

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2014-002532

Anthony Derone Richardson,Appellant,

v.

Jackie Swindler, Chief of Police, Newberry Municipal Police Department,
.....Respondent.

RESPONDENT'S MEMORANDUM REGARDING APPEALABILITY

David L. Morrison, Esquire
Kassi B. Sandifer, Esquire
Robert G. Cooper, Esquire
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212
Phone: (803) 661-6285
Fax: (803) 661-6289
E-mail: david@dmorrison-law.com
E-mail: kassi@dmorrison-law.com

Columbia, South Carolina

December 8, 2014

RECEIVED

DEC 10 2014

SC Court of Appeals

The Defendant files this Memorandum pursuant to this Court's request dated November 26, 2014 that the parties prepare a Memorandum addressing the appealability of the trial court's Order dated November 5, 2014 granting the Respondent's Motion for Summary Judgment and dismissing the Appellant's case without prejudice.

I. STATEMENT OF THE CASE

This Appeal arises out of the trial court's Order granting Respondents' Motion for Summary Judgment pursuant to Rule 56(b) of the South Carolina Rules of Civil Procedure. (See Order dated November 5, 2014). The trial court determined that the Appellant had pled guilty to the underlying criminal charge and did not directly appeal the conviction, but rather filed a Petition for Post Conviction Relief, which had been dismissed. Accordingly, the Court granted Respondent's Motion for Summary Judgment pursuant to Heck v. Humphrey, 517 U.S. 477 (1994). (See Order dated November 5, 2014). The trial court also determined that the Appellant had not presented evidence that an appeal was pending or that a notice of intent to appeal had been filed at the time of the hearing, and therefore, the trial court denied the Appellant's request that the case be stayed pursuant to Younger v. Harris, 401 U.S. 37 (1971). In delivering its decision, the trial court orally ruled that it was dismissing the Appellant's case without prejudice.

By way of background, the Appellant's filed his Complaint June 24, 2013 asserting a cause of action against the Respondent pursuant to 42 U.S.C. §1983 alleging that the Respondent violated his procedural due process right to a jury trial by "waiving" that right on behalf of the Appellant. The Appellant's Complaint arises out of his arrest on December 11, 2012 for trespass after notice. (See Respondent's Amended Motion for Summary Judgment, attached hereto as Exhibit 1). The Appellant initially pled not guilty and demanded a jury trial. (See Exhibit 1). On February 7, 2013, the Newberry Municipal Court notified the Appellant that jury selection

would take place on February 20, 2013. (See Exhibit 1). The Appellant appeared for jury selection, but instead of selecting a jury, he pled guilty to the charge of trespass after notice and agreed to pay the associated fine by March 15, 2013. (See Exhibit 1). He ultimately paid the fine on May 6, 2013. (See Exhibit 1).

The Appellant filed a civil lawsuit against Respondent on June 24, 2013 pursuant to 42 U.S.C. §1983 alleging that the Respondent violated his procedural due process right to a jury trial by “waiving” his right to a jury trial. However, sometime within one month before or after filing his Complaint in civil court, the Appellant also filed a petition for post conviction relief arising out of the alleged procedural due process violation and subsequent conviction. The Respondent filed a Motion for Summary Judgment on June 2, 2014. A hearing on the Appellant’s petition for post conviction relief was heard on October 14, 2014, during which time the Court granted summary judgment in favor of the State of South Carolina. The Respondent filed an Amended Motion for Summary Judgment on October 27, 2014 asserting in part that the Appellant’s claim was barred by Heck v. Humphrey, 517 U.S. 477 (1994) since his conviction had not been reversed on direct appeal, expunged by executive order or declared invalid by a state tribunal authorized to make such determination.

The trial court held a hearing on the Respondent’s Motion for Summary Judgment on November 5, 2014. During the hearing, the Appellant argued that, rather than dismissing the case, the trial court should stay the case pursuant to Younger v. Harris, 401 U.S. 37 (1971) pending the resolution of his appeal. The trial court determined that the Appellant did not present any evidence that an appeal was pending to constitute the case being stayed pursuant to Younger v. Harris. The trial court also determined that the Appellant produced no evidence that he had filed a notice of intent to appeal. Consequently, the trial court granted summary judgment

in favor of the Respondent pursuant to Heck v. Humphrey, 517 U.S. 477 (1994) finding that the Appellant pled guilty to the charge, did not file a direct appeal, and the Petition for Post Conviction Relief was dismissed. This appeal followed.

