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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable L. Casey Manning, Circuit Court Judge

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Case No. 2006-CP-40-4840

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William A. Thompson, #145029, .....Appellant,

v.

Jon Ozmint, Director, S.C. Dept. of Corr.;  
Dennis Patterson, Records, S.C. Dept. of Corr., .....Defendants,

Of Whom South Carolina Department of Corrections is the, .....Respondent.

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RECORD ON APPEAL

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William A. Thompson #145029  
LCI Sumter S. 2141 B  
990 Wisacky Highway  
Bishopville, SC 29010  
Appellant Appearing *Pro Se*

**RILEY, POPE & LANEY, LLC**

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ISSUES PRESENTED

1. Did the judge error in granting summary judgment to Defendants
2. Did Plaintiff have case of defamation
3. Did Plaintiff meet all elements of defamation
4. Did Plaintiff meet the statute of limitations
5. Did judge error in waiting more than five (5) years to issue the final order

(1)

[8]

STATEMENT OF ISSUES

1. Did Judge in Lower Court error in granting Summary Judgment to Defendants

a. Plaintiff presented a case of defamation. The Judge did not consider the elements of defamation. The Judge showed no concern whether Plaintiff had a prima facie case of defamation. Plaintiff did not have the chance to present all the evidence to prove his case.

2. Did Plaintiff have case of defamation

a. Plaintiff has evidence to prove a case of defamation, meeting all elements of defamation.

3. Did Plaintiff meet all elements of defamation

a. Plaintiff had all elements of defamation to present before the Judge, if given the chance to present them. Plaintiff has documented evidence that confirms the elements of defamation.

4. Did Plaintiff meet the Statute of Limitations

a. Plaintiff did file within the Statute of Limitations. The documentation will show proof that Plaintiff met the Statute of Limitations. Plaintiff has witness to testify to that fact.

5. Did Judge error in waiting more than five (5) years to issue final order of dismissal

a. Plaintiff can not obtain a transcript of Summary Judgment Hearing because of length of time; for October 10, 2005.

STATEMENT OF THE CASE

Plaintiff filed a defamation suit, pro se, in the Court of Common Pleas, Richland County, South Carolina July 26, 2004. Defendants moved the action to the District Court of South Carolina September 2, 2004. Defendants filed motion for Summary Judgment January 13, 2005. Plaintiff was advised January 20, 2005 pursuant to Roseboro v. Garrison, 528 F.2d 309(4th Cir. 1975). Plaintiff filed a memorandum in opposition to summary judgment January 31, 2005. Case was remanded back to the Lower Court and summary judgment hearing was held on October 10, 2005. Honorable L Casey Manning appeared to be on behalf of Plaintiff. Plaintiff received form order, signed August 22, 2006 from judge Manning, stating: formal order to follow. Plaintiff wrote judge Manning September 22, 2007 enquiring of the order - no answer. Plaintiff wrote another letter to judge Manning June 14, 2011 enquiring of the order - no answer. Plaintiff wrote the Court Administration June 23, 2011 - no answer until after Plaintiff wrote the Supreme Court, Chief Justice, Jean Toal. Then Plaintiff received letter from, copy of letter from Supreme Court, Clerk Mr. Shearouse, to Clerk, Common Pleas, Jeanette W. McBride date August 22, 2011 telling McBride to make sure the order is issued and that if Plaintiff desired counsel to be appointed to him in his case he would have to file a motion for appointment of counsel with Ms. McBride. Plaintiff filed motion for appointment of counsel August 24, 2011. Plaintiff received letter from South Carolina Court of Appeals giving 14 days to pay \$100.00 filing fee for the Notice

of Appeal and to order transcript. Plaintiff filed everything according to instructions. Plaintiff received letter from South Carolina Court of Appeals dated November 10, 2011 stating that Plaintiff has not paid the \$25.00 filing fee for motion for appointment of counsel. Plaintiff was again given 14 days to file those fees. Also stated transcript should have been ordered October 21, 2011. This is a contradiction to letter from Court of Appeals dated October 28, 2011 giving Plaintiff 14 days to order transcript of October 10, 2005 of summary judgment hearing.

#### STATEMENT OF FACTS

When Plaintiff started the complaint it was about a parole list listing him as a sex offender. In 1998 Plaintiff filed grievance and it was removed. Then when Plaintiff went up for parole that same year he saw that he was again on the list as a sex offender.

Plaintiff tried to tell Defendant Dennise Patterson as well as grievance clerk, Don Driskell and case worker, Betty James tried to tell him Plaintiff had no sex offense in his crime. Plaintiff has documentation of conversation between Don Driskell and Dennise Patterson. This shows that Dennise Patterson knew Plaintiff had no sex offense.

In 2003 or 2004 Plaintiff's friend sent him a print out from South Carolina Department of Corrections web site showing Plaintiff to be a sex offender. The print out was copy righted 2003, downloaded March 11, 2004.

Plaintiff wrote letter to Dennise Patterson telling him to remove him from the web site. Patterson would not answer the letter.

Plaintiff tried to tell Patterson that the sex offender registry law was not retroactive. Patterson stated that it was retroactive and that the opinion of Attorney General's office was that it was retroactive.

Plaintiff has a letter from South Carolina Law enforcement Division stating opinion of Attorney General's office was that it is prospective and not retroactive.

Plaintiff has lost friends in prison and in society because of the false printing on the web site.

Patterson, although he knew Plaintiff had no sex offense in his crime refused to remove the false information.

Plaintiff explained to Patterson that his life was in danger haven to wear a sex offender label in prison. Patterson refused to remove the false information until Plaintiff could get a judge to send him what he wanted.

Patterson only removed the false information after clarification from Honorable Judge Lee Alford.

Plaintiff still has to wear a sex offender label because of false information printed on SCDC's web site.

Plaintiff's case should have went to trial for jury to decide.

Plaintiff showed all elements of defamation required for a tort action.

Plaintiff has witnesses that will testify that SCDC knew

Plaintiff had no sex charge. Has Affidavit of Dennise Patterson, documentation proving his case.

#### ARGUMENT I

1. **Summary Judgment:** Summary Judgment should not have been granted to Defendants. Rule 56 SCRPC provides that a party is entitled to judgment as a matter of law when there is no genuine dispute of material fact. Summary judgment was not appropriate since it is clear there is a genuine issue of material facts. Etheredge v. Richland School District One, 341 S.C. 307, 534 S.E. 2d 275 (2000) when determining if any triable issue of fact exist the light most favorable to the non moving party. Fleming v. Rose, 350 S.C. 484, 493, 567 S.E. 2d 857, 860 (2002),

a. The pleadings and documents on file must be liberally construed in favor of the non moving party who must be given the benefit of all favorable inferences that might reasonably be drawn from the record. Bates v. City of Columbia, 301 S.C. 320, 391 S.E. 2d 733 (Ct.App. 1990).

b. Defendants admitted knowing that Plaintiff's records had no evidence of sex crime and stated leaving the false information on the so-called Sex Registry because there was no evidence of a sex crime.

c. Defendants stated the Sex Registry Law was retroactive. It was not.

#### FLEMING V. ROSE, supra; STANDARD OF REVIEW

Summary Judgment is appropriate when it is clear there is no

genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Young v. South Carolina Department of Corrections, 333 S.C. 714, 511 S.E.2d 413 (Ct.App.1999); Rule 56(c), SCRPC. In determining whether any triable issue of fact exists, as well as preclude summary judgment, the evidence and all inferences which can be reasonably drawn from there must be viewed in the light most favorable to the non-moving party. Vermeer Carolina's, Inc., v. Wood/Chuck Chipper Corp., 336 S.C. 53, 518 S.E.2d 301 (Ct.App.1999), if triable issues exist, those issues must go to the jury.

Summary Judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. Carolina alliance for fair Employment v. South Carolina Dept. of Labor, Licensing and Regulation, et al., Op. No. 3061 (S.C.Ct.App. filed October 25, 1991) (Shearouse Adv. Sh. No. 33 at 1). All All ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party. Vermeer, supra. Even when there is no dispute as to evidentiary facts, but only as to the conclusions or inferences to be drawn from them. Summary Judgment should be denied. Id. In general, if the pleadings and the evidentiary matter in support of summary judgment do not establish the absence of a genuine issue of material fact, summary judgment must be denied if no opposing evidence, even if no opposing evidentiary matter is presented. Baird v. Charleston County, 333 S.C. 519, 511 S.E.2d 69 (1999). Because it is a drastic remedy, Summary Judgment should be

cautiously invoked so no person will be improperly deprived of a trial of the disputed factual issues. *Columbia Alliance, supra.*

FLEMING V. ROSE, supra. LAW/ANALYSIS

1. LIBEL

Fleming argues the trial Court erred in granting summary judgment in favor of Rose and Caulder as to his cause of action for libel. Counsel for Fleming characterizes the action as one for slander. However, because this case involve the printing of allegedly defamatory statements, we are treating it as a libel ACTION. See Holtzchiter v. Thomson Newspaper, Inc., 332 S.C. 502, 506 S.E.2d 497(1998)(Holtzchiter 11).

The scholarly work of Prosser & Keeton on the Law of Torts acknowledges that "there is a great deal of the law of defamation which makes no sense." W. Page Keeton et al., Prosser & Keeton on the law of Torts & 111, at 771(5th ed.1984), In South Carolina, decisions emanating from the appellate entities have admittedly in obfuscation:

The confusion in South Carolina defamation law has been compounded by the fact that this Court's opinions have not completely taken into consideration the impact of decisions by the United States Supreme Court. Since the Supreme Court has attempted "to define the proper accommodation between the law of defamation and the freedoms of speech and press protected by the First Amendment." Gertz v. Robert Welch, Inc., 418 U.S. 323, 325, 94 S.Ct.

2997, 3000, 41 L.Ed.2d 789, 797(1974). The effect of these decisions has been the interweaving of Constitutional principles into the fabric of State defamation law. Because state defamation laws have become inextricably tied to these CONSTITUTIONAL PRINCIPLES, it is not possible to review defamation issues in a state law vacuum.

Holtzchiter 11, 332 S.C. at 517, 506 S.E.2d at 505 (Toal, J., concurring in result in separate opinion). ...

## ARGUMENT II

2. **Defamation:** Plaintiff met all elements of defamation:

(1). The statement was false; (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.

a. **Fleming, supra, ...** The tort of defamation allows a Plaintiff to recover for injury to his or her reputation as the result of the defendant's communications to others of a false message about the Plaintiff. Swinton Creek Nursery v. Edisto Farm Credit, 334 S.C. 469, 514 S.C.2d 126 (1999). The focus of defamation is not hurt to the defamed party's feelings, but on the injury to his reputation. See Wardlaw v. Peck, 282 S.C. 191, 318 S.E.2d 270 (Ct.App. 1984),

Defamatory communications take two forms: Libel and Slander.

Swinton Creek Nursery, supra. Slander is a spoken defamation, while libel is a written defamation or one accomplished by actions

or conduct. Id.

The defamatory meaning of a message or statement may be obvious on the face of the statement, in which case the statement is defamatory per se. Holtzchiter 11, supra. If the defamatory meaning is not clear unless the hearer knows or circumstances not contained in the statement itself, then the statement is defamatory per quod. Id.

A separate issue is whether the statement is "actionable per se" or not. Id. This issue is one of pleading and proof and is always a question of law for the Court. Id. If a defamation is actionable per se, then under common law the principles the law presumes the defendant acted with common law malice and that the Plaintiff suffered general damages. Id. If a defamation is not actionable per se, then at common law the Plaintiff must plead and prove common law actual malice and special damages. Id.

"Libel is actionable per se if it involves written or printed words which tend to degrade a person, that is to reduce his character or reputation in the estimation of his friends or acquaintances, or the public, or to disgrace him, or render him odious, contemptible, or ridiculous. ...Holtzchiter 11, 332 S.C. at 510, 506 S.E.2d at 502 (quoting Lesesne v. Willingham, 83 F. Supp. 918, 921 (E.D.S.C. 1949)) (In other words, if the trial judge can legally presume, because of the nature of the statement, that the Plaintiff's reputation was hurt as a consequence of its

publication, then the libel is actionable per se. Id. Essentially, all libel is actionable perse. Id.

Fleming, supra. ARGUMENT III

3. The elements of defamation include: (1) a false defamatory statement concerning another; (2) an unprivileged publication to a third party; (3) fault on the publisher; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication. *Holtzchiter II, supra.* (Toal, J., concurring in result in separate opinion). A communication is defamatory if it tends to harm the reputation of another from association or dealing with him. Id.

a. Plaintiff was placed on SCDC's web site as a sex offender. SCDC is the Publisher. The publication was defamatory. The statement was false. The publisher knew it was false and refused to remove the statement until clarification from judge. The publisher was aware of falsity and danger placed on Plaintiff by the statement, The publisher refused to remove the statement stating the Sex Registry Amendment was retroactive. Plaintiff told defendants it was not retroactive. Plaintiff has letter from South Carolina Law Enforcement Division (SLED) that the amendment was prospective and not retroactive. Defendants admitted to knowing the statement was false and still refused to remove it.

ARGUMENT IV

4. Plaintiff met the statute of limitations:

a. S.C. Code Ann. § 15-5-550 (Supp. 2004) page 46-47 Case Notes:

1. In General ...

Statute of limitations governing cause of action for slander and libel requires said action be commenced within 2 years from date it accrues; fraudulent concealment of defamatory statement tolls running of statute, fraudulent must be by party raising statute of limitations and party must fail to discover facts which are basis of cause of action, despite exercise of due diligence on his part; although traditional slander case accrues at time of utterance, discovery rule applies for cases of surreptitious slander which results in harm, although unknown to injured party.

Austin v. Torrington Co., (D.C. S.C. 1985) 611 F.Supp.191, reversed 810 F.2d 416, certiorari denied 108 S.Ct. 489, 484 U.S. 977, 98 L.Ed.2d 487.

Two year statute of limitations does not apply to tort of intentional affliction of mental distress. Ford v. Hutson, (S.C. 1981) 276 S.C. 157, 276 S.E.2d 776.

The trial Court properly permitted the Plaintiff in a libel action to amend his complaint after the two year statute of limitations had elapsed where the amendment did not change the nature of the cause of action, but amplified and made more definite and certain the original allegation of malice, Scott v. McCain, (S.C. 1978) 272 S.C. 198, 250 S.E.2d 118.

SUPPLEMENT 2004 page 467.

The Tort Claims Act's limitation on damages does not infringe upon the constitutional right of trial by jury. The limitation on recovery as set forth in the Tort Claims Act does nothing more than establish the outer limits of a remedy provided by legislature. A remedy is a matter of law, not a matter of fact. Although a party has right to have a jury assess his or her damages, he or she has no right to have a jury dictate through an award the legal consequences of its assessments. The Tort Claims Act does not restrain the fact-finding province of the jury or prevent a jury from assessing a plaintiff's damages. Wright v. Colleton County School Dist., (S.C.1990) 301 S.C. 282, 391 S.E.2d 564.

