

RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In the Court Of Appeal
APPEAL FROM Newberry COUNTY
Frank R. Addy, Circuit Court Judge
Appellant C/A 2014-002532

RECEIVED
MAY 23 2017
SC Court of Appeals

Anthony Derone Richardson,

. Appellant,

v.

Jackie Swindler chief of Police

Newberry County Municipal Police

Respondent.

MOTION FOR LEAVE TO FILE LATE
& SUPPLEMENT RECORD OF APPEAL

Anthony Derone Richardson Pro. Se
P.O. Box 221
Newberry, SC 29108
Appellant

AM date *5-17-17*

Morrison Law Firm
7453 Irmo, Drive Suite B
Columbia, SC, 29212
(803) 661-6285
Attorney for Respondent

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS

CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX
11629
COLUMBIA, SOUTH CAROLINA
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COLUMBIA, SOUTH CAROLINA
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May 11, 2017

Anthony Derone Richardson
P.O. Box 221
Newberry SC 29210

Re: Anthony D. Richardson v. Jackie Swindler Appellate Case No.
2014-002532

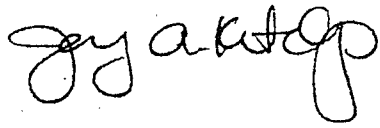
Dear Mr. Richardson:

This office received your filing on May 4, 2017. The documents are not accepted as the supplemental record on appeal as required by the Court's March 24, 2017, order as they are not in compliance with court rules. The following 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 or your appeal will be dismissed:

- The binding does not comply with Rule 267(d), SCACR. All copies are completely unbound, divided only by single sheets of paper.
- The document is improperly paginated. Specifically, it is not paginated.
- It has no index.

- The caption/title does not comply with Rule 267(a), SCACR. Specifically, there is no caption or cover page.
- The document is not accompanied by the required certificate of counsel.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- Your supplemental record is considered late as it was due to have been served and filed by May 3, 2017. It was not accepted as filed. Therefore, you must file a motion to serve and file the supplemental record on appeal out of time. The filing must be in compliance with Rule 210 and Rule 267 of the SCACR or your supplemental record on appeal will not be accepted as filed.

Very truly yours,



CLERK

cc: Kassi B. Sandifer, Esquire
David Leon Morrison, Esquire
Robert G. Cooper, Esquire

Defendant Answer

STATE OF SOUTH CAROLINA)

COUNTY OF NEWBERRY)

Anthony Derone Richardson,)

Plaintiff,)

v.)

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

Defendant.)

IN THE COURT OF COMMON PLEAS

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

ANSWER
(Jury Trial Demanded)

FILED
2013 JUL 22 4:25 PM
CLERK OF COURT

The Defendant answers the Complaint of the Plaintiff as follows:

FOR A FIRST DEFENSE

1. The Summons and Complaint fails to state facts sufficient to state a cause of action. The Defendant reserves the right to file a motion pursuant to Rule 12(b)(6), SCRPC.

FOR A SECOND DEFENSE

2. The Defendant denies each and every allegation of the Plaintiff's Complaint not hereinafter specifically admitted.

3. The paragraphs in the Plaintiff's Complaint are not properly enumerated, and therefore, the Defendant denies the material allegations in the section of the Plaintiff's Complaint entitled "Jurisdictional Basis."

4. The paragraphs in the Plaintiff's Complaint are not properly enumerated, and therefore, the Defendant denies the material allegations in the section of the Plaintiff's Complaint entitled "Factual Background."

5. The paragraphs in the Plaintiff's Complaint are not properly enumerated, and therefore, the Defendant denies the material allegations in the Plaintiff's Complaint.

FOR A THIRD DEFENSE

6. The Defendant at no time violated any clearly established constitutional rights which were known or should have been known to him, and therefore, he is entitled to immunity.

FOR A FOURTH DEFENSE

7. The actions of the Defendant were objectively reasonable in light of the existing law, and therefore, he is entitled to immunity.