II. ARGUMENT

THE APPELLANT CANNOT APPEAL THE TRIAL COURT'S ORDER BECAUSE THE ORDER IS NOT A FINAL JUDGMENT, APPEALABLE ORDER OR DECISION.

South Carolina Appellate Court Rule 201 provides that an [a]ppel may be taken, as provided by law, from any final judgment, appealable order or decision.” Rule 201, SCACR. “Generally, an order is a final judgment on one or more issues if it constitutes an ultimate decision on the merits.” Mungo v. Rental Uniform Scv. of Florence, 678 S.E.2d 825, 829 (S.C. Ct.App. 2009). It has been summarized that a “final” judgment must

Result in a binding adjudication of the rights of the parties. It must dispose of the cause, or a distinct branch thereof, as to all the parties, reserving no further questions or directions for future determination. It must finally dispose of the whole subject-matter or be a termination of the particular proceedings or action, leaving nothing to be done but to enforce by execution what has been determined. In other words, a final judgment is one which operates to divest some right in such a manner as to put it beyond the power of the Court making the order to place the parties in their original condition after the expiration of the terms; that is, it must put the case out of Court, and must be final in all matters within the pleadings.

15 S.C. Jur. *Appeal and Error* § 15 (2014) (citations omitted).

An appeal may also arise from an “intermediate judgment, order or decree in a law case involving the merits. . . .” S.C. Code Ann. § 14-3-330(1) (Law Co-op. 1976). An appeal may further arise from “an order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action.” S.C. Code Ann. § 14-3-330(2) (Law Co-op. 1976). The

South Carolina Supreme Court has explained that an order affecting a substantial right is an order that “would discontinue an action, prevent an appeal, grant or refuse a new trial, or strike out an action or defense.” Mid-State Distributers v. Century Importers, Inc., 426 S.E.2d 777, 781 (S.C. 1993). It has also defined an order “which ‘involves the merits’ as an order which ‘must finally determine some substantial matter framing the whole or a part of some cause of action or defense.’” Id. at 780 (citations omitted).

The order under consideration in this case is neither a final order nor an order involving the merits or affecting a substantial right. The transcript of the hearing will show that the trial court ordered that the case be dismissed without prejudice. Furthermore, the order does not state that the case be dismissed with prejudice. Rule 41(a)(2) of the South Carolina Rules of Civil Procedure provides that “[u]nless otherwise specified in the order, a dismissal under this paragraph is without prejudice.” Rule 41(a)(2), S.C.R.C.P. Accordingly, the order dismissed the Appellant’s case without prejudice.

Critically, “a dismissal of a case without prejudice means that the plaintiff can reassert the same cause(s) of action by curing the defect that led to the dismissal. By contrast, dismissals with prejudice are intended to bar relitigation of the same claim.” McComas v. Ross, 626 S.E.2d 902, 909-910 (S.C. Ct. App. 2006) (See also, McEachern v. Black, 496 S.E.2d 659, 663 (S.C. Ct.App. 1998)(finding that because the dismissal was without prejudice, it did not satisfy the first requirement of res judicata that the judgment be final, valid and on the merits). Accordingly, the trial court’s Order is not final because the order allows the Appellant to reassert his claims.

Furthermore, the trial court’s Order does not constitute an order affecting a substantial right because it does not discontinue the action, prevent an appeal, grant or refuse a new trial or strike an action or defense. Since the order dismissed the case without prejudice, the Appellant

may bring the case again. Furthermore, since the incident serving as the basis for the Appellant's Complaint occurred on or about February 20, 2013, the statute of limitations on his claim pursuant to 42 U.S.C. § 1983 has not yet expired. The Order likewise does not constitute an order involving the merits because there is no final determination regarding some substantial matter framing the whole or a part of the Appellant's claim. By its very nature, a dismissal without prejudice is contrary to a final determination. Accordingly, the trial court's Order is not appealable at this time.