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Due process prohibits estopping some litigants who never had a chance to present their evidence and arguments on a claim, despite one or more existing adjudications of the identical issue which stand squarely against their position. Roberts v. Recovery Bureau Inc., (S.C.1994) 316 S.C 492, 450 S.E.2d 616. Constitutional Law key 315; Judgment key 713(1)

c. Plaintiff discovered the SCDC's web site statement 2004; after fighting to have the false statement from the parole listing, which is no longer posted for an inmate to see. The parole listing is available to the public when inmates parole hearing is nearing. Plaintiff believes the false statement is still on the parole listing. Plaintiff is well within the statute of

limitations.

ARGUMENT V.

5. Plaintiff has no law pertaining to the judge waiting more than five (5) years to issue a final order. Even then the higher Court had to intervene, because judge wouldn't answer plaintiff's letter requesting the order.

CONCLUSION

In reviewing the evidence in the light most favorable to plaintiff. There are genuine issues of material fact and the case should go to trial before a jury. plaintiff asks this Honorable Court to review the evidence and grant to plaintiff whatsoever the law allows.

Signed: William Thompson

William Thompson, 145029  
KCI HC Rm. 122  
4848 Goldmine Hwy.  
Kershaw, SC 29067

Date: 2/11/13

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY  
L. Casey Manning, Circuit Court Judge

Case # 2011201047

William Thompson, 145029,

v.

South Carolina Dept. of Corrections,

Appellant,

Respondents.

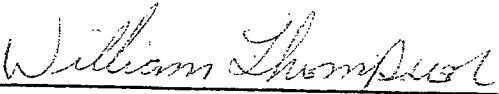
DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Reply Brief with exhibits 1-14
2. FORM 4 ORDER Dated 14 August 2006
3. ORDER Dated 14 September 2011
4. APPELLANT BRIEF Dated 24 April 2012
5. OPPOSITION TO ORDER FILED WITH APPELLANT BRIEF 24 April 2012
6. LETTER TO CHIEF JUSTICE JEAN TOAL Dated 18 August 2011
7. LETTERS FROM COURTS
8. COMPLAINT Dated 26 July 2004

I certify that this designation contains no matter which is irrelevant to this appeal.

May 19, 2013

  
\_\_\_\_\_

William Thompson, 145029  
KCI HC-122  
4848 Goldmine Hwy.  
Kershaw, SC 29067

William Thompson, 145029  
LCI Sumter S. 2141  
990 Wisacky Hwy.  
Bishopville, SC 29010

July 12, 2012

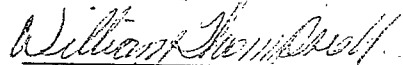
South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk  
P.O. BOX 11629

RE: William Thompson, 145029 v. South Carolina Dept. of Corr.  
Case # 2011201047

Dear Ms. Kitchings:

Please find enclosed for filing the original and one (1) copy of Plaintiff/Petitioner's Reply Brief and one (1) copy of evidence from motion to admit evidence, and one (1) copy of said documents to Defendant/Respondents. Please return a stamped copy to me for my files.

Sincerely,

  
William Thompson, 145029  
pro se  
LCI Sumter S. 2141  
990 Wisacky Hwy.  
Bishopville, SC 29010

cc: Nikole Haltiwanger Boland, Esquire  
Karen Turchian

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY

By Casey Manning, Circuit Court Judge

Case # 2011201047

William A. Thompson, 145029, . . . . . Appellant,

v.

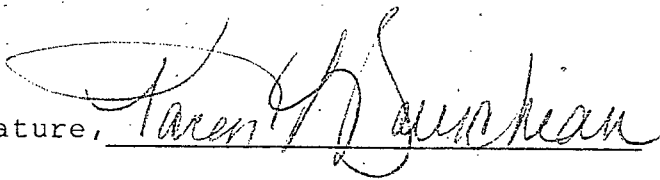
South Carolina Dept. of Corrections, . . . . . Respondents.

CERTIFICATE OF SERVICE

This is to certify that I, Karen Tourchian have caused to be served on the persons named bellow; Plaintiff's Reply Brief and documentational evidence to be Included on the record on Appeal. Have this 20<sup>th</sup> day of July, 2012 by placing in the United States mail, postage prepaid to the following:

South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk  
P.O. BOX 11629  
Columbia, SC 29211

Nikole Haltiwanger Boland, Esquire  
P.O. BOX 11412  
Columbia, SC 29201

Signature, 

Karen Tourchian

*Mary H. Edney*  
*July 20<sup>th</sup> 2012*  
*Notary of State of South Carolina*  
MY COMMISSION EXPIRES SEPTEMBER 23, 2013

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY

L. Casey Manning, Circuit Court Judge

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Case # 2011201047

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William A. Thompson, 145029 . . . . . Appellant,

v.

South Carolina Dept. of Corrections. . . . . Respondents.

---

REPLY BRIEF TO RESPONDENTS INITIAL BRIEF

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*William Thompson*

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STATEMENT OF ISSUES ON APPEAL

- I. DID THE JUDGE ERR IN GRANTING SUMMARY JUDGMENT TO DEFENDANTS
- II. DID PLAINTIFF ESTABLISH A CASE OF DEFAMATION
- III. DID THE PLAINTIFF MEET ALL ELEMENTS TO ESTABLISH A CASE OF DEFAMATION
- IV. DID THE PLAINTIFF MEET THE STATUTE OF LIMATATIONS
- V. DID THE JUDGE WAIT MORE THAN FIVE YEARS TO ISSUE THE FINAL ORDER

STATEMENT OF THE CASE

On July 26, 2004, Plaintiff/Petitioner filed suit against South Carolina Department of Correction; Jon Ozmint and Dennise Patterson. Defendant/Respondents had the case moved to District Court and it was remanded back to State Court to be ruled upon State issues.

A Summary Judgment hearing was held October 10, 2005. Plaintiff/Petitioner received a form 4 Order filed August 21, 2006 stating, formal order to follow. Only after the Supreme Court intervention did Plaintiff/Petitioner get the formal Order and it is dated September 14, 2011.

Defendant/Respondents filed for Summary Judgment; according to Defendant/Respondents (INITIAL BRIEF OF RESPONDENT) filed July 5, 2012 page 1 stating they filed motion for summary judgment with the Richland County Court of Common Pleas on September 16, 2011. Plaintiff/Petitioner has no knowledge of this motion filed on that date.

On September 23, 2011, Plaintiff/Petitioner served his Notice of Appeal. Pursuant to letter dated April 16, 2012 from the South Carolina Court of Appeals, Plaintiff/Petitioner was given permission to file his Brief.

Plaintiff/Petitioner, later filed a Motion to have evidence admitted and had girlfriend, (Karen Tourchian) serve the Motion and evidence because of certain documents SCDC created a policy stating inmates can not receive any information from SCDCs' web site. Ms. Tourcian called the clerk of Appellate Court and the

clerk stated that they had the motion and it was clock-stamped and that Plaintiff/Petitioner did not have to pay a filing fee for the motion. Plaintiff/Petitioner has not received anything from the Court on this motion as of yet.

Defendant/Respondents filed for extension of time to file Respondent's brief, dated May 23, 2012, in which to properly research the issues by the Appellate and prepare the Respondents Initial Brief. Plaintiff/Petitioner has not received anything on the motion but it appears that Defendant/Respondents have filed their brief on July 5, 2012.

Plaintiff/Petitioner now files a reply to Defendant/Respondents Brief.

#### STATEMENT OF FACTS

Plaintiff/Petitioner was convicted and sentenced to life imprisonment in 1987. No sex offense. Defendant/Respondents keep bringing up the irrelevant sex registry codes. The sex registry amendment was not retroactive. Mr. Patterson argued that it was and that Thompson would remain on a sex registry. Thompson, in fact has never been on a sex registry, but on the parole listing and SCDC's web site as a sex offender.

Plaintiff/Petitioner filed a grievance in 1998 to have the parole listing corrected. Defendant/Respondents admit that it was corrected and put back again.

Defendant/Respondents admitted to reviewing Thompson's

Commitment and Sentence documents stating "There was no finding in Thompson's Commitment and Sentence documents, that his kidnapping offense did not include a criminal sexual offense."

"This is confusing," The Commitment and Sentencing document did not say there was any criminal sexual offense either.

Plaintiff/Petitioner has never changed his story at all. Thompson had the grievance clerk check the computer to see if the parole listing still had him listed as a sex offender.

Plaintiff/Petitioner discovered web site printing after friend from outside sent copy , which is copy righted 2003 and downloaded 2004.

Plaintiff/Petitioner has presented evidence to prove his case. Defendant/Respondents have produced no evidence to substantiate their argument. They Stated that Thompson admitted discovering the web site in 2000, but this is not true and they can not prove it. They stated that Thompson was on a sex registry but this can not be proved either. Defendant, Patterson stated that the sex registry law was retroactive. Plaintiff/Petitioner proved that it was not. All the Code of Laws Defendant/Respondent have asserted, benefit the Plaintiff/Petitioner.

Plaintiff/Petitioner now has a copy of a printout from the Parole Board listing, dated August 24, 2004 and it still has not been corrected. Plaintiff/Petitioner is scheduled to go up for parole in September and will have someone check the parole list to see if they have corrected their system. If Plaintiff/Petitioner decided to file on the parole board, he could do so

because Plaintiff has no way of checking to see if they have corrected their system except every two (2) years. Plaintiff filed suit on SCDC because they printed false information on their web site and refused to remove it, knowing that it was false. Plaintiff/Petitioner discovered the web site printing in 2004.

It appears that Defendant/Respondents have just reiterated the federal issues. The case was remanded to State Court to deal with the State issues. That being Libel Defamation. Plaintiff/Petitioner has presented evidence to prove all the elements of a defamation claim.

The form 4 Order only presented Ozmint's name and not Patterson. Plaintiff/Petitioner wrote letter to judge in 2007 requesting the Order but got no answer.

Appellate Court knows there is no transcript of October 10, 2005 Summary Judgment hearing as they noted in letter to Plaintiff/Petitioner, giving permission to file brief. If the Order would have been sent on time, Plaintiff/Petitioner could have ordered transcript. This should not matter since Plaintiff/Petitioner has all the evidence to prove his case in a Court before a jury.

#### STANDARD OF REVIEW

Summary Judgment is appropriate when it clear there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.

Material fact: Plaintiff/Petitioner was defamed; it was

false; it had a defamatory meaning; SCDC printed it, and Defendant/Respondents knew of the falsity, and refused to remove the false information.

Summary Judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law, Carolina alliance for fair Employment v. South Carolina Dept. of Labor, Licensing and Regulation, et al., Op.No. 3061 (S.C. Ct.App. filed October 25,1999) (Shearouse Adn.Sh.No.33 at 1). All ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party. Vermeer, supra. Even when there is no evidentiary facts, but only as to the conclusions or inferences to be drawn from them, summary judgment should be denied. Id. In general, if the pleadings and the evidentiary matter in support of summary judgment do not establish the absence of a genuine issue of material fact, summary judgment must be denied, even if no opposing evidentiary matter is presented. Baird v. Charleston County, 333 S.C. 519, 511 S.E. 2d 69 (1999). Because it is a drastic remedy, summary judgment should be cautiously invoked so no person will be improperly deprived of a trial of the disputed factual issues, Carolina Alliance, supra; Fleming v. Rose, Opinion No. 3101 Heard December 8,1999-filed January 17,2000.

Plaintiff/Petitioner had been waiting on formal Order from Judge Manning. Summary Judgment hearing was held October 10,2005. From that date to after the Order was issued dated September 14, 2011. This amounts to over five (5) years.

RESPONSE TO ARGUMENTS

I. THE JUDGE DID ERR IN GRANTING SUMMARY JUDGMENT TO DEFENDANTS.

Plaintiff/Petitioner is pro se and has complied with all the Courts demands. The Appellate Court gave instructions on how the caption would be and that is the way it was done.

Defendant/Respondents said the form 4 Order granted Patterson summary judgment. The form 4 Order only granted Ozmint summary judgment.

The formal Order was dated September 14, 2011. Plaintiff/Petitioner discovered the false printing in 2004 and filed suit in 2004. Well within the statute of limitations.

Plaintiff/Petitioner continues to show proof of everything. Defendant/Respondents have shown no proof of anything.

Can it be shown where Judge Manning determined Thompson did not suffer a loss as required to have a claim pursuant to the Act? In fact, at the hearing, Judge Manning appeared to be on behalf of Plaintiff/Petitioner.

Defendant/Respondents have shown no proof that they were in compliance with the law to put Thompson a web site as a sex offender; nor has Thompson ever been on a sex registry.

Defendant/Respondents did not show a slight care in correcting the false information they knew to be false.

Thompson's claim does comply with the South Carolina Tort Claims Act. S.C. Code § 15-3-550 (1) an action for libel, slander, or false imprisonment;

The allegation against Ozmint were that he is responsible for the actions of persons under his control. Ozmint failed to

adhere to his responsibilities in not doing anything to correct the false information.

Judge Manning did not establish that Thompson did not establish all of the elements of defamation. Thompson established : 1) had a defamatory meaning: 2) was published with actual or implied malice: 3) was false: 4) was published by the Defendant: 5) concerned the plaintiff; and 6) that the plaintiff suffered either legally presumed damages or special damages. Fleming supra.

Defendant/Respondents said Thompson did not establish any publication of his sex offender status by Defendants.

Thompson showed proof of the matter. Printout from SCDC's web site publishing Thompson as a sex offender. Personnel at Broad River Corr. Inst. told Mr. Patterson Plaintiff had no sex offense.

Thompson showed all elements of defamation, therefore, this Court should not affirm the lower Court's Order granting Defendant /Respondents motion for summary judgment.

## II. PLAINTIFF/PETITIONER ESTABLISHED A CASE OF DEFAMATION.

As explained in Plaintiff/Petitioner's Appellate Brief and evidence presented established claim for defamation. Thus, this Court should not affirm lower Court's Order granting summary judgment to Defendant/Respondents.

## III. THE PLAINTIFF/PETITIONER DID MEET ALL OF THE ELEMENTS TO ESTABLISH A CASE OF DEFAMATION.

See Argument supra.

IV. THE PLAINTIFF/PETITIONER DID MEET THE STATUTE OF LIMITATIONS.

Plaintiff/Petitioner discovered SCDC's web site printing in 2004 and filed suit in 2004. S.C. Code § 15-3-550

Thompson's Complaint never stated that he discovered the web site printing in November 2000, nor can Defendant/Respondents prove this assertion.

Thompson stated in his Complaint that he had grievance clerk check the computer for the parole listing, and knew nothing of web site printing at that time.


V. THE JUDGE WAITED MORE THAN FIVE YEARS TO ISSUE THE FINAL ORDER.

Plaintiff/Petitioner has presented proof that more than five years passed before receiving any Order. Defendant/Respondents admit that the hearing for summary judgment took place on October 10, 2005. The Order is dated September 14, 2011. That is more than five years.

CONCLUSION

For the foregoing reasons, Plaintiff/Petitioner respectfully request this Court not to affirm the lower Court's Order granting summary judgment.