FOR A FIFTH DEFENSE

8. The Plaintiff's claims are barred by the Doctrine of Heck v. Humphrey.

FOR A SIXTH DEFENSE

9. The Defendant is entitled to immunity from suit and liability under the Doctrine of Sovereign Immunity.

FOR A SEVENTH DEFENSE

10. The Defendant is immune from suit for punitive damages.

FOR AN EIGHTH DEFENSE

11. The Defendant was acting in the course and scope of his employment and/or was acting good faith, without bad faith or malice, and therefore, is entitled to qualified immunity from suit.

FOR A NINTH DEFENSE

12. The Defendant is entitled to immunity pursuant to the South Carolina Tort Claims Act as a bar to Plaintiff's claims.

FOR A TENTH DEFENSE

13. The Defendant is immune from suit pursuant to the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-70.

FOR AN ELEVENTH DEFENSE

14. The Defendant is immune from suit pursuant to the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-40.

FOR A TWELFTH DEFENSE

15. The Defendant is immune from suit pursuant to the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-50.

FOR A THIRTEENTH DEFENSE

16. This Defendant alleges that the Plaintiff's claim for punitive damages violates both the Fourteenth Amendment of the United States Constitution and Article I, Section 3 of the South Carolina Constitution in one or more of the following particulars:

- (a) That the jury's unfettered power to award punitive damages in any amount it chooses is wholly devoid of a meaningful standard and is inconsistent with due process guarantees.
- (b) That, even if a standard governing the award of punitive damages does exist, this standard is void for vagueness.
- (c) That the amount of punitive damages awarded is based upon the wealth of the Defendants in violation of their right to equal protection of the laws.

FOR A FOURTEENTH DEFENSE

17. That this Defendant would show that an award of punitive damages violates the Fifth, Sixth and Fourteenth Amendments of the United States Constitution and Article I, Section 3, of the South Carolina Constitution in that:

- (a) The judiciary's ability to correct a punitive damage award only upon a finding of passion, prejudice or caprice is inconsistent with due process guarantees;
- (b) Any award of punitive damages serving a compensatory function is inconsistent with due process guarantees;
- (c) Any award of punitive damages based upon the wealth of the Defendant violates due process guarantees;

- (d) The jury's unfettered power to award punitive damages in any amount it chooses is wholly devoid of meaningful standards and is inconsistent with due process guarantees;
- (e) Even if it could be argued that the standard covering the imposition of punitive damages exists, the standard is void for vagueness; and
- (f) The Plaintiff's claim for punitive damages violates the equal protection clause of the Fourteenth Amendment of the United States Constitution and Article I, Section 3 of the South Carolina Constitution in that the amount of punitive damages is based upon the wealth of the Defendant.

In addition, the Plaintiff's claim for punitive damages violates the Federal Doctrine of Separation of Powers and Article I, Section 8, of the South Carolina Constitution for the reason that punitive damages are a creation of the judicial branch of government which invades the province of the legislative branch of government.

FOR A FIFTEENTH DEFENSE

18. This Defendant is immune from suit pursuant to the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-60(1).

FOR A SIXTEENTH DEFENSE

19. This Defendant is immune from suit pursuant to the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-60(2).

FOR A SEVENTEENTH DEFENSE

20. This Defendant is immune from suit pursuant to the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-60(3).

FOR AN EIGHTEENTH DEFENSE

21. This Defendant is immune from suit pursuant to the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-60(4).

FOR A NINETEENTH DEFENSE

22. This Defendant is immune from suit pursuant to the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-60(5).

FOR A TWENTIETH DEFENSE

23. This Defendant is entitled to the protections of the limitations on recovery contained in the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-120.

FOR A TWENTY-FIRST DEFENSE

24. This Defendant is immune from suit for punitive damages pursuant to South Carolina common law and the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-120.

FOR A TWENTY-SECOND DEFENSE

25. The Defendant pleads waiver as a defense and bar to the Plaintiff's claims.

FOR A TWENTY-THIRD DEFENSE

26. Upon information and belief, the Summons and Complaint were not properly served, and therefore, Plaintiff's claims should be dismissed. The Defendant reserves the right to file an appropriate motion contesting proper service.