III. CONCLUSION

The trial court's Order, which dismissed the Appellant's case without prejudice, does not constitute a final judgment or appealable order or decision. Accordingly, the Respondent respectfully requests that the Appellant's appeal be dismissed because the trial court's Order is not appealable at this time.

MORRISON LAW FIRM, LLC

By: Kassi B. Sandifer

David L. Morrison, Esquire
Kassi B. Sandifer, Esquire
Robert G. Cooper, Esquire
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212
Phone: (803) 661-6285
Fax: (803) 661-6289
E-mail: david@dmorrison-law.com
E-mail: kassi@dmorrison-law.com

ATTORNEYS FOR THE DEFENDANT

Columbia, South Carolina

December 8, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2014-002532

Anthony Derone Richardson,Appellant,


v.

Jackie Swindler, Chief of Police, Newberry Municipal Police Department,
.....Respondent.

CERTIFICATE OF SERVICE

The undersigned employee of Morrison Law Firm, LLC, attorney for the Defendant, does hereby certify that service of the Respondent's Memorandum Regarding Appealability in the above-captioned action was made upon the *pro se* Appellant by mail on this 8th day of December, 2014, addressed as follows:

Anthony D. Richardson
Post Office Box 221
Newberry, South Carolina 29210



Callie M. Morrison

Columbia, South Carolina

RECEIVED
DEC 10 2014
SC Court of Appeals

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF NEWBERRY)

Anthony Derone Richardson,)

FILED

Civil Action No. 13-CP-36-00321

Plaintiff,

NEWBERRY COUNTY)

2014 OCT 27 AM 11 17

v.)

MOTION & ORDER INFORMATION
FORM COVER SHEET

Jackie Swindler, Chief of Police, Newberry
County Municipal Police,)

JACKIE S. BOWERS
CLERK OF COURT)

Defendant.)

Plaintiff's Pro See: Anthony D. Richardson 914 Gray Street Newberry, South Carolina 29108 Phone: (803) 413-3961 E-Mail: Unknown	Defendant's Attorney: Kassi B. Sandifer 7453 Irmo Drive, Suite B Columbia, South Carolina 29212 Phone: 803-661-6285 Fax: 803-661-6289 E-Mail: kassi@dmorrison-law.com
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: <u>Amended Motion for Summary Judgment</u> Estimated Time Needed: 15 minutes Court Reporter Needed: <input type="checkbox"/> Yes / <input type="checkbox"/> No	
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <u>Kassi B. Sandifer</u> <u>October 24, 2014</u> Signature of Attorney for Defendant(s) Date Submitted	
SECTION III: Motion Fee <input checked="" type="checkbox"/> PAID - AMOUNT: <u>\$25.00</u> <input type="checkbox"/> EXEMPT: (check reason) <ul style="list-style-type: none"> <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions. Name of Court Reporter: <input type="checkbox"/> Other:	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	JUDGE _____ CODE: _____ DATE: _____
CLERK'S VERIFICATION Collected by: <u>J. Johns</u> Date Filed: _____ <input checked="" type="checkbox"/> MOTION FEE COLLECTED: <u>25.00</u> <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	

SCCA/233 (11-03)



STATE OF SOUTH CAROLINA) FILED
NEWBERRY COUNTY)
COUNTY OF NEWBERRY) IN THE COURT OF COMMON PLEAS
2014 OCT 27 AM 11 17)
C/A #: 13-CP-36-00321

Anthony Derone Richardson,
Plaintiff,

JACKIE S. DOWERS
CLERK OF COURT

v.

Jackie Swindler, Chief of Police,
Newberry County Municipal Police,

Defendant.