Respectfully Submitted,

  
William Thompson, 145029, pro se  
ECI Sumter S. 2141  
990 Wisacky Hwy.  
Bishopville, SC 29010

Lee South Carolina  
July 9, 2012

William Thompson, 145029  
BRCI Congaree Room 109  
4460 Broad River Road  
Columbia, SC 29210

September 22, 2007

Honorable Judge Manning  
P.O. BOX 2766  
Columbia, SC 29202-2766

RE: William Thompson v. Department of Corrections, Jon Ozmint and Dennis  
Patterson. Case No. 04-CP-40-3521

Dear Honorable Judge Manning:

I received a judgement granting Jon Ozmint Summary Judgement dated August 21, 2006 file date. On this Order, hand written by you states as follows: Motion for Summary Judgement is granted. Formal Order to follow. It's has been over a year Sir and I haven't received a formal Order. Also, I don't even know if the Judgement is a Partial or Whole. The Order only mentions Jon Ozmint, not Dennis Patterson. I never got Discovery from the Defendants. I have the Physical Evidence. It should be left up to a Jury to decide my case. I would like to hear from you on this matter as soon as possible. Thank you.

Respectfully Submitted,

\_\_\_\_\_  
William Thompson

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

WILLIAM A. THOMPSON #145029 )  
PLAINTIFF, )

04-CP-40-3521

v.

JON OZMINT, DIRECTOR, S.C. DEPT. )  
OF CORR.; DENNIS PATTERSON, )  
RECORDS, S.C. DEPT. OF CORR., )  
DEFENDANTS. )

CERTIFICATE OF SERVICE

This is to certify that I, William A. Thompson, #145029, an inmate at Broad River Correctional Institution, have this 24th day of September, 2007, served upon the person named below a copy of letter to Honorable Judge Manning concerning the above captioned matter via United States mail, first-class postage prepaid, to the following:

RILEY POPE & LANEY, LLC  
1901 ASSEMBLY STREET, SUITE 390  
POST OFFICE BOX 11412 (29211)  
COLUMBIA, SOUTH CAROLINA 29201

William Thompson  
William Thompson

Columbia, South Carolina  
September 24, 2007

[ 38 ]

State of South Carolina  
Department of Probation, Parole and Pardon Services

MARK SANFORD  
Governor



SAMUEL B. GLOVER  
Director

2221 DEVINE STREET, SUITE 600  
POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9440  
www.dppps.sc.gov/

July 30, 2004

William A. Thompson, #145029  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia, SC 29210

Dear Mr. Thompson:

The Department received a correspondence dated June 15, 2004, addressed to Jon Ozmint, from Judge Lee S. Alford. In that letter Judge Alford was responding to your motion seeking clarification that your convictions for Kidnapping and Aggravated Assault and Battery (87-GS-46-2055 and 87-GS-46-2056) did not involve a sexual assault or sexual offense and therefore do not require you to register as a sexual offender. As you are aware, Judge Alford found that there were no factual allegations in these cases which would require sexual offender registration. As a result, we are placing this letter and that decision in your parole file and will make appropriate notations on our system.

I hope I have addressed your concerns, and I wish you the best in the very near future.

Sincerely,

Lovee M. Watts  
Legal Counsel

cc: Gwendolyn Bright, Director of Board Support Services

[39]

4

IN THE UNITED STATES DISTRICT COURT  
FOR THE DIVISION OF SOUTH CAROLINA  
COLUMBIA DIVISION

INMATE RECORDS OFFICE  
2005 JAN 10 PM 12:16

WILLIAM A. THOMPSON #145029, )  
 )  
 ) PLAINIFF, )  
 )  
 ) -vs- )  
 )  
 )  
 ) JON OZMINT, DIRECTOR, S.C. DEPT. )  
 ) OF CORR.; DENNIS PATTERSON, )  
 ) RECORDS, S.C. DEPT. OF CORR., )  
 )  
 ) DEFENDANTS. )

3: 04-22109-17BC

AFFIDAVIT OF  
DENNIS PATTERSON

PERSONALLY appeared before me, Dennis Patterson, who, being first duly sworn, deposes and states as follows:

1. My name is Dennis Patterson. I am employed by the South Carolina Department of Corrections and oversee the Inmate Records Office. My office is responsible for maintaining copies of institutional records for all inmates within SCDC.
2. Attached are copies of the following documents: Classification Summary Report, Commitment, Sentence, letter dated June 15, 2004, from Judge Lee S. Alford, and Inmate Correspondence dated July 12, 2004. These documents are kept by my office in the ordinary course of business and were retrieved from Thompson's inmate record.
3. My office is also responsible for updating information regarding an inmate's sex offender status.
4. Thompson was convicted of kidnapping in 1987.
5. The Sex Offender Registry statute was enacted on July 1, 1994, and included the offense of kidnapping as a sex registry offense.
6. As such, Thompson was required to register as a sex offender.

- 7. On June 18, 1996, the statute was amended to remove kidnapping as a registrable offense unless registry was ordered by the court.
- 8. Thompson was then removed from the Sex Offender Registry.
- 9. On June 11, 1998, the statute was amended again. Kidnapping was re-inserted as a registrable offense unless the court specified on the record that the offense was not sex related.
- 10. Personnel in the Inmate Records office audited Thomson's commitment documentation and determined that there was no finding by the court that Thompson's kidnapping offense was not sex related. Therefore, Thompson was again placed on the Sex Offender Registry.
- 11. Pursuant to a letter written by Judge Lee S. Alford, Thompson was removed from the Sex Offender Registry and notified of this correction on July 12, 2004.

FURTHER, Affiant Sayeth Naught.

  
 DENNIS PATTERSON

SWORN TO BEFORE ME THIS

12th DAY OF JANUARY, 2005.

Margaret Ann Brown (L.S.)  
Notary Public for South Carolina

My Commission Expires: July 6, 2009

PRIVATE RECORDS OFFICE  
2005 JAN 10 PM 12:16

My Commission Expires July 6, 2009

INMATE GRIEVANCE FORM

STEP 2

REC'D

423 6

INMATE NAME: William Thompson

RECEIVED

Office Use Only  
Grievance No. 1091-00  
Code: General

SCDC NUMBER: 145029

STATION: Broad River Corr. Inst.

FEB 06 2001

RECEIVED

HOUSING UNIT: Congaree Unit Room

Date Received 2/6/01  
IGC Initials

ASSIGNMENT: Grounds Maintenance, Mechanic

DEPUTY DIRECTOR OPERATIONS

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

Due to the fact that the problem still exist; I do wish to pursue the matter. A sworn affidavit from Judge M. Smith dated Sept. 10, 1987 stated that on the record that the offense did not include a criminal sexual offense. Mr. Patterson, SCDC Inmate records, stated that since the affidavit didnt state one way or the other that sex was involved that I would remain on the sex offender register. I was told in the last grievance filed that this matter was resolved, but in fact, it was not. In all due respect I would just like to have this matter resolved.

*William Thompson*  
Grievant Signature Date 2-22-01

POSSIBLE OFFICIAL'S DECISION AND REASON:

Under Records Branch indicates that the Agency is in compliance with the S.C. Sex Registry Law as of June 12, 1998. The statute requires that all offenders convicted of Kidnapping be registered. The Court makes a finding on the record that the offense did not include a criminal sexual offense. No statement from the Court that the Kidnapping did not involve a sex offense. The "Court" infers a decision at the time of sentencing. The affidavit listing the facts of the crime was completed in 1987, which was two (2) months prior to sentencing and cannot be used as a court ruling on the

Therefore, your grievance is denied.

To appeal this decision under the Administrative Procedures Act, In order to appeal, you must fill out the Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

*[Signature]*  
Signature Date 2-27-01

Decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Program. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Inmate Signature

Date

IGC Signature

Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Grievance #: 151202 1091.00  
Inmate Name: William Thompson  
IC #: 145029

Date Rec'd: 11/27/00  
Due Date: \_\_\_\_\_  
I/M Interviewed: \_\_\_\_\_

Date	Staff (Please Print)	Comments
11/27/00	Driskell	IGC reviewed Grievance file for duplicate complaint. BCC 5 <sup>th</sup> 0357-98 was resolved by DDO Catoe and the CRT was to reflect the changes to his Sex Registry. This was not done. Ms. Betty Jones-Casewalker for I/M Thompson had already researched this issue and made notations in the Record Audit screen as to there was no indication of a criminal sexual offense involved in the Kidnapping he committed.
11/28/00	Driskell	IGC addressed Game Notes - IGA @ Central Office with the original grievance (0357-98) to advise that the work had not been completed in the CRT to reflect Mr. Catoe's response to the I/M. IGC was advised to contact Mr. Dennis Patterson - Inmate Records Office - for handling.
1/4/01	Driskell	Mr. Patterson alleges that since the affidavit from the judge doesn't say one way or the other that sex was involved in the Kidnapping, I/M Thompson would remain on the registry. Mr. Patterson further alleges that I/M Records wasn't aware of the Amendment of the Sex Registry at the time the grievance was resolved. Amendment was dated 6/10/98. However, the grievance was not resolved until almost 5 months later on 11/9/98 and the SCIX was fully aware of this delay in spite of what Mr. Patterson alleges. The attached document clearly shows that there was no Criminal Sexual Offense involved in this Kidnapping and I/M Thompson should be removed from the Sex Registry.

MESSAGE ID: PATTERD 3072 SUBJECT: KIDNAPPING/SEX REGISTRY OFFENSE  
M USERID: PATTERD CREATED: 01/05/01 DELETE DATE: 02/04/01  
M USER: PATTERSON, DENNIS R

USER NAME	SEND DATE	SEND TIME	RCVE DATE	RCVE TIME
DRISKELL, DONALD L	01/05/01	14:33	01/05/01	14:49

RE: WILLIAM THOMPSON #145029

AN EFFORT TO ADDRESS A GRIEVANCE FILED BY THE ABOVE REFERENCED INMATE, YOU REQUESTED CLARIFICATION OF I/M THOMPSON'S SEX REGISTRY OBLIGATIONS ON KIDNAPPING CONVICTION. BEFORE I DETAIL I/M THOMPSON'S SITUATION LET ME EXPLAIN TO YOU THE HISTORY OF THE SEX REGISTRY LAW AS IT PERTAINS TO THE OFFENSE OF KIDNAPPING.

06/01/1994: THE SEX REGISTRY LAW CAME INTO EFFECT AND INCLUDED THE OFFENSE OF KIDNAPPING AS A SEX REGISTRY OFFENSE.

06/18/1996: THE SEX REGISTRY LAW WAS AMENDED TO REMOVE KIDNAPPING AS A REGISTRABLE OFFENSE UNLESS SPECIFIED BY THE COURT.

06/11/1998: THE SEX REGISTRY LAW WAS AGAIN AMENDED TO RE-INSERT KIDNAPPING AS A REGISTRABLE OFFENSE UNLESS THE COURT SPECIFIED THE OFFENSE AS NON-SEX REGISTRABLE AND NOT TO HAVE THE INMATE REGISTER AS A SEX OFFENDER.

IT APPEARS AS IF I/M THOMPSON FILED HIS FIRST GRIEVANCE IN JULY, 1998. AT THIS TIME WE HAD COMPLIED WITH THE 06/18/1996 AMENDMENT TO THE SEX REGISTRY LAW AND REMOVED THE S/R INDICATOR FROM INMATES CONVICTED OF KIDNAPPING UNLESS THEIR RECORD SHOWED SOME NOTATION BY THE COURTS SPECIFYING REGISTRATION. THIS WOULD EXPLAIN WHY I/M THOMPSON'S GRIEVANCE WAS COMPLETED TO HIS FAVOR.

ALTHOUGH WE HAD COMPLIED WITH THE 06/18/1996 AMENDMENT TO THE S/R LAW AT THE TIME I/M THOMPSON FILED HIS GRIEVANCE, WE WERE NOT YET AWARE OF THE 06/11/1998 AMENDMENT TO THE S/R LAW RE-INSERTING KIDNAPPING AS A S/R OFFENSE. IT APPEARS THAT THE REPROGRAMMING OF KIDNAPPING AS A S/R OFFENSE AND THE CONCLUSION OF I/M THOMPSON'S GRIEVANCE HAPPENED ALMOST SIMULTANEOUSLY YET INDEPENDENT OF EACH OTHER.

YOUR QUESTION AS TO WHETHER AN INMATE'S OFFENSE SHOULD BE FLAGGED AS A S/R OFFENSE EVENTHOUGH THE OFFENSE OCCURRED PRIOR TO CREATION OF THE LAW ALSO HAS BEEN ADDRESSED BY THE ATTORNEY GENERAL'S OFFICE. THEIR OPINION IS THAT THE S/R LAW IS RETROACTIVE THEREFORE ANYONE WHO HAS BEEN CONVICTED OF AN OFFENSE INCLUDED UNDER THE S/R LAW, REGARDLESS OF DATE OF COMMISSION, IS SUBJECT TO REGISTER AS A SEX OFFENDER.

I HOPE THIS ADDRESSES YOUR QUESTIONS.

DENNIS PATTERSON 896-2814

*Was not retroactive*

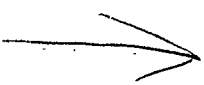
*Was not removed in 1996*

DC#> 145029

NAME: THOMPSON, WILLIAM ALFRED

CURR STATUS.: INCARCERATED  
CURR LOC....: BROAD REVEN  
CURR CUSTODY: M13

YES> ENTERED INDICTMENT NUMBERS, WARRANT NUMBERS AND OFFENSE DATES. JW  
/97.///MODIFIED SEX OFFENDER REG CODE TO 'N'. NOTHING IN RECORD THAT  
STATED THAT THE KIDNAPPING WAS RELATED TO A SEX CRIME...MCELROY///



Consent Order from Judge that  
Surface Wm. York City.

ES DISPLA  
AR: RETUR

No sex involved

717.6 - may

Call D. Patterson - I/M Records  
Concerning RIM

faxed G# 0357-98 to Gene  
Nobles - 11/29/00

Dennis Patterson - Thompson  
145029

10

# Inmate Search

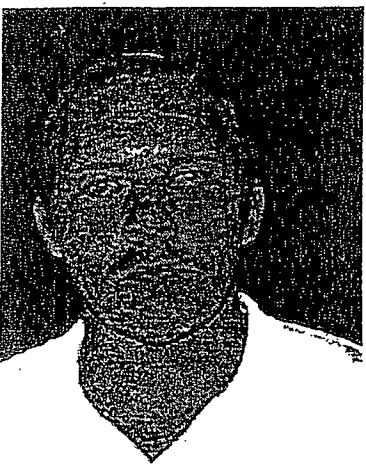
SCDC ID:

Name:

Name:

SCDC ID	Name	Sex	Race	Height	Weight	Age
00145029	THOMPSON, WILLIAM ALFRED	MALE	WHITE	5' 10'	176	45

etic  
1: [



Picture Date Jun 12, 2002

### Inmate Description

Name THOMPSON, WILLIAM ALFRED

SCDC ID 00145029

SID SC00336227

DOB 10/14/1958

Citizenship CITIZEN - NATIVE BORN

Build MEDIUM

Complexion RUDDY

Hair Color BLOND OR STRAWBERRY

Eye Color BLUE

### Inmate Sentence and Location

Offender Type ADULT-STRAIGHT SENTENCE

Offense KIDNAPPING

Sentence Start Date 09/11/1987

Sentence Length LIFE SENTENCE

Admission Date 11/10/1987

Committing County YORK

Location BROAD RIVER

Projected Release Date

Projected Parole Date 05/14/2004

Supervised Furlough Eligibility

Sex Offender Registry YES



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 [Version: 1.1.0; Built 11March2004 09:03:49; Loaded:03/29/2004 15:56:39]

[46]

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

11

MARK WAINFORD  
Governor



ROBERT M. STEWART  
Chief

July 15, 2004

Mr. Bucky Bruce  
1825 St. Julian Place  
#8-I  
Columbia SC 29204

Dear Mr. Bruce:

I am responding to your letter of July 12, 2004 concerning Billy Thompson. I can only respond to issues if Mr. Thompson had been entered on the South Carolina Sex Offender Registry, in which he is not.

