

Dan Temple Jr
Plaintiff,

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

RECEIVED

vs.
James Victor McDee Fagnie
Oconee County Sheriff's Department
Defendant.

JUN 08 2016

Plaintiff's Attorney: <u>Pro, Sr Dan Temple Jr</u> Bar No. <u>N/A</u> Address: <u>P.O. Box 372, Fullondale AL 35068</u> Phone: ___ Fax: <u>864-364-1629</u> E-mail: <input checked="" type="checkbox"/> Other: ___	Defendant's Attorney: <u>SG Court of Appeals</u> <u>James Victor McDee</u> Bar No. <u>N/A</u> Address: <u>P.O. Box 2125 Anderson SC 29622</u> Phone: ___ Fax: ___ E-mail: ___ Other: ___
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" 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: ___ Estimated Time Needed: ___ Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input checked="" type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<u>Dan Temple</u> <u>6/3/16</u> Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant Date submitted	
SECTION III: Motion Fee	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>2500</u> <u>Notice of answered appeal.</u> <input type="checkbox"/> EXEMPT: (check reason)	
<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, SCRCP) <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 checked="" type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: ___	JUDGE CODE <u>2131</u> Date: <u>4/22/16</u>
CLERK'S VERIFICATION	
Collected by: ___ Date Filed: ___ <input type="checkbox"/> MOTION FEE COLLECTED: \$ ___ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ ___	

FORM 7 ROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

RECEIVED

JUN 08 2016

SC Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
JUDGE CORDELL MADDOX JR. _____

APPELLATE CASE NO. 2016-001124

DAN TEMPLE #254316,

APPELLANT,

v.

OCONEE COUNTY SHERIFF DEPARTMENT, RESPONDENT.

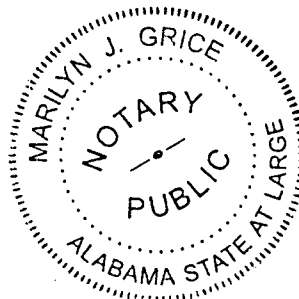
NOTICE OF AMENDED APPEAL

I certify that I have served the notice of amended appeal upon the respondent on June 3, 2016 by depositing a copy of it in the United States mail, postage prepaid on June---2016 to Respondent attorney P.O. Box 2125 Anderson S.C. 29691 by Mailing (1) one copy in an envelope properly addressed to each party with U.S. POSTAGE PREPAID THIS -----DAY OF JUNE 2016. SUCH MATTER BEING PETITIONED FOR NOTICE OF AMENDED APPEALS.

CC: SOUTH CAROLINA COURT
ADMINISTRATION.
CC: ATTORNEY RECORD JAME VICTOR
McDade, Esquire
CC: COURT OF APPEALS

Dan Temple JR
DAN TEMPLE JR.
P.O. BOX 372
FULTONDALE, AL 35068

Marilyn J. Grice
MCE : 8-4-2018



FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

RECEIVED

JUN 08 2016

SC Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

CORDELL MADDUX JR., Circuit Court Judge

Case No. 2016-001124

Appellant
DAN TEMPLE #254316, as
Personal Representative of the
Estate of
HATTIE MAE TEMPLE,

v.

Respondent
OCONEE COUNTY
SHERIFF DEPARTMENT
RESPONDENT,

PROOF OF SERVICE

I certify that I have served the Notice of amended appeal upon the respondent on June 3, 2016 by depositing a copy of it in the United States mail, postage prepaid on June 3, 2016 to Respondent attorney P.O. Box 2125 Anderson S.C. 29691 by Mailing (1) one copy in an envelope properly addressed to each party with U.S. POSTAGE PREPAID THIS 3rd DAY OF JUNE 2016. SUCH MATTER BEING PETITIONED FOR NOTICE OF AMENDED APPEALS.

CC: SOUTH CAROLINE COURT ADMINISTRATION
CC: ATTORNEY RECORD JAMES VICTOR
McDade, Esquire
CC: COURT OF APPEALS

Dan Temple JR
DAN TEMPLE JR.
P.O. BOX 372
FULTONDALE, AL 35068

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014-CP-37-00675

Dan Temple, Jr.

Oconee County Sheriff's Department

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (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. See Page 2 for additional information.
- 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.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

S/J. CORDELL MADDOX, JR.
 Circuit Court Judge

2131
 Judge Code

04/22/16
 Date

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 COUNTY OF OCONEE)
)
 Dan Temple # 254316,)
)
 Plaintiff,)
)
 vs.)
)
 Oconee County Sheriff's,)
 Department,)
)
 Defendant.)
 _____)

ORDER

2014-CP-37-00675

FILED OCONEE COUNTY, SC
 BEVERLY H. WHITFIELD
 CLERK OF COURT
 2016 APR 28 P 3:14

This matter came before me upon the Motion for Summary Judgment filed by the Defendant. The Defendant submitted the Affidavit of Captain Ken Washington of the Oconee County Sheriff's Department (Washington Aff. ¶ 1). Washington states that in 1997 Oconee County experienced a crack cocaine problem and, as a result, used an informant to attempt to buy drugs in the affected area (Washington Aff. ¶ 2). No specific person was targeted as a part of this investigation (Washington Aff. ¶ 2). Multiple arrests were made through the use of the informant, including the Plaintiff, who sold crack cocaine to the informant (Washington Aff. ¶ 3).

Plaintiff's arrest occurred in 1997 and Plaintiff was tried and convicted of crack cocaine distribution in the proximity of a school and the manufacture and distribution of crack 2nd offense in 1998 (Washington Aff. ¶ 7). Plaintiff received a 15 year sentence for crack distribution in the proximity of a school and a 20 year sentence on the manufacture and distribution of crack 2nd offense (Washington Aff. ¶ 7). The Defendant asserts that all of the events relating to the Plaintiff's arrest and prosecution occurred on or before 1998. The Defendant asserts that the applicable statute of limitations under the South Carolina Tort

Claims Act is two years and that Plaintiff's Complaint was filed well outside that time limit. The Defendants further assert that the prosecution of the case, which the Plaintiff complains of, was not done by the Anderson County Sheriff's Office, but by the 10th Circuit Solicitor's Office. The Defendant asserts that it is entitled to Summary Judgment. I agree.

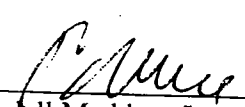
SC Code Ann. § 15-78-110 provides a two year statute of limitations for claims brought against governmental agencies. That section applies in this case. As Plaintiff did not bring this action until 2014, well after the statute of limitations had run, the Defendant is entitled to summary judgment on this issue.

It is also clear that the trial docket and control of a criminal prosecution rests with the Solicitors Office. "In every criminal prosecution the responsibility for the conduct of the trial is upon the solicitor and he must and does have full control of the State's case." State v. Addis 186 S.E. 2d 415, 417 (1972).

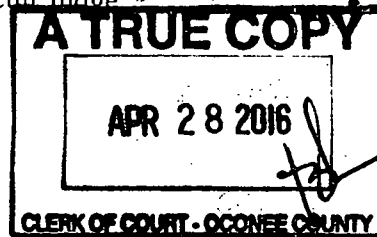
Now therefore, it is ordered, adjudged and decreed that Defendant's Motion for Summary Judgment is granted.

IT IS SO ORDERED.

Dated: 4/22, 2016



J. Cordell Maddox, Jr.
Circuit Judge



2016 APR 28 P 3:14

FILED OCONEE COUNTY, SC
BEVERLY H. WHITEFIELD
CLERK OF COURT