DEFENDANT'S AMENDED MOTION FOR
SUMMARY JUDGMENT

TO: ANTHONY RICHARDSON, PRO SE PLAINTIFF:

YOU WILL PLEASE TAKEN NOTICE that the undersigned attorney for the Defendant will move before the Presiding Judge of the Eighth Judicial Circuit at the Newberry County Courthouse, Newberry, South Carolina on the tenth (10th) day after service hereof at 10:00 a.m., or as soon thereafter as counsel may be heard, or at such time and place as may be set by the Court, pursuant to S.C.R.C.P. 56 for an Order granting Defendant's Motion for Summary Judgment on the grounds that the Plaintiff is barred from bringing his claim. The Plaintiff was arrested on December 11, 2012 for Trespass After Notice. (See Uniform Traffic Ticket, attached hereto as Exhibit 1). The Plaintiff initially pled guilty and demanded a jury trial. On February 7, 2013, the Secretary for the Newberry Municipal Court notified the Plaintiff that the court had scheduled jury selection on February 20, 2013 at 2:30 p.m. (See Letter dated February 7, 2013, attached hereto as Exhibit 2). Instead of selecting a jury, he pled guilty to the charge and agreed to pay the fine by March 15, 2013. (See Document signed by Plaintiff, attached hereto as Exhibit 3). He paid the fine on May 6, 2013. (See City of Newberry Receipt No. 48896, attached hereto as Exhibit 4).

The Plaintiff subsequently filed a civil lawsuit against Chief Jackie Swindler on June 24, 2013 seeking \$4,000,000. The crux of his Complaint is that his procedural due process rights were violated in that he claims he was denied his right to a jury trial to challenge the charge. However, around the time the he filed his Complaint, the Plaintiff also filed a petition for Post Conviction Relief arising out of the alleged procedural due process violation. At the time the Defendant filed his initial Motion for Summary Judgment, the Plaintiff's petition for Post conviction Relief was still pending. The Court heard the matter on October 14, 2014. Upon information and belief, the Court granted the State's Motion for Summary Judgment. As a result the Plaintiff's conviction remains in effect. Accordingly, the Defendant now amends his initial Motion for Summary Judgment to assert the following grounds:

1. The Plaintiff's claim is barred by *Heck v. Humphrey*, 517 U.S. 477 (1994). The Plaintiff's conviction has not been reversed on direct appeal, expunged by executive order or declared invalid by a state tribunal authorized to make such determination;

2. The Plaintiff waived his right to a jury trial in the underlying proceeding. The Plaintiff was charged with trespass after notice. He ultimately pled guilty to the charge and subsequently paid the fine associated with that charge. He did not appeal the conviction, but rather filed a petition for Post Conviction Relief, which was essentially denied. Accordingly, the Plaintiff's suit is barred by the doctrine of waiver;

3. The Plaintiff's claim is barred by the doctrines of res judicata and collateral estoppel; and,

4. No genuine issue of material fact exists, and the Defendant is entitled to judgment as a matter of law.

This Motion is based upon the pleadings filed in this case, Rules of Court, case law, deposition testimony and such other documents and matters as may be properly presented to the Court.

MORRISON LAW FIRM, LLC

By: Kassi B. Sandifer

David L. Morrison, Esquire,
Kassi B. Sandifer, Esquire,
Robert G. Cooper, Esquire
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212
Phone: (803) 661-6285
Fax: (803) 661-6289
E-mail: david@dmorrison-law.com
E-mail: kassi@dmorrison-law.com

ATTORNEY FOR THE DEFENDANTS

Columbia, South Carolina

October 24, 2014

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

FILED
NEWBERRY COUNTY

IN THE COURT OF COMMON PLEAS

Anthony Derone Richardson,

2014 OCT 27 AM 11 17

Plaintiff,

JACKIE S. DOWENS
CLERK OF COURT

C/A #: 13-CP-36-00321

v.

CERTIFICATE OF SERVICE

Jackie Swindler, Chief of Police,
Newberry County Municipal Police,

Defendant.

The undersigned employee of Morrison Law Firm, LLC, attorney for the Defendant does hereby certify that service of the **Amended Motion for Summary Judgment** in the above-captioned action was made upon all counsel of record by placing same in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 24th day of October, 2014, addressed as follows:

Anthony Derone Richardson
914 Gray Street
Newberry, South Carolina 29108



Callie M. Morrison

Columbia, South Carolina

RECEIVED

DEC 10 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA
UNIFORM TRAFFIC TICKET

