

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R Markley Dennis, Jr , Circuit Court Judge

Case Number: 2013-CP-10-3669
Appellate Case No 2014-001977

Eugene Magwood Applicant/Appellant,

v

J Al Cannon, Jr in his official capacity as
Sheriff of Charleston County, Investigator
Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law
Enforcement Division Respondents,

SUPPLEMENTAL RECORD ON APPEAL

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Attorney for Respondents

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Motion for Summary Judgment (2nd Page) 36(a)

Deposition of Roger Antonio, page 40 709(a)

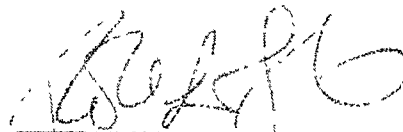
Deposition of Michael Anderson, page 63 775(a)

South Carolina Tort Claims Act;

7. There is no evidence of Abuse of Process by the defendants;
8. There is no evidence of Intentional Infliction of Emotional Distress, and further, it is not a permitted cause of action under the Tort Claims Act;
9. There is no evidence of Defamation or Defamation *per se*;
10. There is no evidence of Civil Conspiracy to Commit Fraud;
11. Punitive Damages are not proper under the Tort Claims Act, and
12. There is no question of material fact such that would prevent summary judgment.

The defendants are moving for an order of summary judgment on all causes of action and will make all necessary arguments regarding the causes of action and applicable defenses and immunities. This motion will be more fully supported by the record, affidavits and depositions transcripts which may be submitted as well as a memorandum of law which will be submitted.

Respectfully submitted,



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Attorney for Defendants

April 11, 2014
Charleston, South Carolina

36(a)

1 **them that I've worked with a person, no.**

2 Q. Okay. It won't -- you can still be assigned
3 a case to investigate if you have worked
4 with the person previously?

5 A. **Yes.**

6 Q. That's not a conflict in your department?

7 A. **No.**

8 MS. FAJARDO: That's all the
9 questions I have.

10 MS. JACKSON: All right. You
11 are done. He will also read and
12 sign. You can send it to me.

13 (This deposition concluded at 1:56 p.m.)

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15 (Signature reserved.)

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709(a)

- 1 **A.** I don't know. It's been several years since
2 I've been back there. I don't know if
3 there's another form that you use for
4 misconduct.
- 5 **Q.** Do you know at this point in June of 2009 if
6 your investigation was complete for Mr.
7 Magwood?
- 8 **A.** Can I go back to this?
- 9 **Q.** Absolutely.
- 10 **A.** Okay. This is just -- and now I'm kind of
11 -- I'm looking at it, this is a change in
12 status. This is not a change in employment.
13 So if I can elaborate on that?
- 14 **Q.** Please.
- 15 **A.** This doesn't mean -- this -- this isn't us
16 telling the academy that he was terminated,
17 I don't believe. We simply changed his pay
18 status. Okay. And so to go back and answer
19 your initial question, was the investigation
20 complete, I don't believe so.
- 21 **Q.** Okay. Do you know when this was filled out
22 if Mr. Magwood was suspected of misconduct,
23 as far as you were concerned? I understand
24 he had been charged with misconduct by the
25 time this was sent.

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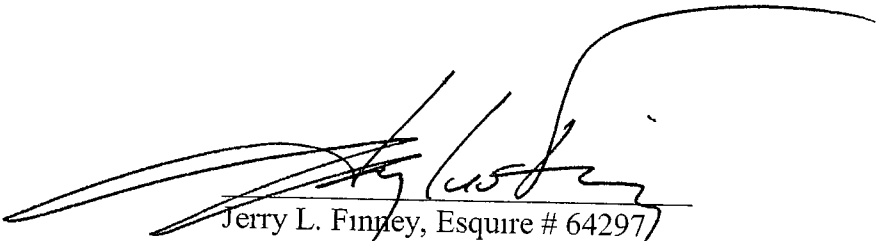
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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



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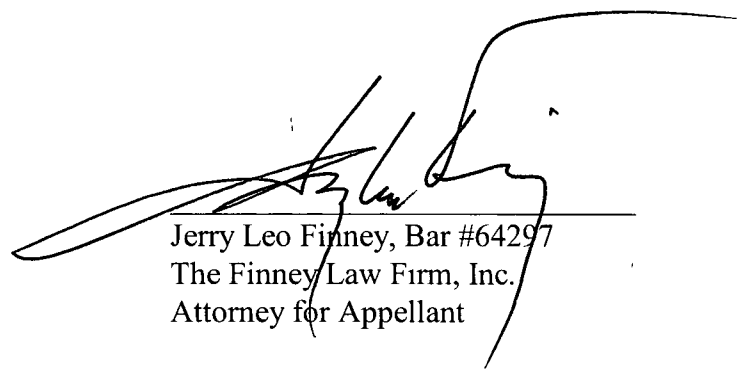
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PROOF OF SERVICE

I certify that I have served the **Supplemental Record on Appeal** in the above
matter on opposing counsel of record, by depositing a copy of the same in the United
States Mail, postage prepaid, on May 4, 2015, addressed as follows.

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