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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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SC Court of Appeals

APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS

The Honorable J. Cordell Maddox, Circuit Court Judge

Appellate Case No.: 2016-001124

Dan Temple,

Appellant,

v.

Oconee County Sheriff's Department,

Respondent.

**RESPONDENT'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Dan Temple
P.O. Box 901
Fultondale, AL 35068
Pro Se Appellant

J. Victor McDade
P.O. Box 2125
Anderson, SC 29622
(864) 224-7111
Attorney for Respondent

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Respondent hereby designates the following documents be included in the Record on Appeal, in addition to the materials already designated by Appellant:

1. Answer;
2. Motion for Summary Judgment.

Respectfully submitted,



J. Victor McDade
Doyle, Tate & McDade, P.A.
P.O. Box 2125
Anderson, SC 29622
(864) 224-7111
ATTORNEY FOR RESPONDENT

This 9th day of February, 2017.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF OCONEE)

Dan Temple, Jr. # 254316,)
)
Plaintiff,)
)
vs.)
)
Oconee County Sheriff's Department,)
)
Defendant.)
_____)

ANSWER TO COMPLAINT

2014-CP-37-0675

Jury Trial Demanded

JAN - 5 A 10: 07

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

The Defendant, Oconee County Sheriff's Department, responding to the Complaint of the Plaintiff, would respectfully show unto the Court and allege:

FOR A FIRST DEFENSE

I.

The Defendant would deny each and every allegation of the Plaintiff's Complaint not herein specifically admitted, modified or explained.

II.

That the Complaint fails to state a cause of action against the Defendant.

FOR A SECOND DEFENSE

III.

The preceding allegations are incorporated herein and made a part of this defense.

IV.

That the Plaintiff did not file and serve this action within the applicable statute of limitations.

FOR A THIRD DEFENSE

V.

The preceding allegations are incorporated herein and made a part of this defense.

VI.

The Defendant would admit that the South Carolina Tort Claims Act (SCTCA) applies to this case and that the Defendant is a governmental entity under SCTCA.

VII.

The Defendant would admit that the Plaintiff was convicted of distribution of crack cocaine in proximity to a school and the manufacture/distribution of crack cocaine-2nd offense and is presently serving his sentence within the South Carolina Department of Corrections. The Defendant would further admit that an informant bought drugs from the Plaintiff which was a part of the basis for Plaintiff's conviction.

VIII.

The Defendant would admit that it provided the Plaintiff with all of the information required under the law. The Defendant has no knowledge of any recent efforts of the Plaintiff and would, therefore, deny the same and demand strict proof thereof.

IX.

The Defendant would deny the remaining allegations of the Plaintiff's Complaint

FOR A FOURTH DEFENSE

X.

The preceding allegations are incorporated herein and made a part of this defense.

XI.

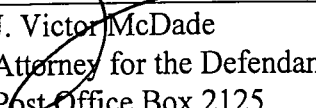
The Defendant would plead the provisions of the South Carolina Tort Claims Act (SCTCA) including, but not limited to:

- (a) The immunities under § 15-78-60(1), (2), (4), (5) and (25);
- (b) Punitive damages are not available against this Defendant pursuant to S. C. Code Ann. §15-78-120; and
- (c) Plaintiff failed to file and serve this action within the two year statute of limitations as set forth in S.C. Code Ann. §15-78-110.

Wherefore, having fully answered, the Defendant prays that the Complaint of the Plaintiff be dismissed, for costs, and for such other and further relief as the Court may deem just and proper.

DOYLE, TATE & MCDADE, P. A.

By:



J. Victor McDade
Attorney for the Defendant
Post Office Box 2125
Anderson, SC 29622
(864) 224-7111

Dated: January 2, 2015

STATE OF SOUTH CAROLINA)

) IN THE COURT OF COMMON PLEAS

COUNTY OF OCONEE)

Dan Temple, Jr. # 254316,)

) MOTION FOR SUMMARY JUDGMENT

Plaintiff,)

vs.)

2014-CP-37-0675)

Oconee County Sheriff's Department,)

Defendant.)