WHEREFORE, having fully answered the Complaint of the Plaintiffs, the Defendants pray that the Complaint be dismissed with prejudice, for the costs of this action, and for such other and further relief as the Court deems just and proper.

MORRISON LAW FIRM, LLC

By: Kassi B. Sandifer

David L. Morrison, Esquire,
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ATTORNEY FOR THE DEFENDANTS

Columbia, South Carolina

July 19, 2013

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David L. Morrison*
Kassi B. Sandifer

*Licensed in SC & NC
*Certified Mediator

July 19, 2013

The Honorable Jackie S. Bowers
Clerk of Court, Newberry County
Post Office Box 278
Newberry, South Carolina 29108

RE: Anthony Derone Richardson v. Jackie Swindler, Chief of Police, Newberry County
Municipal Police
C/A #: 13-CP-36-00321
Date of Incident: 2/2/13
Claim #: SF-13-0467
Our file: 210.0411

Dear Clerk Bowers:

Enclosed is the original and one copy of the Defendant's Answer 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 Plaintiff with a copy of same.

Very truly yours,

MORRISON LAW FIRM, LLC

Kassi B. Sandifer

Kassi B. Sandifer

KBS/cmm

Enclosure

7/22/13 copies returned via USPS.

2013 JUL 22 4 55 PM
CLERK OF COURT
NEWBERRY COUNTY

Defendant Memorandum In Support of
Motion for Summary Judgment

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

Anthony Derone Richardson,

Plaintiff,

v.

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

Defendant.

IN THE COURT OF COMMON PLEAS

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

**DEFENDANT'S MEMORANDUM IN
SUPPORT OF MOTION FOR SUMMARY
JUDGMENT**

FILED
NEWBERRY COUNTY
2014 SEP 8 PM 1:39
JACKIE S. SWINDLER
CLERK OF COURT

This memorandum is filed in support of Defendant Jackie Swindler's Motion for Summary Judgment previously filed with the Court.

I. FACTUAL BACKGROUND

On or about October 15, 2008, the Plaintiff was involved in an incident that occurred at Quick Stop located at 1430 Drayton Street in Newberry, South Carolina. (Deposition of Anthony Richardson, ("Plaintiff's Dep.," pp. 7-8)).¹ As a result of the incident, the owner of the establishment placed the Plaintiff on a trespass notice, which the Plaintiff admittedly received. (Plaintiff's Dep., p. 9); (See also, Trespassing Notice, Exhibit 2 to Plaintiff's Dep., attached hereto as Exhibit 2). In the notice, the owner of Quick Stop informed the Plaintiff that he was no longer allowed on the property located at 1430 Drayton Street, Newberry, South Carolina known as Quick Stop. (Plaintiff's Dep., p. 10); (See also, Exhibit 2).

Although the Plaintiff never received notification that the trespass notice had been withdrawn, he returned to the Quick Stop property on or about December 11, 2012. (Plaintiff's Dep., pp. 11, 33-34). The Plaintiff was consequently issued a citation for trespass after notice.

¹ All excerpts from the Deposition of Anthony Richardson are attached hereto as Exhibit 1).

(Plaintiff's Dep., pp. 21, 33); (See also, City of Newberry Incident Report, Exhibit 3 to Plaintiff's Dep., attached hereto as Exhibit 3).

On or about February 2, 2013, the Plaintiff appeared before Judge Partridge and pled not guilty to the offense of trespass after notice and requested a jury trial. (Plaintiff's Dep., pp. 20-21, 25). The Plaintiff received a letter to appear at the Public Safety Complex on February 20, 2013 at 2:30 p.m. for jury selection. (Plaintiff's Dep., p. 23); (See also, Letter dated February 7, 2013 from Cella Dodgen to the Plaintiff, Exhibit 6 to Plaintiff's Dep., attached hereto as Exhibit 4). The Plaintiff appeared at the Public Safety Complex and met with Chief Swindler. (Plaintiff's Dep., pp. 26-27). The events that occurred during that meeting are disputed. However, it is undisputed that the Plaintiff signed a form pleading guilty and agreeing to pay \$250.00 by March 15, 2013. (Plaintiff's Dep., p. 32); (See also, Exhibit 7 to Plaintiff's Dep., attached hereto as Exhibit 5).