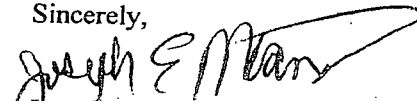
Section 23-3-430©(15) requires a subject to register as a result of a kidnapping conviction (Section 16-3-910) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted sexual offense. It seems Mr. Thompson was sentenced before the enactment of the requirement of the language stating that the kidnapping was not sexually related.

It appears Mr. Thompson has served a court order on the South Carolina Department of Corrections' Website to remove the flag requiring registration. I believe I suggested to you to request the court order now rather than when Mr. Thompson is released and has to register at SLED.

An offender must initiate action to prove his/her kidnapping offense is not sexually related. According to the South Carolina Attorney General's Office Section 23-3-430©(15) is prospective and not retroactive. (The state does not normally request this action).

In my opinion your concerns should be addressed to the South Carolina Department of Corrections internal operation. I suggest you write a letter to the Department of Corrections to voice your concerns.

Sincerely,

  
Joseph E. Means, Lieutenant  
Crime Information Center

[47]



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7041



call 12

State of South Carolina  
The Circuit Court of the Sixteenth Judicial Circuit

LEE S. ALFORD  
JUDGE

MOSS JUSTICE CENTER  
1875-1J YORK HIGHWAY  
YORK, SOUTH CAROLINA 29745-7434  
TELEPHONE: (803) 628-3048  
FAX: (803) 628-3139  
E-MAIL: lalford@scjd.state.sc.us

June 15, 2004

Jon Ozmint, Director  
SC Department of Corrections  
P. O. Box 21787  
4444 Broad River Road  
Columbia, SC 29221-1787

RE: William Alfred Thompson #145029, BRCI Congaree Room 131

Dear Mr. Ozmint:

William Alfred Thompson has filed a motion with the Court seeking a clarification that his convictions for Kidnapping and Aggravated Assault and Battery (87-GS-46-2055 and 87-GS-46-2056) did not involve a sexual assault or sexual offense and therefore do not require him to register as a sexual offender.

Judge Fields, now retired, apparently was the judge at disposition. I am the Chief Administrative Judge for the Sixteenth Judicial Circuit and the motion has been referred to me. I have reviewed the warrants and investigative reports in these cases (same incident). Solicitor Tommy Pope has discussed the cases with Sheriff Bruce Bryant. Neither of them is aware of any allegation of any sexual misconduct involved in either of the charges against Mr. Thompson. It would appear therefore that there were no factual allegations in these cases which would require sexual offender registration.

If you have any question please let me know. With kind personal regards, I am

Yours very truly,

Lee S. Alford  
Chief Administrative Judge for the Sixteenth Judicial Circuit

[48]

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 1

11  
13

INMATE NAME: William Thompson  
CDC NUMBER: 145029  
INSTITUTION: BRCI  
HOUSING UNIT: Campbell 127  
WORK ASSIGNMENT: Grounds Maintenance

Office Use Only  
Grievance No. 222 1091.00  
Code: General \_\_\_\_\_  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received 11/27/00  
IGC Initials W.T.

**RECEIVED**

NOV 27 2000

BRCI GRIEVANCE OFFICE

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

As you know yourself, I'm still listed on the parole list under - sex offender column, filed grievance 7-8-98 - final conclusion 1-25-98, I was told by Ms. James that the problem was resolved and she showed me something from the computer, but when I went up for parole, May 24, 2000 I saw that the list was still the same, I'm still listed as a sex offender on the parole list as I ask you to check, and you did indicate that it was still there.

ACTION REQUESTED: To have the matter resolved, the sex offender problem should be resolved. And I would like to see for myself that it is gone.

PECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:  
Informal resolution has not been attempted at this time, concerning the first step in this grievance.

William Thompson 11-27-2000  
Grievant Signature Date

- ACTION TAKEN BY IGC:
- 1) IGC addressed Mr. Dennis Patterson, SCDC Inmate Records, with a sworn Affidavit from Judge M. Smith dated Sept. 10, 1987 that stated on the record that the offense did not include a criminal sexual offense.
  - 2) IGC was told that since the Affidavit didn't state one way or the other that sex was involved that inmate Thompson would remain on the Sex Offender Register.
  - 3) Forward to Warden Cepak for decision. \*IGC received a 30 day extension from Central Office awaiting documentation from Inmate Records.

J. [Signature] 1/29/01  
IGC Signature Date

N/A  
Grievant Signature Date

I accept the action taken by the IGC and consider the matter closed.  
I do not accept the action taken and wish to appeal.

EXHIBIT # 20 14

William A. Thompson 145029  
BRCI Congaree 131  
4460 Broad River Road  
Columbia SC 29210

May 10, 2004

Mr. Dennis Patterson  
Records  
4460 Broad River Road  
Columbia, SC 29221

Re: to the sex registry:

You stated in a letter that kidnapping was run retroactive to the sex registry. I was told when I tried to get the law change of the life sentence to no more than 30 years that South Carolina has a retroactive law and therefore could not run the new law retroactive and give me the 30 years. So this must mean that the law is only one sided. You said that you are in compliance by putting me on the sex registry when you know without a doubt that I am not a sex offender. I ask you this Mr. Patterson. Have you rounded up every kidnapper in this state that has been released from now until the beginning? If you have not, then you are in violation of you own words. I was never even given a chance to contact my trial judge to have an order sent. Although I have tried to get in contact with my trial judge ever since I found out that I was on the sex registry. You knowingly put me on the sex registry even though you knew without a doubt that I am not classified as a sex offender. Can you show me anywhere in my records that I am a sex offender? Now, my name is in the world wide web of computers, and I have been deemed as A SEX OFFENDER. Mr. Patterson, you have put the cart before the horses. I am not saying that you would be wrong for putting a kidnapper with a sex crime on the sex registry, but to put a kidnapper that you know has not a sex offense and did not give them a chance to try to get a judge to give an order not to put the offender on the sex registry. If I am going to have to register on the sex registry, then I want to see this indictment that charges me with a sex violation. In order for one to be on a sex registry he must have committed a sex offense. I am in no such violation. The burden of proof has been placed upon me without even giving me a chance to prove. The bad part is that you knew that there was no sex involved in my crime, therefore, you should have been all the more eager to allow me the chance to prove my innocence. You have abused your power. You would be in compliance with the law had you put the kidnapping sex offender on the registry, but to put the kidnapper non-sex offender on the registry you are not in compliance. This is your last chance to remove me from the sex registry, or I will be forced to sue you in a court of law. You know you are in the wrong and I know you are in the wrong.

Sincerely,  
*William A. Thompson*  
William A. Thompson.

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RSS

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 04 -CP-40-3521

William A Thompson

Jon O'giant

PLAINTIFF(S)

DEFENDANT(S)

RICHLAND COUNTY  
FILED  
2006 AUG 21 PM 1:37  
BARBARA A. SCOTT  
C.C.C. & G.C.

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 \_\_\_\_\_

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:

*Motion for Summary Judgment is ~~granted~~ granted.  
Formal Order to follow.*

Dated at Columbia, South Carolina, this 14 day of August, 2006.

[Signature]  
PRESIDING JUDGE

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and a copy mailed first class this 22 day of Aug, 2006 to attorneys of record or to parties (when appearing pro se) as follows:

W. Thompson

Nikola D. Hattaway

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

BARBARA A. SCOTT

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CLERK OF COURT

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS )  
FIFTH JUDICIAL CIRCUIT )

William A. Thompson, #145029, )

Civil Action No.: 2004-CP-40-3521 )

Plaintiff, )

**ORDER**

v. )

Jon Ozmint, Director, S.C. Dept. of )  
Corr.; Dennis Patterson, Records, )  
S.C. Dept. of Corr., )

Defendants. )

---

This matter is before the Court on a Motion for Summary Judgment filed by Defendants Jon Ozmint and Dennis Patterson (“Ozmint” and “Patterson”). On July 26, 2004, Plaintiff, William Thompson (“Thompson”), filed suit against Defendants Ozmint and Patterson in South Carolina’s Court of Common Pleas. In his Complaint, Thompson alleges violations of his due process rights under the Fifth and Fourteenth Amendments when he was labeled a sex offender. Thompson also alleges an Eighth Amendment violation for subjection to ridicule and emotional stress. Lastly, Thompson alleges state law claims for defamation and gross negligence pursuant to the South Carolina Tort Claims Act.

Defendants removed the case to the United States District Court on September 2, 2004. Defendants subsequently filed a Motion for Summary Judgment on January 13, 2005. By Order of the Court dated August 22, 2005, Judge Joseph F. Anderson, Jr. granted summary judgment to Defendants on Thompson’s federal law claims. Judge Anderson then remanded Thompson’s state law claims to state court. On September 13, 2005, Defendants filed a Motion for Summary Judgment in state court.

This Court conducted a hearing on Defendants' Motion for Summary Judgment on October 10, 2005. Nikole D. Haltiwanger, Esquire, attorney for Defendants, and Thompson, appearing pro se, were present at the hearing. The Court has reviewed the pleadings in this action, the Motions, the Memorandums and other materials submitted by the parties and considered the arguments presented at the hearing. For the reasons set forth in this Order, Defendants' Motion for Summary Judgment is hereby granted.

### FACTS

The Sex Offender Registry Act was enacted in 1994 and placed under the direction of the State Law Enforcement Division ("SLED"). S.C. Code Ann. § 23-3-410 (Supp. 2004). The statute also authorizes SLED to create regulations to implement the Act. S.C. Code Ann. §23-3-420 (Supp. 2004). The Sex Offender Registry Act requires that persons who have been convicted of, adjudicated delinquent for, or pled guilty or nolo contendere to certain crimes register with the state of South Carolina as sex offenders. S.C. Code Ann. §23-3-430 (Supp. 2004).

In 1994, the Sex Offender Registry Act provided that kidnapping was a registrable offense. S.C. Code Ann. § 23-3-430 (Supp. 1994). The statute was modified in 1996, and kidnapping was deleted from the registrable offense list. S.C. Code Ann. § 23-3-430 (Supp. 1996). In 1998, the statute was modified a second time, and kidnapping was again included as a registrable offense. S.C. Code Ann. § 23-3-430 (Supp. 1998). However, this time, a person convicted of kidnapping had to register unless "the court ma[de] a finding on the record that the offense did not include a criminal sexual offense." In 1999, the statute was modified a third time to change the wording of the section to include only a conviction of kidnapping of a person eighteen years of age or older within the registry requirement. S.C. Code Ann. § 23-3-430 (Supp. 1999).

Defendants submitted the Affidavit of Dennis Patterson detailing the application of the Sex Offender Registry statute to Thompson's sentence. In 1987, Thompson began serving a life sentence for kidnapping. Since entering the South Carolina Department of Corrections ("SCDC"), Thompson has always been a resident of Broad River Correctional Institution. When the Sex Offender Registry statute was enacted in 1994, Thompson was required to register as a sex offender. After the 1996 amendment, Thompson was removed from the Registry. Defendants admit Thompson was listed on a February 1998 Parole Hearing List as a sex offender. Thompson filed a grievance, and this information was corrected. However, Thompson was again placed on the Registry when kidnapping was re-inserted into the statute in June 1998.

There was no finding in Thompson's Commitment and Sentence documents that his kidnapping offense did not include a criminal sexual offense. In July 2004, Thompson was removed from the Sex Offender Registry after the SCDC received a letter from Judge Lee Alford stating that Thompson should not have to register as a sex offender. Thompson is no longer included on the Sex Offender Registry.

#### LEGAL STANDARD

Rule 56, SCRCPC, provides that a party is entitled to judgment as a matter of law when there is no genuine dispute of material fact. Thus, summary judgment is appropriate when it is clear there is no genuine issue of material fact and the conclusions and inferences to be drawn from the facts are undisputed. Etheredge v. Richland School District One, 341 S.C. 307, 534 S.E.2d 275 (2000). When determining if any triable issues of fact exist, the evidence and all reasonable inferences must be viewed in the light most favorable to the non-moving party. Fleming v. Rose, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002). The pleadings and documents on file must be liberally construed in favor of the nonmoving party who must be given the benefit

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of all favorable inferences that might reasonably be drawn from the record. Bates v. City of Columbia, 301 S.C. 320, 391 S.E.2d 733 (Ct.App.1990).

#### APPLICATION OF LAW TO FACTS

The South Carolina Tort Claims Act (the "Act") is the exclusive remedy for tort suits brought against the State of South Carolina, its political subdivisions, and its employees while acting within the scope of their official duties. S.C. Code Ann. §15-78-20, -70. The Act does not create causes of action. Rather, it removes the common law bar of sovereign immunity in certain circumstances, but only to the extent mandated by the Act. Summers v. Harrison Constr., 298 S.C. 451, 381 S.E.2d 493 (Ct. App. 1989).

The Act provides that a person pursuing a tort action against a state or state agency must commence suit within two years after the date the loss was or should have been discovered. S.C. Code Ann. 15-78-110. By his own admission, Thompson discovered the Registry listing in November 2000. This was after the statute was modified in June 1998 and required Thompson's inclusion on the Registry. Thompson did not file this suit until July 26, 2004. Thus, Thompson's suit is barred as it was filed well outside of the two year statute of limitations period.

The Act also provides that a person must suffer a loss to have a claim against a state or its agencies. S.C. Code Ann. §15-78-50(a). A loss is defined as bodily injury, disease, death, or damage to personal property, including lost wages and economic loss to the person who suffered the injury, disease, or death, pain and suffering and mental anguish. S.C. Code Ann. §15-78-30(f). However, a loss does not include intentional infliction of emotional harm. Id. Further, a person must suffer a bodily injury before he can claim damages for mental anguish or pain and

suffering. Thompson has not alleged any bodily injury and thus has no loss under the Tort Claims Act as a matter of law.

