S.C. 562, 499 S.E.2d 822 (S.C. App. 1998)1

State v. Stewart, 858 S.E.2d 808 (S.C. 2021)1

Wortman v. Spartanburg, 310 S.C. 1, 425 S.E.2d 18 (S.C. 1992)1

Questions Presented

I. Were the Questions below preserved

I. Petitioner has consistently argued and preserved the issues brought to this Court.

ARGUMENT

False Arrest

The petitioner has consistently argued that her arrest by the Berkeley County Sheriff's Office was without probable cause relying on precedent of this court and the Court of Appeals. The Sheriff's Office had no evidence that the Petitioner ever had possession or knowledge of the drugs before they were discovered the Sheriff's office citing *State v. Stewart*, 858 S.E.2d 808 (S.C. 2021) Here Gardner was arrested for being in proximity to hidden drugs as this is not a crime the Tort Claims act does not bar this claim. In similar fashion this Court of Appeals had before it *Gist v. Berkeley County Sheriff's Dept.*, 336 S.C. 611, 521 S.E.2d 163 (S.C. App. 1999) and allowed the case to proceed because of genuine issues of material fact as to the existence of probable cause citing *Wortman v. Spartanburg*, 310 S.C. 1, 425 S.E.2d 18 (S.C. 1992). See also *Hassell v. City of Columbia*, 430 S.C. 620, 846 S.E.2d 373 (S.C. App. 2020) and *Carter v. Bryant*, 429 S.C. 298, 838 S.E.2d 523 (S.C. App. 2020). These matters were argued in the trial court by brief, oral argument, petition for rehearing, Appeal to the Court of Appeals and Petition for rehearing in the Court of Appeals.

Defamation

The Petitioner has also consistently argued that Facebook publication by the Sheriff's office was defamatory and unprivileged citing this court's precedents in *Abofreka v. Alston Tobacco Co.*, 288 S.C. 122, 341 S.E.2d 622 (S.C. 1986) and the Court of Appeals in *Richardson v. STATE-RECORD COMPANY, INC.*, 330 S.C. 562, 499 S.E.2d 822 (S.C. App. 1998)

Conclusion

Petitioner has consistently argued that she was arrested without probable cause, that the arrest was not barred by the Tort Claims Act, that the Facebook post was defamatory and not for Law Enforcement purposes, and published to parties not legally interested in the Arrest, and the Trial Court fail to properly consider the authorities of this Court and the Court of Appeals.

Respectfully submitted,

S/ Louis D. Nettled

Louis D. Nettles

Attorney for Petitioner