11842GF

CITY OR COUNTY OF NEWBERRY		VERSUS	
FIRST NAME ANTHONY DEROME		LAST NAME RICHARDSON	
MIDDLE NAME		STATE SC	
STREET AND NO. 914 GRAY ST		CITY NEWBERRY SC 29108	
STATE LICENSED SC	DRIVER'S LICENSE NO. 004048122	CDL <input type="checkbox"/> YES <input type="checkbox"/> NO	DRI. LIC. CLASS D
VEH. LIC. NO. HX463	STATE SC	MAKE OF VEH. 0	YEAR 0
COMM VEH. HAZ. MAT.	AUTO MOPED	PSGR VEH. NTRCYCL	COMB. OTHER
YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT.			
NAME OF TRIAL COURT CITY OF NEWBERRY		STREET AND NO. 1507 NANCE STREET	
DATE OF TRIAL 02/20/2013	TIME OF TRIAL 1300	CITY NEWBERRY, SC 29108	STATE SC
VIOLATION - COURT APPEARANCE REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		VIOLATION SECTION NO. 00-00-0000 / 11-15	
TRESPASS AFTER NOTICE		DATE OF ARREST 12/11/2012	
OWNER OF VEHICLE ANTHONY DEROME RICHARDSON		DATE OF VIOLATION 12/11/2012	
ADDRESS OF OWNER 914 GRAY ST NEWBERRY SC 29108		NAME OF ARRESTING OFFICER MAJOR LOYNES	
BAIL DEPOSITED		RANK	
DESCRIPTION OF ACCUSED RACE B SEX M BIRTH DATE 07/24/1973 HT. 5-10 HAIR BLK WT. 235 EYES BRO		COUNTY NEWBERRY	
DATE BAIL REC'D		NUMBER 36	
BY		BADGE 2	
CASE BEFORE MAGISTRATE <input type="checkbox"/> MUN. COURT <input checked="" type="checkbox"/>		D S M T W T F S A 1 2 3 4 5 6 7	
CIRCUIT COURT <input type="checkbox"/> FAMILY COURT <input type="checkbox"/> FEDERAL COURT <input type="checkbox"/>		TIME OF VIOLATION 1702	
NAME OF TRIAL COURT IF DIFFERENT FROM ABOVE CITY OF NEWBERRY		WEATHER AM-3 CLEAR	
DEFENDANT: DID NOT APPEAR <input checked="" type="checkbox"/> APPEARED <input type="checkbox"/>		DISTANCE IN FEET FROM INTERSECTION OF 0 DRAYTON STREET	
NOLLE PROSSED <input type="checkbox"/> DISPOSITION FORFEITED BOND <input type="checkbox"/> PLED: NOLO CONTENDERE <input type="checkbox"/>		AND CROSSON STREET	
TRIAL BY: TRIAL JUDGE <input checked="" type="checkbox"/> JURY <input type="checkbox"/>		MILES 0	
VERDICT OF TRIAL IF ANY GUILTY <input checked="" type="checkbox"/> NOT GUILTY <input type="checkbox"/>		HWY. NO.	
DATE OF TRIAL IF ANY 02/20/2013		CITY NEWBERRY	
JAIL	SUSPEND	FINE	AMT. COLLECTED
30		250.00	250.00
AMT. SUSPENDED		Lat	Long
COMMITTED TO:		Vehicle Searched NO	Arrest as Result of Collision NO
OFFENSE CODE 94		B.A. LEVEL	
CERTIFIED CORRECT		11842GF	
INITIALS W. FRANK PARTRIDGE		DATE	

ENFORCEMENT RECORDS COPY

A: PLEA BARGAIN

Reduced To _____ Points

Date: 02/20/2013

Judge

B: SPEED REDUCED

LT

JACQUE S. GOWERS
CLERK OF COURT

2014 OCT 27 AM 11 17

FILED
NEWBERRY COUNTY

REF CASE 2012-10708



**Newberry Municipal Court
1507 Nance Street
Newberry, S. C. 29108**

**W. F. Partridge, Jr., Municipal Judge
Barry S. Koon, Asst. Municipal Judge**

**Phone: 803-321-3720
Fax: 803-321-1004**

February 7, 2013

**Mr. Anthony Derone Richardson
914 Gray Street
Newberry, S. C. 29108**

RE: Trespass after notice

Dear Mr. Richardson:

In preparation for a jury trial on the above referenced charge, the Court has scheduled a jury selection on Wednesday, February 20, 2013, at 2:30 p. m. The selection will be held in the municipal courtroom at the Public Safety Complex, 1507 Nance Street in downtown Newberry. It is imperative you be present at this time. If you are not present, you will forfeit your right to a jury trial and a bench trial will be scheduled.