The Act further provides several exceptions to the government's waiver of immunity and states that these limitations should be liberally construed in favor of limiting the state's liability. S.C. Code Ann. 15-78-20(f). One exception provides that a governmental entity is not liable for a loss resulting from "adoption, enforcement, or compliance with any law,..." S.C. Code Ann. §15-78-60(4). Defendants were enforcing the provisions of state law when Thompson was placed on the Sex Offender Registry and cannot, as a matter of law, be held liable for any loss Thompson believes he suffered as a result of those actions.

Another exception states that a governmental entity is not liable for a loss resulting from the "responsibility or duty including but not limited to supervision, protection, control, confinement, or custody of any ...prisoner....of any governmental entity, except when the responsibility or duty is exercised in a grossly negligent manner." S.C. Code Ann. §15-78-60(25). Gross negligence means the failure to exercise even a slight degree of care. Moore v. Berkeley County School Dist., 326 S.C. 584, 486 S.E.2d 9 (Ct. App. 1997). Gross negligence is the intentional, conscious failure to do something which one ought to do. Worsley Companies, Inc. v. Town of Mt. Pleasant, 339 S.C. 51, 528 S.E.2d 657 (2000). When the evidence supports only one reasonable inference, summary judgment is appropriate on the issue of gross negligence. Id.

Thompson has failed to allege facts which support a violation of a tort duty. To establish a claim for gross negligence, Thompson must prove: 1) Defendants had a duty of due care; 2) Defendants breached the duty by failing to exercise a slight degree of care; 3) proximate cause; and 4) damages. Jinks v. Richland County, 355 S.C. 341, 585 S.E.2d 281,

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283 (2003). As a matter of law, Defendants have not been grossly negligent in this matter. State law establishes that persons convicted of kidnapping must be included on the Sex Offender Registry unless there was a finding in the record that no sex offense was involved. S.C. Code Ann. § 23-3-430. By following the provisions of state law, Defendants Ozmint and Patterson did not breach any duty of care that may have been owed to Thompson. Further, Thompson's allegations relate to intentional SCDC decisions. Even if true, such allegations as a matter of law do not constitute a "failure to use slight care."

Further, the Act provides that when bringing an action against a governmental entity under the provisions of this chapter, the plaintiff shall name as the party defendant only the agency or political subdivision for which the employee was acting. S.C. Code Ann. §15-78-70(c). If the employee is named individually in the suit, the agency for which the employee was acting must be substituted as the defendant. *Id.* Thompson's suit does not comply with this requirement of the South Carolina Tort Claims Act.

Thompson has also alleged Defendants defamed his character by publishing false information concerning his status as a sex offender. To establish a claim for defamation, a plaintiff must prove that the statement: 1) had a defamatory meaning; 2) was published with actual or implied malice; 3) was false; 4) was published by the defendant; 5) concerned the plaintiff; and 6) that the plaintiff suffered either legally presumed damages or special damages. Parker v. Evening Post Publishing Co., 317 S.C. 236, 452 S.E.2d 640 (Ct. App. 1994).

Thompson cannot establish any publication of his sex offender status by Defendants Ozmint and Patterson. Thompson makes no allegations in his Complaint that either defendant was actually responsible for publishing any information regarding his status as a sex offender. In fact, Thompson's only allegation against Defendant Ozmint is that he stated in a letter that

he did not know anything about an inmate website. This is not an allegation of a defamatory statement.

Further, there are no allegations that either defendant ever personally said or wrote any statements about Thompson's sex offender status, beyond Thompson's allegation that sometime in 2000, Defendant Patterson stated Thompson would remain on the Sex Offender Registry. According to the provisions of the Sex Offender Registry Act in effect at that time, Thompson was required to register as a sex offender. This would make any identification of Thompson as a sex offender a true statement, and hence not defamatory. Thus, Thompson cannot establish any defamation through Defendant Patterson's alleged statement.

Thompson also cannot establish any malice by Defendants in this instance. Thompson attempts to show that Defendant Patterson acted with malice by stating that Patterson refused to remove Thompson from the registry even though he knew Thompson was not a sex offender. Even if this is true, Patterson could not ignore the dictates of state law. As an employee of a South Carolina law enforcement agency, Patterson must comply with the requirements of applicable statutes. Thus, Patterson could not remove Thompson from the registry without appropriate documentation.

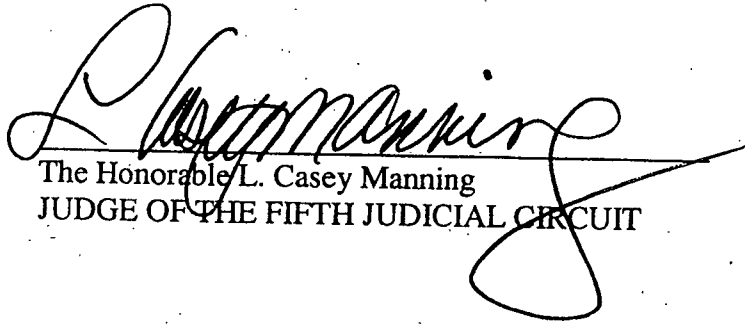
Finally, to the extent Defendants personally published information about Thompson's sex offender status, that publication was privileged. Thompson's status as a sex offender was established as required by state statute and regulations promulgated by SLED. SCDC personnel audited Thompson's court documentation and categorized him as a sex offender according to state law. Publication of information contained in judicial reports is privileged unless actual malice is established. Padgett v. Sun News, 278 S.C. 26, 292 S.E.2d 30 (1982). The privilege is not measured by the truth of the information reported, but by the fair and substantially true

account of the information contained in the documents. Id. at 31. As previously discussed, Thompson has not shown any malice on the part of Defendants. Thus, any actions Defendants may have taken in this process are protected as privileged.

**CONCLUSION**

In viewing the evidence in the light most favorable to Thompson, there are no genuine issues of material fact and Defendants are entitled to judgment as a matter of law. Therefore, for the foregoing reasons, Defendants' motion for summary judgment is hereby granted and this case is dismissed with prejudice.

IT IS SO ORDERED.

  
The Honorable L. Casey Manning  
JUDGE OF THE FIFTH JUDICIAL CIRCUIT

Columbia, South Carolina  
September 14, 2011

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY

L. Casey Manning, Circuit Court Judge

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Case # 2011201047

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William A. Thompson, #145029. . . . . Appellant,

v.

South Carolina Department of Corrections, . . . . . Respondents.

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APPELLANT BRIEF

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*William Thompson*

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William Thompson, 145029  
LCI Sumter S. 2141B  
990 Wisacky Hwy.  
Bishopville, SC 29010

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ISSUES PRESENTED

1. Did the judge error in granting summary judgment to defendants.
2. Did plaintiff have case of defamation.
3. Did plaintiff meet all elements of defamation.
4. Did plaintiff meet the statute of limitations.
5. Did judge error in waiting more than five (5) years to issue the final order.

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STATEMENT OF ISSUES

1. Did judge in lower court error in granting summary judgment to defendants?
  - a. Plaintiff presented a case of defamation. The judge did not consider the elements of defamation. The judge showed no concern whether plaintiff had a prima facie case of defamation. Plaintiff did not have the chance to present all the evidence to prove his case.
2. Did plaintiff have case of defamation?
  - a. Plaintiff has evidence to prove a case of defamation, meeting all elements of defamation.
3. Did Plaintiff meet all elements of defamation?
  - a. Plaintiff had all elements of defamation to present before the judge, if given the chance to present them. Plaintiff has documented evidence that confirms the elements of defamation.
4. Did plaintiff meet the statute of limitations?
  - a. Plaintiff did file within the statute of limitations. The documentaion will show proof that plaintiff met the statute of limitations. Plaintiff has witness to testify to that fact.
5. Did judge error in waiting more than five (5) years to issue final order of dismissal?
  - a. Plaintiff can not obtain a transcript of summary judgment hearing because of length of time; for October 10, 2005.

STATEMENT OF THE CASE

Plaintiff filed a defamation suit, pro se, in the Court of Common Pleas, Richland County, SOUTH Carolina July 26, 2004. Defendants moved the action to the District Court of South Carolina September 2, 2004. Defendants filed motion for summary judgment January 13, 2005. Plaintiff was advised January 20, 2005 pursuant to Roseboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975). Plaintiff filed a memorandum in opposition to summary judgment January 31, 2005. Case was remanded back to the lower Court and a summary judgment hearing was held on October 10, 2005. Honorable L. Casey Manning appeared to be on behalf of plaintiff. Plaintiff received form order, signed August 22, 2006 from judge Manning, stating: formal order to follow. Plaintiff wrote judge Manning September 22, 2007 enquiring of the order - no answer. Plaintiff wrote another letter to judge Manning June 14, 2011 enquiring of the order - no answer. Plaintiff wrote the Court Administration June 23, 2011 - no answer until after plaintiff wrote the Supreme Court, Chief Justice, Jean Toal. Then plaintiff received letter from, copy of letter from Supreme Court, clerk Mr. Shearouse, to clerk, Common Pleas, Jeanette W. McBride dated August 22, 2011 telling McBride to make sure the order is issued and that if plaintiff desired counsel to be appointed to him in his case he would have to file a motion for appointment of counsel with Ms. McBride. Plaintiff filed motion for appointment of counsel August 24, 2011. Plaintiff received letter from South Carolina Court of Appeals giving 14

to pay \$100.<sup>00</sup> filing fee for the Notice of Appeal and to order transcript. Plaintiff filed everything according to instructions. Plaintiff received letter from South Carolina Court of Appeals dated November 10, 2011 stating that plaintiff has not paid the \$25.00 filing fee for motion for appointment of counsel. Plaintiff was again given 14 days to file those fees. Also stated transcript should have been ordered October 21, 2011. This is a contradiction to letter from Court of Appeals dated October 28, 2011 giving plaintiff 14 days to order transcript. There is not transcript of October 10, 2005 of summary judgment hearing.

#### STATEMENT OF FACTS

When plaintiff started the complaint it was about a parole list listing him as a sex offender. In 1998 plaintiff filed grievance and had it removed. Then when plaintiff went up for parole that same year he saw that he was again on the list as a sex offender.

Plaintiff tried to tell defendant Dennis Patterson as well as grievance clerk, Don Driskell and case worker, Betty James tried to tell him plaintiff had no sex offense in his crime. Plaintiff has documentation of conversation between Don Driskell and Dennis Patterson. This shows that Dennis Patterson knew Plaintiff had no sex offense .

In 2003 or 2004 Plaintiff's friend sent him a print out from South Carolina Department of Corrections web site showing plaintiff to be a sex offender. The print out was copy righted 2003, downloaded March 11, 2004.

Plaintiff wrote letter to Dennis Patterson telling him to remove him from the web site. Patterson would not answer the letter.

Plaintiff tried to tell Patterson that the sex offender registry law was not retroactive. Patterson stated that it was retroactive and that the opinion of Attorney General's Office was that it was retroactive.

Plaintiff has letter from South Carolina Law Enforcement Division stating opinion of Attorney General's Office was that it is prospective and not retroactive.

Plaintiff has lost friends in prison and in society because of the false printing on the web site.

Patterson, although he knew Plaintiff had no sex offense in his crime refused to remove the false information.

Plaintiff explained to Patterson that his life was in danger haven to wear a sex offender label in prison. Patterson refused to remove the false information until plaintiff could get a judge to send him what he wanted.

Patterson only removed the false information after clarification from Honorable judge Lee Alford.

Plaintiff still has to wear a sex offender label because of false information printed on SCDC's web site.

Plaintiff's case should have went to trial for jury to decide.

Plaintiff showed all elements of defamation required for a tort action.

Plaintiff has witnesses that will testify that SCDC knew

PLaintiff had not sex charge. Has Affidavit of Dennis Patterson, documentation proving his case.

ARGUMENT I

1. Summary Judgment: Summary Judgment should not have been granted to defendants. Rule 56 SCRPC provides that a party is entitled to judgment as a matter of law when there is no genuine dispute of material fact. Summary judgment was not appropriate since it is clear there is a genuine issue of material facts. Etheredge v. Richland School District one, 341 S.C. 307, 534 S.E. 2d 275 (2000) when determining if any triable issue of fact exist the light most favorable to the non moving party. Fleming v. Rose, 350 S.C. 484, 493, 567 S.E. 2d 857, 860 (2002),

a. The pleadings and documents on file must be liberally construed in favor of the non moving party who must be given the benefit of all favorable inferences that might reasonably be drawn from the record. Bates v. City of Columbia, 301 S.C. 320, 391 S.E. 2d 733 (Ct.App.1990).

b. Defendants admitted knowing that Plaintiff's records had no evidence of sex crime and stated leaving the false information on the so-called Sex Registry because there was not evidence of a sex crime.

c. Defendants stated the Sex Registry Law was retroactive. It was not.

Fleming v. Rose, supra; STANDARD OF REVIEW

Summary Judgment is appropriate when it is clear there is no

genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Young v. South Carolina Department of Corrections, 333 S.C. 714, 511 S.E. 2d 413 (Ct.App.1999); Rule 56(c), SCRCP. In determining whether any triable issue of fact exists, as well as preclude summary judgment, the evidence and all inferences which can be reasonably drawn there from must be viewed in the light most favorable to the non-moving party.

Vermeer Carolina's, Inc., v. Wood/Chuck Chipper Corp., 336 S.C. 53, 518 S.E. 2d 301 (Ct.App.1999), If triable issues exist, those issues must go to the jury.

Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. Carolina alliance for fair Employment v. South Carolina Dept. of Labor, Licensing and Regulation, et al., Op. No. 3061 (S.C.Ct.App. filed October 25, 1999) (Shearouse Adv. Sh. No. 33 at 1).

All ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party. Vermeer, supra. Even when there is no dispute as to evidentiary facts, but only as to the conclusions or inferences to be drawn from them. Summary judgment should be denied. Id. In general, if the pleadings and the evidentiary matter in support of summary judgment do not establish the absence of a genuine issue of material fact, summary judgment must be denied if no opposing evidence, even if no opposing evidentiary matter is presented. Baird v. Charleston County, 333 S.C. 519, 511 S.E. 2d 69 (1999). Because it is a drastic remedy, summary judgment should be

cautiously invoked so no person will be improperly deprived of a trial of the disputed factual issues. *Columbia Alliance, supra.* *Fleming v. Rose, supra.* LAW/ANALYSIS.

1. LIBEL

Fleming argues the trial court erred in granting summary judgment in favor of Rose and Caulder as to his cause of action for libel. Counsel for Fleming characterizes the action as one for slander. However, because this case involves the printing of allegedly defamatory statements, we are treating it as a libel ACTION. See Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 506 S.E.2d 497 (1998) (Holtzscheiter 11).

The scholarly work of Prosser & Keeton on the Law of Torts acknowledges that "there is a great deal of the law of defamation which makes no sense." W. Page Keeton et al., Prosser & Keeton on the Law of Torts & 111, at 771 (5th ed. 1984). In South Carolina, decisions emanating from the appellate entities have admittedly in obfuscation:

The confusion in South Carolina defamation law has been compounded by the fact that this Court's opinions have not completely taken into consideration the impact of decisions by the United States Supreme Court. Since the 1960's, the Supreme Court has attempted "to define the proper accommodation between the law of defamation and the freedoms of speech and press protected by the first Amendment." Gertz v. Robert Welch, Inc., 418 U.S. 323, 325, 94 S.Ct.