TO: DAN TEMPLE, JR., #254316, PLAINTIFF PRO SE

PLEASE TAKE NOTICE that the Defendant, Oconee County Sheriff's Department, by and through its undersigned attorney, will move, pursuant to Rule 56(b) of the South Carolina Rules of Civil Procedure, before the Presiding Judge of the Common Pleas Court for Anderson County at such time as the Court may direct, for an Order entering Summary Judgment in favor of this Defendant, thus dismissing with prejudice, the Plaintiff's Complaint as to the Defendant.

DOYLE, TATE & MCDADE, P.A.

By: _____

J. Victor McDade
Attorney for the Defendant
Post Office Box 2125
Anderson, SC 29622
(864) 224-7111

Dated: 7/24, 2015.

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT
2015 JUL 28 P 12:47

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF OCONEE)	
Dan Temple, Jr. # 254316,)	
)	CERTIFICATE OF SERVICE
Plaintiff,)	
)	
vs.)	
)	2014-CP-37-0675
Oconee County Sheriff's Department,)	
)	
Defendants.)	

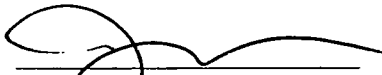
2015 JUL 28 P 12:47

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

I, J. Victor McDade, of the law firm of Doyle, Tate & McDade, P.A., attorney for the Defendant, do certify that I have served the Defendant's Motion for Summary Judgment on the Plaintiff by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Dan Temple, Jr., # 254316
Turbeville Correctional Institution
Post Office Box 252
Turbeville, South Carolina 29162

DOYLE, TATE & MCDADE, P. A.

By: 
 J. Victor McDade
 Attorney for the Defendant
 Post Office Box 2125
 Anderson, SC 29622
 (864) 224-7111

Dated: 7/28, 2015

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS

The Honorable J. Cordell Maddox, Circuit Court Judge

Appellate Case No.: 2016-001124

Dan Temple,

Appellant,

v.

Oconee County Sheriff's Department,

Respondent.

PROOF OF SERVICE

Dan Temple
P.O. Box 372
Fultondale, AL 35068
Pro Se Appellant

J. Victor McDade
P.O. Box 2125
Anderson, SC 29622
(864) 224-7111
Attorney for Respondent

Pursuant to Rule 209(a) of the South Carolina Appellate Court Rules, I hereby certify that on the 9th day of February, 2017, I deposited into the United States Mail, first-class postage paid, an original of Respondent's Designation of Matter to be Included on Appeal, addressed to the pro se Appellant at his address of record, as set forth on the cover sheet hereto.

Respectfully submitted,



J. Victor McDade
Doyle, Tate & McDade, P.A.
P.O. Box 2125
Anderson, SC 29622
(864) 224-7111
ATTORNEY FOR RESPONDENT

DOYLE, TATE & McDADE, P.A.
Attorneys at Law
201 North Main Street, Suite 400
Post Office Box 2125
Anderson, South Carolina 29622

CARY C. DOYLE (1931-2012)
RAYMOND A. TATE, JR. (1954-2013)
J. VICTOR McDADE

Phone: 864.224.7111
Fax: 864.226.1517
E-mail (McDade): jvmcdade@dotmlaw.com

February 9, 2017

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FEB 13 2017

SC Court of Appeals

Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

IN RE: • **Dan Temple v. Oconee County Sheriff's Dept.**
• **Appellate Case No.: 2016-001124**

Dear Clerk of Court,

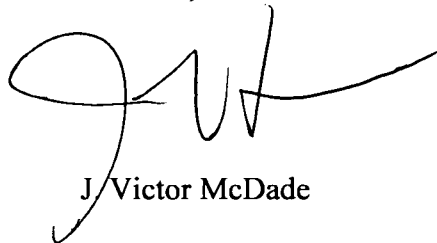
Enclosed please find an original and one copy of the *Respondent's Brief and Respondent's Designation of Matter to be included in the Record of Appeal* along with the accompanying *Certificate of Service* for the above referenced matter. Please file the original, and return a certified copy to my office in the enclosed self addressed stamped envelope.

If you have any questions, please don't hesitate to contact me.

Best regards.

Very truly yours,

DOYLE, TATE & McDADE, P.A.



J. Victor McDade

JVM/mw
encl.

DOYLE, TATE & McDADE, P.A.
ATTORNEYS AT LAW
Post Office Box 2125
ANDERSON, SOUTH CAROLINA 29622

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