Sincerely,

**Celia E. Dodgen
Secretary**

FILED
NEWBERRY COUNTY
2014 OCT 27 AM 11 18
JACKIE S. BOWERS
CLERK OF COURT

RECEIVED

DEC 10 2014

SC Court of Appeals



FILED
NEWBERRY COUNTY

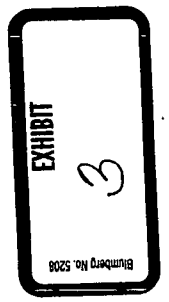
2014 OCT 27 AM 11 18

JACKIE S. DOWERS
CLERK OF COURT

rlh

Handwritten notes:
I found quality
and was to pay
subject of 100 pay
#257e
by March 15, 2013

Handwritten signature: *David ...*



CITY OF NEWBERRY
1507 NANCE STREET
NEWBERRY SC 29108

Receipt Number: 48896

Date Paid: 05/06/2013

Paid By: ANTHONY DEROME RICHARDSON

Paid With: Cash M.O. () Check () Other () Credit Card ()
Card # / Description:

() Visa () American Express
() MasterCard () Discover

Total Amount Applied: 250.00

Applied To	Number	Trial Date
T Traffic Ticket	11842GF	02/20/2013

Traffic Code: NT Statute: 00-00-0000 / 11-15
TRESPASS AFTER NOTICE

Received By: MARY

Date: 05/06/2013

Balance at Time of Receipt: 0.00

FILED
NEWBERRY COUNTY
2014 OCT 27 AM 11 18
JACKIE S. BOWERS
CLERK OF COURT



Morrison Law Firm, LLC

7453 Irmo Drive, Suite B
Columbia, South Carolina 29212

Phone: (803) 661-6285

Fax: (803) 661-6289

E-mail: David@dmorrison-law.com

E-mail: Kassi@dmorrison-law.com

E-mail: Bob@dmorrison-law.com

David L. Morrison*

Kassi B. Sandifer

Robert G. Cooper**

*Licensed in SC & NC

*Certified Mediator

**Of Counsel

December 8, 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

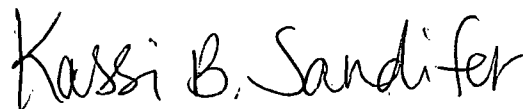
RE: Anthony Derone Richardson, Appellant, v. Jackie Swindler, Chief of Police, Newberry
County Municipal Police, Respondent
Appellate Case No.: 2014-002532

Dear Clerk Kitchings:

Enclosed for filing is the original and one copy of Respondent's Memorandum Regarding Appealability in this matter. Please file the original and return a clocked-in copy to me in the self-addressed stamped envelope enclosed for your convenience. By copy of this letter, I am serving the Appellant with a copy of the Memorandum.

With kind regards, I am

Very truly yours,



Kassi B. Sandifer

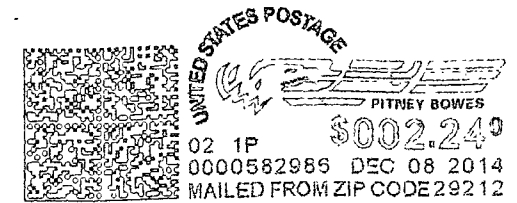
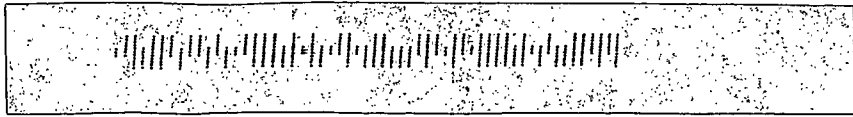
Enclosures

cc: Mr. Anthony D. Richardson (with enclosures)

RECEIVED

DEC 10 2014

SC Court of Appeals



MORRISON LAW FIRM, LLC
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212

RECEIVED
DEC 10 2014
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of
Appeals
Post Office Box 11629
Columbia, South Carolina 29211