2997, 3000, 41 L.Ed.2d 789,797(1974). The effect of these decisions has been the interweaving of Federal, Constitutional principles into the fabric of state defamation law. Because state defamation rules have become inextricably tied to these CONSTITUTIONAL PRINCIPLES, IT is not possible to review defamation issues in a state law vacuum.

Holtzscheiter 11, 332 S.C. at 517,506 S.E. 2d at 505(Toal, J., concurring in result in separate opinion). ...

#### ARGUMENT II

2. Defamation: Plaintiff met all elements of defamation:

(1). The statement was false; (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.

a. Fleming, supra, ... The tort of defamation allows a plaintiff to recover for injury to his or her reputation as the result of the defendants communications to others of a false message about the plaintiff. Swinton Creek Nursery v. Edisto Farm Credit, 334 S.C. 469,514 S.E. 2d 126(1999). The focus of defamation is not hurt to the defamed party's feelings, but on the injury to his reputation. See Wardlaw v. Peck, 282 S.C.191, 318 S.E.2d 270(Ct.App.1984), Defamatory communications take two forms: libel and slander. Swinton Creek Nursery, supra. Slander is a spoken defamation, while libel is a written defamation or one accomplished by actions

or conduct. Id.

The defamatory meaning of a message or statement may be obvious on the face of the statement, in which case the statement is defamatory per se. Holtzscheiter 11, supra. If the defamatory meaning is not clear unless the hearer knows or circumstances not contained in the statement itself, then the statement is defamatory per quod. Id.

A separate issue is whether the statement is "actionable per se" or not. Id. This issue is one of pleading and proof and is always a question of law for the court. Id. If a defamation is actionable per se, then under common law the principles the law presumes the defendant acted with common law malice and that the plaintiff suffered general damages. Id. If a defamation is not actionable per se, then at common law the plaintiff must plead and prove common law actual malice and special damages. Id.

"Libel is actionable per se if it involves 'written or printed words which tend to degrade a person, that is, to reduce his character or reputation in the estimation of his friends or acquaintances, or the public, or to disgrace him, or render him odious, contemptible, or ridiculous. ...'" Holtzscheiter 11, 332 S.C. at 510, 506 S.E.2d at 502 (quoting Lesesne v. Willingham, 83 F. Supp. 918, 921 (E.D.S.C. 1949)). In other words, if the trial judge can legally presume, because of the nature of the statement, that the plaintiff's reputation was hurt as a consequence of its

publication, then the libel is actionable per se. Id. Essentially, all libel is actionable per se. Id.

### ARGUMENT III

Fleming, supra.

3. 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.

Holtzscheiter II, supra (Toal, J., concurring in result in separate opinion). A communication is defamatory if it tends to harm the reputation of another from associating or dealing with him. Id. ...

a. Plaintiff was placed on SCDC's website as a sex offender. SCDC is the publisher. The publication was defamatory. The statement was false. The publisher knew it was false and refused to remove the statement until clarification from judge. The publisher was aware falsity and the danger placed on plaintiff by the statement. The publisher refused to remove the statement stating the Sex Registry Amendment was retroactive. Plaintiff told defendants it was not retroactive. Plaintiff has letter from South Carolina Law Enforcement Division (SLED) that the amendment was prospective and not retroactive. Defendants admitted to knowing the statement was false and still refused to remove it.

ARGUMENT IV

4. Plaintiff met the statute of limitations:

a. S.C. Code Ann. § 15-5-550 (Supp. 2004) page 46-47 Case Notes:

1. In General ...

Statute of limitation governing cause of action for slander and libel requires said action be commenced within 2 years from date it accrues; fraudulent concealment of defamatory statement tolls running of statute, fraudulent must be by party raising statute of limitations and party must fail to discover facts which are basis of cause of action, despite exercise of due diligence on his part; although traditional slander case accrues at time of utterance, discovery rule applies for cases of surreptitious slander which results in harm, although unknown to injured party.

Austin v. Torrington Co., (D.C. S.C. 1985) 611 F. Supp. 191, reversed 810 F.2d 416, certiorari denied 108 S.Ct. 489, 484 U.S. 977, 98 L.Ed.2d 487.

Two year statute of limitations does not apply to tort of intentional affliction of mental distress. Ford v. Hutson, (S.C. 1981) 276 S.C. 157, 276 S.E.2d 776.

The trial court properly permitted the plaintiff in a libel action to amend his complaint after the two year statute of limitations had elapsed where the amendment did not change the nature of the cause of action, but amplified and made more definite and certain the original allegation of malice, Scott v. McCain, (S.C. 1978) 272 S.C. 198, 250 S.E.2d 118.

b. CONSTITUTION OF SOUTH CAROLINA AND THE UNITED STATES

SUPPLEMENT 2004 page 467

The Tort Claims Act's limitation on damages does not infringe upon the constitutional right of trial by jury. The limitation on recovery as set forth in the Tort Claims Act does nothing more than establish the outer limits of a remedy provided by legislature. A remedy is a matter of law, not a matter of fact. Although a party has right to have a jury assess his or her damages, he or she has no right to have a jury dictate through an award the legal consequences of its assessments. The Tort Claims Act does not restrain the fact-finding province of the jury or prevent a jury from assessing a plaintiff's damages. Wright v. Colleton County School Dist., (S.C.1990) 301 S.C. 282, 391 S.E.2d 564.

page 466

Due process prohibits estopping some litigants who never had a chance to present their evidence and arguments on a claim, despite one or more existing adjudications of the identical issue which stand squarely against their position. Roberts v. Recovery Bureau Inc., (S.C.1994) 316 S.C. 492, 450 S.E.2d 616. Constitutional Law Key 315; Judgment Key 713(1)

c. Plaintiff discovered the SCDC's website statement 2004; after fighting to have the false statement from the parole listing, which is no longer posted for an inmate to see. The parole listing is available to the public when inmates parole hearing is nearing. Plaintiff believes the false statement is still on the parole listing. Plaintiff is well within the statute of

limitations.

ARGUMENT V.

5. Plaintiff has no law pertaining to the judge waiting more than 5 years to issue a final order. Even then the higher Court had to intervene, because judge wouldn't answer plaintiff's letter requesting the order.

CONCLUSION

In reviewing the evidence in the light most favorable to plaintiff. There are genuine issues of material fact and the case should go to trial before a jury. Plaintiff asks this Honorable Court to review the evidence and grant to plaintiff whatsoever the law allows.

William Thompson

William Thompson, 145029  
LCI Sumter S 214/B  
990 Wisacky Hwy.  
Bishopville, SC 29010

[76]

OPPOSITION TO ORDER

1. The Sex Offender Registry Act was enacted in 1994 and placed under the direction of State Law Enforcement Division ("SLED").
2. The Sex Offender Registry Act was enacted in 1994 and not placed under the direction of the South Carolina Department of Corrections ("SCDC").
3. S.C. Code Ann. 23-3-410(Supp.2004). The statute also authorizes SLED to create regulations to implement the Act.
4. Again, SLED is authorized, not SCDC.
5. S.C. Code Ann. 23-3-420(Supp.2004). The Sex Offender Registry Act requires that persons who have been convicted of, adjudicated delinquent for, or pled guilty to certain crimes register with the state of South Carolina as sex offender.
6. Only if there is, or was a sex offense involved in the certain crimes.
7. S.C.Code Ann. 23-3-430(Supp.1996). The statute was modified in 1996, and kidnapping was deleted from the registrable offense list.
8. Plaintiff was left on the parole list as a sex offender, and filed grievance in 1998 when he discovered it. It was removed. When plaintiff went up for parole in 1998 he discovered that he was again on the parole list as a sex offender. Plaintiff filed another grievance and it carried over into 2004 when plaintiff discovered he was on SCDC's website as a sex offender.
9. In 1998, the statute was modified a second time, and kidnapping was a registry offense unless the court made finding on the record there was no sex offense. The change in 1999 didn't

change as to the kidnapping section.

10. Patterson stated in Affidavit detailing the application of the Sex Offender Registry statute to Thompson's sentence. In 1987, Thompson began serving a life sentence for kidnapping.

11. Notice that he stated Thompson started his sentence for kidnapping in 1987. There were no sex offense. Patterson stated in Affidavit that he knew plaintiff had no sex offense.

12. Patterson stated that in 1994, Thompson was required to register as a sex offender. This is not true because the statute was not retroactive.

13. Patterson stated that after the 1996 amendment Thompson was removed from the Registry.

14. Matter of fact, plaintiff was never on a registry. He was not removed from the parole list as a sex offender either. Plaintiff had to file grievance to have it remove in 1998. Then SCDC put it right back.

15. Defendants admit Thompson was listed on a February 1998 parole hearing list as a sex offender.

16. Patterson goes on to say. "However, Thompson was again placed on the Registry when kidnapping was re-instated into the statute in June 1998.

17. There he goes again, saying that plaintiff was placed on the Registry. SLED puts inmates on the Registry after they are released from prison.

18. Patterson stated there was no finding in Thompson's Commitment and sentence documents that his kidnapping offense did not include a criminal sexual offense.

19. So now Patterson has admitted to knowing plaintiff's

offense of kidnapping had no sex offense. Patterson chose to leave the false statement on the website because he couldn't find any evidence of a sex offense.

20. Patterson removed the false information after receiving a letter dated June 15, 2005 from Honorable Judge Lee Alford.

21. It appears in the order that Mr. Patterson no longer makes the statement of the Sex Offender Registry Act being retroactive.

22. Plaintiff has copy of letter from Patterson to Don Driskell, grievance clerk of Broad River Correctional Institution stating the opinion of the Attorney General's Office is that the Act is retroactive.

23. Plaintiff has letter from SLED stating that the Act according to Attorney General's Office opinion is that the Act is prospective and not retroactive.

24. Therefore, SCDC had no right to violate plaintiff's rights by falsely exposing him as a sex offender. The appalling thing is that SCDC went to such effort to make an inmate who has never had a sex charge look as though he was a sex offender.

25. Rule 56 SCRPC, provides that a party is entitled to judgment as a matter of law when there is no genuine dispute of material fact. Thus, Summary Judgment was not appropriate since it is clear there is a genuine issue of material facts and are disputable. Etheredge v. Richland School District One, 341 S.C. 307, 534 S.E.2d 275(2000) When determining if any triable issue of fact exist, the evidence and all reasonable inferences must be viewed in the light most favorable to the non-moving party. Fleming v. Rose, 350 S.C. 488, 493, 467 S.E.2d 857, 860(2002).

26. The pleadings and documents on file must be liberally construed in favor of the non-moving party who must be given the benefit of all favorable inferences that reasonably drawn from the record. Bates v. City of Columbia, 301 S.C. 320, 391 S.E2d 733 (Ct. App.1990).

FACTS

27. The South Carolina Tort Claims Act (the "Act") is exclusive remedy for tort suit brought against the state of South Carolina, its political subdivisions, and its employees while acting within the scope of their official duties. S.C. Code Ann. 15-78-20-70. The Act does not create causes of action. Rather, it removes the common law bar of sovereign immunity in certain circumstances, but only to the extent mandated by the Act. Summers v. Harrison Constr., 298 S.C. 451, 381 S.E.2d 493 (Ct.App.1989).

28. The Act provides that a person pursuing a tort action against a state or state agency must commence suit within two years after the date the loss was or should have been discovered. S.C. Code Ann. 15-78-110.

29. Plaintiff never admitted to discovering the website printing in 2004 and has copy of printout, copy righted 2003 and down loaded in March 11, 2004. Bucky Bruce will testify as to when he sent plaintiff the print out. Plaintiff has no access to any computer but the website seems to be correct one time only to be falsely printed another. While plaintiff was fighting to get the parole list corrected, he discovered in 2004 that SCDC also had him on a website. This is when plaintiff after giving SCDC a chance to correct the matter. Plaintiff filed suit well within the statute of limitations.

30. The parole listing on the computer only comes up right before plaintiff goes up for parole. Plaintiff's friend will pull it up. Plaintiff believes that the parole board has yet to correct their system. Plaintiff has a letter from Parole Board stating they were going to make the appropriate corrections on their system but don't believe they have. Since the false information seems to be on going situation, how can plaintiff possibly file outside the statute of limitations?

31. Plaintiff has the right to be free from false accusations against his person. Plaintiff suffers such damages as, defamation, injury thereof: Defamation is a tort action encompassing libel - written communication and now communication by broadcast-media. Wilhoit v. WCSC, Inc., 293 S.C. 34, 358 S.E.2d 397, 460 (CA.App.1987), quoting and adopting the language in Crump v. Beckley Newspaper, Inc., 320 S.E.2d 70 (W.Va.1984); although libel is generally perpetrated by written communication it also includes defamation through the publication of pictures, photographs," and Defamation means the statement tended to impeach the plaintiff's reputation and actionable that it injured the plaintiff. DEFAMATION HAS been more fully defined as communication which tends to impeach the plaintiff's honesty, virtue, or reputation, and expose him or her to public hatred, contempt, ridicule, or obloguy, or to cause the individual to be shunned or avoided, or to be injured in his or her office, or business, or occupation. Smith v. Broad Street, 63 S.C. 525, 41 S.E.2d 763 (1902), Timmons v. News & Press, Inc., 232 S.C. 639, 103 S.E.2d 277, 281 (1958), Scott v. McCain, 272 S.C. 198, 250 S.E.2d 118, 120 (1978).

32. The Act further provides several exceptions to the

government's waiver of immunity and states that these limitations should be liberally construed in favor of limiting the states liability S.C. Code Ann. 15-78-20(c) One exception provides that a government entity is not liable for a loss resulting from adopting, enforcement, or compliance with any law, . . . , "S.C. Code Ann. 15-78-60(4).

33. In this case Defendants were not enforcing any provisions of state law. Plaintiff was not on Sex Registry, nor can SCDC put anyone on a Sex Registry. Even if it could the plaintiff's case would not have been effected by S.C. Code Ann. 23-3-430(15) was not retroactive, but prospective; so therefore, Defendants were not in compliance with any law. Furthermore, Defendants duty was exercised in a grossly negligent manner. S.C. Code Ann. 15-78-60 (25).

34. Defendants were grossly negligent. Patterson admitted to reviewing plaintiff's Court documents categorizing him as a sex offender according to state law. If SCDC added plaintiff's Court documents, then they knew that plaintiff had no sex offense but chose to put his name and picture on a website displaying him as a sex offender. Defendant Patterson was told by subdivision (Broad River Corr. Inst., personnel) that plaintiff had no sex offense. He still refused to remove the knowingly false information. Information privileged unless actual malice is established. Padgett v. Sun News, 278 S.C. 26, 282 S.E.2d 30(1982).