The Plaintiff did not pay the \$250.00 fine for his trespass after notice offense, and the City of Newberry sent the Plaintiff a notice advising that his payment was delinquent and that failure to make the payment in ten days would result in the issuance of a bench warrant against him. (Exhibit 5 to Plaintiff's Dep., attached hereto as Exhibit 6). The Plaintiff ultimately paid the fine on May 6, 2013 after learning a bench warrant had been issued against him. (Plaintiff's Dep., p. 62); (See also, Exhibit 9 to Plaintiff's Dep., attached hereto as Exhibit 6).

On June 24, 2013, the Plaintiff filed a Complaint against Chief Swindler pursuant to 42 U.S.C. §1983 alleging that Chief Swindler violated his procedural due process right to a jury trial by "waiving" that right on behalf of the Plaintiff. (See Plaintiff's Complaint); (See also, Plaintiff's Dep., pp. 30, 50-51, 53, 66-68). However, sometime within one month before or after filing his Complaint in civil court, the Plaintiff also filed a petition for post conviction relief

arising out of the alleged procedural due process violation and subsequent conviction. (Plaintiff's Dep., pp. 63-64). The Plaintiff's appeal is still pending. The Defendant moves for summary judgment on the grounds that there is no deprivation of the Plaintiff's right to a jury trial and that the Plaintiff is barred from bringing the present civil suit unless and until his conviction is overturned.

II. ARGUMENT

A. *THE PLAINTIFF HAS NOT SUFFERED AND WILL NOT SUFFER A DEPRIVATION OF HIS RIGHT TO A JURY TRIAL.*

The Plaintiff filed a petition for post conviction relief contesting his conviction in the underlying criminal case, and the appeal is currently pending. The Plaintiff's appeal challenges the process by which his criminal conviction was obtained; specifically, whether his right to a jury trial was violated. That is the exact issue that forms the basis of the present civil lawsuit he filed in State Court pursuant to 42 U.S.C. § 1983. However, because the issue is currently under appeal, there has not been a deprivation of the Plaintiff's right to a jury trial at this time. Furthermore, regardless of whether or not the Court of Appeals determines the Plaintiff's right to a jury trial was violated, there still will be no deprivation of the right to a jury trial. If the Court of Appeals determines the Plaintiff was entitled to a jury trial in the underlying criminal case, he will be allowed to have a jury trial on the matter.

If, on the other hand, the Court of Appeals determines he was not entitled to a jury trial, then there can be no deprivation of a right to which he was not entitled. In other words, depending on the determination of the Court of Appeals, the Plaintiff will either get the remedy he is seeking, which is his right to a jury trial, or the conviction will stand, which is tantamount to a determination that there was no violation of his right to a jury trial. In either event, there is no deprivation of his right to a jury trial.

B. THE PLAINTIFF'S CLAIM PURSUANT TO 42 U.S.C. §1983 FOR VIOLATION OF HIS DUE PROCESS RIGHT TO A TRIAL BY JURY IS BARRED BY HECK V. HUMPHREY

The Plaintiff's claim is barred by *Heck v. Humphrey*, 517 U.S. 477 (1994). The Plaintiff filed his Complaint pursuant to 42 U.S.C. § 1983 for the alleged violation of his procedural due process right to a jury trial. He is seeking monetary damages in the amount of \$4,000,000 for this alleged violation. In *Heck*, the United States Supreme Court held that:

[i]n order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a §1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus. A claim for damages bearing relationship to a conviction or sentence that has not been so invalidated is not cognizable under § 1983.