#### CONCLUSION

In reviewing the evidence in the light most favorable to plaintiff, there are genuine issues of material fact and the case should go to trial before a jury. Plaintiff asks this Honorable

Court to review the evidence and grant to plaintiff whatever  
the law allows.

Respectfully Submitted,

William Thompson

William Thompson, 145029

William Thompson, 145029  
LCI Sumter S. 2141 B  
990 Wisacky Hwy.  
Bishopville, SC 29010

Handed 8/18/11

Honorable Jean Teal, Chief Justice  
of South Carolina Supreme Court  
P.O. Box 11330, Columbia, SC 29211

Re: William Thompson v. Department of Corrections, Case No:  
3:04-22109-17BC / 2004-CP-40-3521

Dear Honorable Chief Justice:

I filed a civil suit on Jen Dzmit and Dennis Patterson  
July 26, 2004 in Court of Common Pleas. ~~July~~ September 2, 2004  
the action was moved by the defendants to District Court District  
Court ruled on the federal issues and remanded back to Court  
of Common Pleas. A Summary Judgment hearing was heard on  
October 10, 2005 by Honorable Judge Manning and took the matter  
under advisement. Enclosed is an informal order  
from Honorable Judge Manning. As you can see on the order a  
hand written statement stating: formal order to follow. I have  
never gotten the formal order. Wrote Mr. Manning twice  
concerning the matter. He will not answer. I wrote the  
Court of Administration 6/25/06 and have not received  
an answer from there. I do not know what to do. [83]

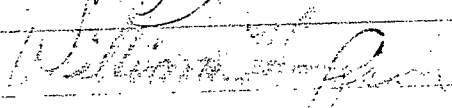
Can't appeal until a final decision is rendered. I certainly do not know what I am doing. Every element to prove my case was shown. According to South Carolina Constitution my case should have been won. I do not have the legal knowledge, or knowhow to handle this perplex situation.

I was declared by the state of South Carolina to know right from wrong. I know I was wronged by government employees working for the Department of Corrections.

Honorable Chief Justice Jean Toal, Will you appoint counsel to handle my case? I can't even get a response to anything I write. One copy of a letter to defendants attorney came back - return to sender - I don't know what to do. I really need appointment counsel because I cannot get a response from anyone, and do not know anything about the law that could be put into action to get any thing done.

Thank you for your kind and professional assistance with this matter.

Respectfully Yours,

  
William Thompson



# The South Carolina Court of Appeals

JENNIFER ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
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FAX: (803) 734-1839  
www.sccourts.org

April 25, 2013

William A. Thompson, 00145029  
KCI HC Rm. 122  
4848 Goldmine Hwy.  
Kershaw SC 29067

Re: Thompson, William v. SCDC  
Appellate Case No. 2011-201047

Dear Counsel:

Upon review of the documents you filed on January 14, 2013, it shows you served an appellant's initial reply brief on July 20, 2012. Our records do not indicate that it has been received by this Court. Furthermore, we have no record on you serving and filing the record on appeal. Within 30 days of the date of this letter you are to serve and file the the record on appeal and the appellant's final reply brief, and file a copy of the appellant's initial reply brief, according to Rules 208, 210, 211 and 267 of the South Carolina Appellate Court Rules.

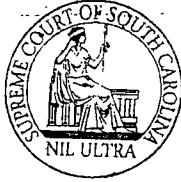
Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Nikole Haltiwanger Boland

[85]



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499

August 22, 2011

The Honorable Jeanette W. McBride  
Clerk of Court, Richland County  
PO Box 2766  
Columbia, SC 29202-2766

RE: *William Thompson v. Department of Corrections*, 2004-CP-40-03521

Dear Mr. McBride:

Enclosed is correspondence received from Mr. Thompson. As you will see, Judge Manning issued a form order granting summary judgment to the defendant in August 2006 and this form order indicated that a formal order will follow. Apparently, no formal order has been issued. I ask that you please look into this matter and take action to help insure that formal order is issued.

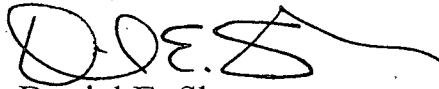
As to Mr. Thompson's request for appointment of counsel, if he desires to have counsel appointed in this matter, he will need to file a motion with you as the clerk of the circuit court seeking that relief. The motion will need to comply with the requirements of Rules 5 and 7 of the South Carolina Rules of Civil Procedure.

Finally, I remind Mr. Thompson that he must copy opposing counsel with any document that he sends to either this Court or the circuit court regarding this matter. I am providing opposing counsel with a copy of Mr. Thompson's

[ 86 ]

letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D.E.S.', with a long horizontal flourish extending to the right.

Daniel E. Shearouse

cc: Mr. William Thompson, #145029  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, SC 29010

Nikole Haltiwanger Boland, Esquire (with copy of letter)  
Riley Pope & Laney, LLC  
P.O. Box 11412  
Columbia, SC 29211



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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FAX (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

April 16, 2012

William A. Thompson, #145029  
LCI Sumter S. 2141B  
990 Wisacky Hwy.  
Bishopville, SC 29010

Re: Thompson, William v. SCDC  
2011201047

Dear Counsel:

We have received your correspondence dated February 21, 2012. Since it appears that there is no transcript available, the Appellant's Initial Brief and Designation of Matter must be served and filed within thirty (30) days of the date of this letter.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

JAK/ma

cc: Nikole Haltiwanger Boland, Esquire

[88]



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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January 16, 2013

The Honorable Jeanette W. McBride  
PO Box 2766  
Columbia SC 29202-2766

## REMITTITUR

Re: Thompson, William v. SCDC  
Lower Court Case No. 2004CP4003521  
Appellate Case No. 2011-201047

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclosure

cc: William A. Thompson, 00145029  
Nikole Haltiwanger Boland

FILED

1/16/13 AS

[89]



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

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February 06, 2013

William A. Thompson, 00145029  
KCI HC Rm. 122  
4848 Goldmine Hwy.  
Kershaw SC 29067

Re: Thompson, William v. SCDC  
Appellate Case No. 2011-201047

Dear Counsel:

This appeal is reinstated and the appellant's final brief will be due within thirty (30) days from the date of this letter.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Nikole Haltiwanger Boland  
Jeanette W. McBride

[90]

# The South Carolina Court of Appeals

William A. Thompson, #145029, Appellant,

v.

Jon Ozmint, Director, S.C. Dept. of Corr.; Dennis  
Patterson, Records, S.C. Dept. of Corr., Defendants, Of  
whom, South Carolina Department of Corrections is the,  
Respondent.

Appellate Case No. 2011-201047

---

## ORDER

---

The above referenced appeal was remitted on January 16, 2013, in error. Accordingly, the original Remittitur is recalled from the Clerk for the Administrative Law Court. The Richland County Clerk of Court must return the original Remittitur within fifteen (15) days of the date of this order.  
IT IS SO ORDERED.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

cc:

William A. Thompson, 00145029

Nikole Haltiwanger Boland

**FILED**

1/29/13 AS

[91]



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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August 01, 2012

William A. Thompson, 00145029  
LCI Sumter S. 2141B  
990 Wisacky Hwy.  
Bishopville SC 29010

Ms. Nikole Haltiwanger Boland  
PO Box 11412  
Columbia SC 29211

Re: Thompson, William v. SCDC  
Appellate Case No. 2011-201047

Dear Counsel:

Enclosed is a copy of the Court's order regarding Appellant's motion to admit evidence documentation to the case and motion for an extension of time to file Respondent's initial Brief and designation of matter. The record on appeal must be served on opposing counsel and proof of service filed with the Court on or before August 31, 2012.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

[92]



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
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February 16, 2012

William A. Thompson, #145029  
LCI Sumter S. 2141B  
990 Wisacky Hwy.  
Bishopville, SC 29010

Re: Thompson, William v. SCDC  
Case #2011201047

Dear Mr. Thompson:

Enclosed is a copy of an Order of the Court regarding your Motion in the above case. Please provide us with a response to our letter dated November 9, 2011 regarding the status of the transcript within ten (10) days from the date of this letter or your case will be dismissed.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

TAG/jt

cc: Nikole Haltiwanger Boland, Esquire

[93]

# The South Carolina Court of Appeals

William A. Thompson, #145029, Appellant,

v.

Jon Ozmint, Director, S.C. Dept. of Corr.; Dennis Patterson; Records, S.C. Dept. of Corr., Defendants, Of whom, South Carolina Department of Corrections is the, Respondent.

Appellate Case No. 2011-201047

---

## ORDER

---

Appellant has failed to provide proof of having served the record on appeal, as required by Rule 210 of the South Carolina Appellate Court Rules and the Court's letter of August 1, 2012. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

**FILED**

12/27/12 AS

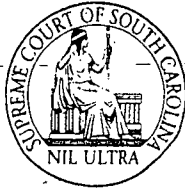
Columbia, South Carolina

cc:

William A. Thompson, 00145029

Nikole Haltiwanger Boland

[94]



**South Carolina Court Administration**  
**South Carolina Supreme Court**  
**Columbia, South Carolina**

ROSALYN W. FRIERSON  
DIRECTOR

1015 SUMTER STREET, SUITE 200  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1800  
FAX: (803) 734-1355  
E-MAIL: rfrierson@sccourts.org

November 22, 2011

Mr. William Thompson #145029  
LCI Sumter S. 2141  
990 Wisacky Hwy.  
Bishopville, SC 29010

Dear Mr. Thompson:

You have requested a copy of your transcript. Please be advised that we are unable to produce the record in this case. On August 6, 2003 the Supreme Court adopted Rule 607, SCACR permitting reporters to reuse or destroy tapes of proceedings after the expiration of five years. This rule took effect August 6, 2003 and reporters have already disposed of their tapes in these matters. I have enclosed a copy of that Rule for your review. I am sorry that I am unable to assist you further in this matter.

If you have further questions regarding *court reporters and/or transcripts*, please do not hesitate to contact me again.

South Carolina Court Administration  
Court Reporter Section  
1015 Sumter St., 2<sup>nd</sup> Floor  
Columbia, SC 29201

Respectfully,

[95]

# The South Carolina Court of Appeals

William A. Thompson, #145029, Appellant,

v.

Jon Ozmint, Director, S.C. Dept. of Corr.; Dennis  
Patterson, Records, S.C. Dept. of Corr., Defendants,

Of whom the South Carolina Department of Corrections  
is the Respondent.

Appellate Case No. 2011-201047

---

## ORDER

---

Appellant filed a "Motion to Admit Evidence Documentation to Case," requesting this Court to allow "an outsider" to send fourteen pages of "pertinent" documents to this Court. The compilation of the Record on Appeal is Appellant's burden, and this Court will not compile the Record on Appeal for Appellant. Additionally, the Record on Appeal must be sent to this Court in one document rather than in piecemeal sections. *See* Rule 210, SCACR. Accordingly, Appellant's motion is denied.

Respondent filed a motion for an extension of time to file Respondent's Initial Brief and Designation of Matter. Because this Court has now received Respondent's Initial Brief and Designation of Matter, the motion is granted.

  
FOR THE COURT

Columbia, South Carolina

**FILED**

8/1/12 AK

[96]



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

November 10, 2011

William A. Thompson, #145029  
LCI Sumter S. 2141B  
990 Wisacky Hwy.  
Bishopville, SC 29010

Re: Thompson, William v. SCDC  
Case #2011201047

Dear Mr. Thompson:

We have received the transcript request letter copied to us for the above case. However, this request was made to the Richland County Clerk of Court and not to the Office of Court Administration and the Court Reporter as required by Rule 207 (a). Furthermore, our records show the transcript should have been ordered by October 21, 2011.

Therefore, it will be necessary for you to file a Motion requesting to order the transcript out of time along with a \$25.00 Motion fee, pursuant to Rule 207 and 240 of the South Carolina Appellate Court Rules.

Also, we have not received the \$25.00 filing fee or a Proof of Service for the Motion for Appointment of Counsel received in this office on October 12, 2011. It will be necessary for you to provide these items before the Court can consider the Motion.

Please provide this Court with a Motion requesting to order the transcript out of time along with the \$25.00 motion filing fee, as well as the \$25.00 filing fee and Proof of Service for the Motion for Appointment of Counsel within fourteen (14) days from the date of this letter or your case may be dismissed.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

TAG/jt

cc: Nikole Haltiwanger Boland, Esquire

[97]



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
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November 22, 2011

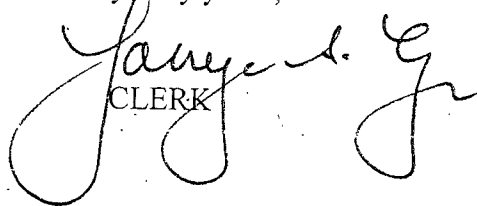
William A. Thompson, #145029  
LCI Sumter S. 2141B  
990 Wisacky Hwy.  
Bishopville, SC 29010

Re: Thompson, William v. SCDC  
Case #2011201047

Dear Mr. Thompson:

We have received the \$25.00 filing fee for the Motion for Appointment of Counsel. However, we have not received a Proof of Service of the Motion on the opposing counsel for the above case. Also, it will be necessary for you to provide the name, address, and telephone number of Ms. Tourchian as you have requested her to represent as counsel. Please provide this Court with a Proof of Service of the Motion for Appointment of Counsel as well as the address, and telephone number of Ms. Tourchian within ten (10) days from the date of this letter.

Very truly yours,

  
CLERK

TAG/jt

cc: Nikole Haltiwanger Boland, Esquire

[98]

THE CIRCUIT COURT OF SOUTH CAROLINA  
FIFTH JUDICIAL CIRCUIT  
1701 Main Street, Richland County Judicial Center  
Columbia, South Carolina 29201

L. Casey Manning  
Resident Judge  
(803) 576-1773  
(803) 576-1744 Fax

Reply to :  
P.O. Box 192  
Columbia, S.C. 29202



October 24, 2011

Mr. William Thompson #145029  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, South Carolina 29010

Re: William A. Thompson #145029

vs.

John Ozmint, Director, South Carolina Department of Corrections; Dennis Patterson, Records,  
South Carolina Department of Corrections

Mr. Thompson:

I have received a copy of your letter addressed to South Carolina Court Administration, dated June 23, 2011. I am enclosing a copy of the order which resolves your matter.

Sincerely,

A handwritten signature in cursive script that reads "Joy Middleton".

Joy Middleton

Law Clerk to the Honorable L. Casey Manning

[99]

TATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NO: 04CP4003521

William A #145029 Thompson

vs.

Jon Ozmint

Plaintiff

Defendant

RICHLAND COUNTY  
FILED  
2011 SEP 20 AM 11:32  
JEANETTE W. McBRIDE  
C.C.P. G.S.

**HECK 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:

**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.

**IS ORDERED AND ADJUDGED:**  See attached order;  Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
PRESIDING JUDGE

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, and a copy mailed first class this 20 September 2011, to attorneys of record or to parties (when appearing pro se) as follows:

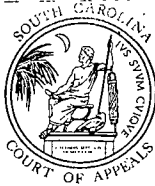
William A #145029 Thompson

Nikole D. Haltiwanger

\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

*Jeanette W. McBride*  
Clerk of Court



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

October 28, 2011

William A. Thompson, #145029  
LCI Sumter S. 2141B  
990 Wisacky Hwy.  
Bishopville, SC 29010

Re: Thompson, William v. SCDC  
Case #2011201047

Dear Mr. Thompson:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

**According to Rule 203 of the South Carolina Appellate Court Rules a filing fee of \$100 must accompany the Notice of Appeal. It will be necessary that you provide this Court with the Notice of Appeal filing fee in the amount of \$100 within fourteen-(14) days of the date of this letter or your case will be dismissed.**

Also, according to the Order being challenged on appeal, the caption of this matter should appear as follows:

William A. Thompson, #145029, Appellant,

v.

Jon Ozmint, Director, S.C. Dept. of Corr.;  
Dennis Patterson, Records, S.C. Dept. of  
Corr., Defendants,

Of whom, South Carolina Department of  
Corrections is the, Respondent.

[202]



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
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COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

October 28, 2011

William A. Thompson, #145029  
LCI Sumter S. 2141B  
990 Wisacky Hwy.  
Bishopville, SC 29010

Re: Thompson, William v. SCDC  
Case #2011201047

Dear Mr. Thompson:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

TAG/jt

cc: Nikole Haltiwanger Boland, Esquire  
The Honorable Jeanette W. McBride

[ 103 ]

**All future filings must feature the above caption.**

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1205 Pendleton Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within fourteen (14) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

**NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately.** The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,

*V. Claire Allen, Deputy*  
Tanya A. Gee  
CLERK

TAG/jt

cc: Nikole Haltiwanger Boland, Esquire  
The Honorable Jeanette W. McBride

[ 105 ]



# The South Carolina Court of Appeals

ENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

April 25, 2013

William A. Thompson, 00145029  
CI HC Rm. 122  
848 Goldmine Hwy.  
Clemenshaw SC 29067

Re: Thompson, William v. SCDC  
Appellate Case No. 2011-201047

Dear Counsel:

Upon reviewing your appellant's final brief, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The binding does not comply with Rule 267(d), SCACR.
- The document is not accompanied by the required certificate of counsel.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Nikole Haltiwanger Boland

[ 106 ]

IN THE STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

04CP403521

William A. Thompson 145029 )  
Plaintiff, )  
)  
)  
)  
)  
Jon Ozmint, Director, SC Dept. )  
of Corr.; Dennis Patterson, )  
Records, SC Dept. of Corr. )  
Defendants. )  
)

IN THE COURT OF COMMON PLEAS

COMPLAINT

CIVIL ACTION NO. \_\_\_\_\_

CIVIL RIGHTS COMPLAINT  
WITH A JURY DEMAND

This is a civil action pursuant to SOUTH CAROLINA RULES OF CIVIL PROCEDURE filed by William A. Thompson, a state prisoner, alleging violation of his constitutional rights and seeks money damages, declaratory judgment, and injunctive relief. The plaintiff request a trial by jury.

Jurisdiction

1. This is a civil action under South Carolina Rules of Civil Procedures. The parties and subject matter of this case are within the jurisdiction of this Honorable Court pursuant to §§ 15-78-60(25), 15-78-100 of the Code of Laws of South Carolina of 1976 (as amended) and the South Carolina Rules of Civil Procedure, Statutory and common Laws and South Carolina Constitution for torts of Defendants for gross negligence and willful violations of civil rights, Criminal Laws, and for Defendants violation of S.C. Code of laws § 24-1130.

Parties

2. Plaintiff William A. Thompson is presently incarcerated at the State Prison of Richland County, Columbia South Carolina. Broad River Correctional Institution.

3. Defendant Jon Ozmint is the Director of the Department of Corrections of South Carolina and is responsible for the operation and management of the Department of Corrections. Article XII, § 2 of the South Carolina Constitution states: The general assembly shall establish institutions for the confinement of all persons convicted of such crimes as may be designated by law, and shall provide for the custody, maintenance, health, welfare, education, and rehabilitation of the inmates. In 1960, the South Carolina Department of

s (SCDC) was created to carry out the states responsibilities for system. South Carolina Code of laws § 24-1-130 provides that SCDC is responsible for the proper care and treatment of prisoners. He is sued in individual and official capacities.

Defendant Dennis Patterson, agent of the South Carolina Department of Corrections, works in the RECORDS BRANCH, in charge of inmate records, or has responsibilities in that Branch. He is sued in his individual and official capacities.

FACTS

In the month of January, 1998 plaintiff discovered that his name was on the PAROLE HEARING LIST, hearing date for February 18, 1998. Plaintiff was listed under the sex offense column. Plaintiff was in shock to see such a public scorn. Plaintiff's name and reputation and self-esteem, dropped to a low level. Plaintiff has had to face the significant stigma associated with being labeled a sex offender.

On January 15, 1998 plaintiff sent a letter to South Carolina Law Enforcement Control Board (SLED), explaining the situation. Plaintiff shared how he felt emotionally about the implications of wearing a sex offender label. Plaintiff did not get an answer from SLED.

On January 16, 1998 plaintiff wrote letter to the PAROLE BOARD explaining his situation, but got no response on that letter. Plaintiff wrote John Shupper, attorney at law. John Shupper wrote to Larry Carson, General Counsel about the sex offender list.

Plaintiff's first grievance dated July 30, 1998 final decision stated that the system was changed and no longer listed inmate as a sex offender. The matter is deemed resolved.

2. First part of grievance was filed July 8, 1998, the final decision is discussed in paragraph 9.

Step 2 grievance dated 7/30/1998 stating that inmate was no longer classified as a sex offender. Inmate Thompson never was classified as a sex offender.

Plaintiff wrote General Counsel, Larry Batson explaining the situation that he was on the PAROLE HEARING LIST, listed on the sex offender column. Mr. Batson wrote back stating that inmate Thompson's allegations were in error, stating that he was not classified as a sex offender.

Plaintiff wrote the General Counsel back stating that he never said he was classified as a sex offender, that he was posted in the dorm on the PAROLE LIST under the sex offender column. He wrote back stating that he checked inmate Thompson's record and it did not indicate that he was a sex offender.

Plaintiff wrote a request to the warden asking him to post a memorandum, clarifying that a mistake had been made putting inmate Thompson on the sex offender column. He stated that the institution was not responsible for publishing the information that I wanted.

Plaintiff had the grievance clerk check the computer to see if he was still on the sex registry and he indicated yes. Plaintiff filed grievance step 1 on 11/27/2000; grievance # BRCI-1091-00. Paragraph 20, of action taken by BCI states that defendant Dennis Patterson told grievance clerk that inmate Thompson would remain on the sex offender registry.

6. Plaintiff filed grievance step 2, 2/2/2001. Plaintiff, not being lettered in the law had no idea what it meant for, THE COURT TO MAKE A FINDING ON THE RECORD. The OFFENDER RECORDS BRANCH stated that the court needs a ruling or decision at the time of sentencing. Plaintiff had no idea of how he was supposed to get this ruling since his crime was in 1987.

17. Plaintiff filed his appeal with ALJD 3/15/01, it was denied June 3, 2002 Docket No. 01-ALJ-04-00423-AP. It was dismissed for lack of jurisdiction. Plaintiff not being lettered in the law did not know what to do.
18. Grievance investigation dated 11/27/2000, 11/28/2000 and 1/4/2001. Dennis Patterson stated that inmate Thompson would remain on the sex registry. Dennis Patterson made the statement that he wasn't aware of the sex registry Amendment at the time inmates grievance was resolved. The Amendment took place 6/11/98, inmate's grievance was resolved 11/9/98. 5 months difference.
19. Plaintiff finally figured out what it means for the court to make a finding. Plaintiff filed an affidavit with the Clerk of Court trying to get this order. The Clerk sent back an unsigned letter stating that that office could not help. Letter dated 5/19/2004.
20. Plaintiff's picture and name was placed on the Inmate Search Web Site. It stated: Sex Offender Registry YES. Plaintiff does not have a sex offense and never in his life has had one. Because of this erroneous printing of his name on a parole list and posted in all the dorms of all institutions in South Carolina, inmate suffers the stigmatizing effect of being labeled a sex offender.
21. A friend of plaintiff's called solicitor Betty Miller in York County about getting an order stating there was no sex offense involved in his crime. Betty Miller referred him to the public defenders office and stated that they wouldn't do it that she would because it was a simple matter. Plaintiff does not know if this has been done yet.
22. Plaintiff filed a motion to the solicitor's office just before he found out that his friend had called the solicitor. Filed 5/24/04.

23. Defendant Ozmint stated in a letter dated May 12, 2004 to my friend that he don't know anything about an Inmate Web Site.
24. Plaintiff wrote SLED to ask Ron Cook for help. Got a letter back stating that Mr. Cook had retired.
25. Plaintiff sent Dennis Patterson a letter explaining that he knows that plaintiff is not a sex offender and that he is wrong in what he is doing, that he has one last chance to remove plaintiff from the sex offender registry or be sued in a court of law.
26. After all the trouble that plaintiff has been through, he finds on a display text for an inmate that was faxed to Gene Noles. It says that inmate needs a consent order from judge that sentenced him, York County. Plaintiff has tried and tried to get this done.
27. Plaintiff presented Dennis Patterson with an affidavit signed by a judge but it wasn't good enough for him.

#### CLAIMS

##### First cause of action

28. The actions of the defendants stated in paragraphs 5 through 27 denied plaintiff due process of law in violation of the fifth and fourteenth Amendments.
29. Plaintiff's fifth and fourteenth Amendment rights to be notified and given the right to defend was violated when
- (a) he was labeled a sex offender without due process and
  - (b) his picture and name was placed on a web site stating false information for the world to see

##### Second cause of action

30. Plaintiff alleges that defendants violated state law by

(a) publication of false information causing irreparable damage and

(b) defamation of character and institutional record

31. Defendants violated state law when

(a) falsifying information on a web site or cause of and

(b) placing false information on a parole list as it was posted in all SC institutions dorms causing plaintiff to wear a sex offender label

Fourth cause of action

32. Plaintiff alleges an eighth Amendment violation of his Constitutional right because

(a) he has been subjected to ridicule and

(b) causing plaintiff emotional stress

Relief

Wherefore, plaintiff requests this Honorable Court to grant the following relief:

1. Issue a declaratory judgment that defendants violated the United States Constitution and State Law when they:

1) labeled plaintiff as sex offender without justification

2) caused defamation by intentional false publishing plaintiff as a sex offender

3) showed malice, knowingly and with false, reckless disregard, made such defamatory statement, false information

2. Issue an injunction ordering that defendants and their agents

1) refrain from such careless disregard for other human beings

2) refrain from such arbitrary abuse

3) refrain from putting false information on web site, or any other place

C. Grant compensatory damages in the following amount

1) \$10,000 against defendant Jon Ozmint

2) \$10,000 against defendant Dennis Patterson

D. Grant punitive damages of \$10,000 against each of the defendants

E. Grant such other relief as it may appear plaintiff is entitled

Respectfully Submitted,



William A. Thompson 145029  
BRCI Congaree Rm. 131  
4460 Broad River Road  
Columbia, SC 29210

8.3.04

(7)

RECEIVED

AUG 10 2004

INSURANCE RESERVE FUND  
CLAIMS DEPARTMENT

[113]

04CP403521

IN THE STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

William A. Thompson 145029

Plaintiff,

V.

Jon Ozmint, Commissioner for  
South Carolina Department of  
Corrections.

Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO. 04CP403521

SUMMONS

2004 JUL 26 AM 9:32  
BARBARA C. SCOTT  
C.C.C. G.S.

FILED

To the above named defendant: Jon Ozmint Commissioner of South Carolina  
Department of Corrections  
4444 Broad River Road  
Columbia, South Carolina 29221

You are hereby summoned and required to serve upon plaintiff William A. Thompson, 145029, whose address is 4460 Broad River Road, Columbia, South Carolina 29210, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you failed to do so, judgment by default will be taken against you for the relief demanded in the complaint.

\_\_\_\_\_  
Clerk of the Court

Dated \_\_\_\_\_

[ 114 ]

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

William A. Thompson 145029  
Plaintiff,

v.

Jon Ozmint, Commissioner for  
South Carolina Department of  
Corrections.  
Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO. 04CP403521

NOTICE AND ACKNOWLEDGEMENT OF  
SUMMONS AND COMPLAINT

TO: Jon Ozmint, 4444 Broad River Road, Columbia, South Carolina 29221

The enclosed summons and complaint are served pursuant to Rule 4(c) (2) Of South Carolina Rules of Civil Procedures.

You must complete the acknowledgement part of this form and return one copy of the completed form to the sender within 20 days.

You must sign and date the acknowledgement. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within 20 days, you (or the party on whose behalf you are being served) may be required to pay any expense incurred in serving a summons and complaint in any other manner permitted by law.

If you do not complete and return this form, you (or the party on whose behalf you are being served) must answer the complaint within 20 days. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this notice and acknowledgement of receipt of summons and complaint was mailed on

8-3-04

William A Thompson 145029  
BCCI Conga Room 131  
4460 Broad River Road  
Columbia, S.C. 29210

Name and address

William A Thompson  
Date of signature

ACKNOWLEDGEMENT OF RECEIPT OF SUMMONS  
AND COMPLAINT

---

I declare under penalty of perjury, that I received a copy of the summons  
and of the complaint in the above-captioned manner at

\_\_\_\_\_  
Defendant's name

\_\_\_\_\_  
Relationship to Entity/  
Authority to receive service  
of process.

\_\_\_\_\_  
Date of Signature

[116]

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

---

Case No. 2011201047

---

William A. Thompson, 145029,

Appellant,

V.

South Carolina Dept. of Corrections,

Respondent.

---

CERTIFICATE OF COUNSEL

---

The undersigned certified that this Final Brief complies with Rule 211(b),  
SCACR.

*1s/ William Thompson*

William A. Thompson, 145029  
KCI HC Rm. 122  
4848 Goldmine Hwy.  
Kershaw, SC 29067

Pro Se inmate, Appellant

**RECEIVED**

MAY 23 2013

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

---

APPEAL FROM RICHLAND COUNTY  
L. Casey Manning, Circuit Court Judge

---

Case # 2011201047

---

William Thompson, 145029,

v.

South Carolina Dept. Of Corrections,

Appellant,

Respondents.

---

CERTIFICATE OF SERVICE

---

I William Thompson, 145029, a pro se inmate, declare under penalty of perjury that I have caused to be served on the below listed recipients on this <sup>th</sup> 20 day of May, 2013 Appellant's Final Brief. In a prepaid envelope United States Postal Service.

South Carolina Court Of Appeals  
Clerk Of Court  
P.O. BOX 11629  
Columbia, SC 29211

Damon C. Wlodarczyk, Esquire  
P.O. BOX 11412  
Columbia, SC 29211



---

William Thompson, 145029  
KCI HC-122  
4848 Goldmine Hwy.  
Kershaw, SC 29067

Date: May 19, 2013

RECEIVED  
MAY 23 2013

SC Court of Appeals