512 U.S. @486-87. The Supreme Court established a test to determine the appropriateness of the dismissal of a § 1983 suit seeking damages. When damages in a § 1983 are being sought, the Court "must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated." *Id.* However, if the Court determines that, even if successful, the plaintiff's action will not demonstrate the invalidity of any outstanding criminal judgment against the plaintiff, the action should be allowed to proceed, in the absence of some other bar to the suit. *Id.*

The Supreme Court's ruling echoes the "strong judicial policy against the creation of two conflicting resolutions arising out of the same or identical transaction." *Id.* at 485. Furthermore, it prevents a convicted criminal defendant the opportunity to collaterally attack the conviction by way of civil suit. *Id.*

The Plaintiff's appeal of his criminal conviction challenges the process by which his conviction was obtained. A judgment for the Plaintiff in this civil lawsuit would necessarily imply the invalidity or wrongfulness of his conviction in the underlying criminal matter. The Plaintiff is claiming that the violation of his constitutional right to a jury trial led to his conviction. A judgment in favor of the Plaintiff in this case is tantamount to a finding that the Plaintiff was deprived of a right to a jury trial, and consequently, that the conviction is invalid.

Since the Plaintiff's appeal is still pending, the conviction has not been reversed on direct appeal, expunged by executive order or declared invalid by a state tribunal authorized to make such determination. As a result, according to *Heck*, the Plaintiff's claim for monetary damages is not cognizable under § 1983, and therefore, should either be dismissed unless or until the conviction is reversed, expunged or invalidated or stayed pending resolution of the underlying criminal matter. *Wallace v. Kato*, 549 U.S. 384, 393-94 (2007).

III. CONCLUSION

For the foregoing reasons, the Defendant respectfully requests that his Motion for Summary judgment be granted in its entirety.

(Signature on Following Page)

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
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ATTORNEYS FOR THE DEFENDANT

Columbia, South Carolina

September 5, 2014

STATE OF SOUTH CAROLINA)

COUNTY OF NEWBERRY)

Anthony Derone Richardson,)

Plaintiff,)

v.)

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

Defendant.)

IN THE COURT OF COMMON PLEAS

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

CERTIFICATE OF SERVICE

The undersigned employee of Morrison Law Firm, LLC, attorney for the Defendant does hereby certify that service of the **Defendant's Memorandum In Support of Motion and 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 5th day of September, 2014, addressed as follows:

Anthony Derone Richardson
914 Gray Street
Newberry, South Carolina 29108

Callie M. Morrison
Callie M. Morrison

Columbia, South Carolina

FILED
NEWBERRY COUNTY, SC
2014 SEP 8 PM 12 39
JACKIE S. SWINDLER
CLERK OF COURT

Deposition Transcript

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1 State of South Carolina)
2 County of Newberry)
3) 13-CP-36-00321
4 Anthony Derone Richardson,)
5 Plaintiff,)
6 vs.) Deposition
7 Jackie Swindler, Chief of) of
8 Police, Newberry County) Anthony Richardson
Municipal Police,)
9 Defendant.)

10 Deposition of Anthony Richardson, taken before
11 Vickie M. Hester, a notary public in and for the State
12 of South Carolina, commencing at the hour of 10:07 a.m.,
13 Monday, March 24, 2014, at Lake & Lake Attorneys, LLC,
14 1325 Main Street, Newberry, South Carolina.

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16 Reported by
17 Vickie M. Hester
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APPEARANCES

For the Plaintiff: Plaintiff Appearing Pro Se

For the Defendant: Kassi B. Sandifer, Esq.
Morrison Law Firm, LLC
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212

Also present: Delinda Turner

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Stipulations: 3
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EXHIBITS

Defendant's Exhibit No. 1, 10/15/08 Incident Report. 7

Defendant's Exhibit No. 2, Trespass Notice. 8

Defendant's Exhibit No. 3, 12/11/12 Incident Report. 11

Defendant's Exhibit No. 4, Complaint. 14

Defendant's Exhibit No. 5, Letter from City of Newberry Regarding Delinquent Payment. 23

Defendant's Exhibit No. 6, Letter Regarding Jury Selection. 23

Defendant's Exhibit No. 7, Handwritten Statement. 28

Defendant's Exhibit No. 8, 6/24/13 Receipt for Payment of Fine. 62

Defendant's Exhibit No. 9, 5/8/13 Receipt for Payment of Fine. 63

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STIPULATIONS

It is stipulated by and between counsel for the respective parties that all objections are reserved until the time of trial, except as to the form of the questions.

This deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

- - - - -

The reading and signing of this deposition is not waived by the deponent and counsel for the respective parties.

Whereupon,

Anthony Richardson, being duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MS. SANDIFER:

Q. Mr. Richardson, my name is Kassi Sandifer, and I am here on behalf of Jackie Swindler. I'm representing him along with David Morrison. And I am here to depose you regarding your complaint and the allegations you've alleged in your complaint. Have you ever had your deposition taken before?

A. No.

1 Q. Okay. Well, the court reporter is here. It's kind
2 of like testifying at trial. You're sworn to tell
3 the truth. The court reporter is here to take down
4 everything that you say. You're representing
5 yourself, yes?

6 A. Yes.

7 Q. Okay. If I ask you a question that requires a yes
8 or no answer, if you would simply say yes or no
9 instead of uh-huh or huh-uh. That way, the -- the
10 court reporter can take down a good record. If you
11 don't understand a question that I ask you, let me
12 know, and I'll rephrase it. If you go ahead and
13 answer it, I'm going to assume that you understood
14 it. Is that fair?

15 A. I understand.

16 Q. Okay. All right. Go ahead and give me your full
17 name.

18 A. Anthony Derone Richardson.

19 Q. Have you ever gone by a different name?

20 A. No.

21 Q. Okay. What is your date and place of birth?

22 A. Newberry here. Newberry, South Carolina.

23 Q. And when were you born?

24 A. 7/24/73.

25 Q. Seven what?

1 A. Twenty-four, '73.

2 Q. Okay. What is your present address?

3 A. 914 Gray Street, Newberry, South Carolina.

4 Q. How long have you lived there?

5 A. About ten years.

6 Q. Okay. Who lives there with you?

7 A. I object. That's irrelevant.

8 Q. I guess you can object. I mean, --

9 A. I object. It is irrelevant to who --

10 Q. Basically I can ask you anything I want to, and

11 you're required to answer.

12 A. I object. It is irrelevant.

13 Q. How about a former address?

14 A. I don't remember.

15 Q. Have you ever lived at 521 Brantley Street?

16 A. Yes.

17 Q. Okay. Do you recall when you lived there?

18 A. I can't remember.

19 Q. Do you think you lived there around 2008?

20 A. I don't -- I don't remember. Exact date I don't

21 remember.

22 Q. Do you have any relatives in Newberry County that

23 go by the name -- a different name other than

24 Richardson?

25 A. I object. It is irrelevant to why we're here.

1 Q. Well, actually it's not irrelevant. Because when
2 this case goes to trial we're going to select a
3 jury. And we certainly don't want your relatives
4 sitting on the jury.

5 A. Can you clarify it?

6 Q. Yeah. If you have relatives with a last name other
7 than Richardson that are over the age of 18 that
8 can be put on a jury that are in Newberry County, I
9 need to know their last names. I'm assuming Turner
10 is one.

11 A. I object because it's irrelevant to why we're here.
12 I object. It's irrelevant to the reason why we're
13 here. We're at a deposition.

14 Q. We're at a deposition to take down your testimony
15 as to what happened and to find out about you. And
16 this case will go to trial. And when it does,
17 we're going to pull -- we're going to select a
18 jury. And I have the right to know if you have
19 relatives that could sit on the jury, just like you
20 have the right to know if Chief Swindler has
21 relatives that could sit on the jury.

22 A. I object. It is irrelevant to why we're here.
23 That's my answer. Asked and answered. I object.
24 I asked and answered the question.

25 Q. Okay. Have you ever been arrested?

1 A. It's irrelevant. I object once again. It's
2 irrelevant to why we're here. Irrelevant to the
3 reason, the purpose is --

4 Q. No, it's not.

5 A. -- the state claim -- I object. It's irrelevant to
6 why I'm here.

7 Q. Are you going to do this the whole entire time, or
8 are you going to answer my questions that I'm
9 entitled to know?

10 A. I object. It's irrelevant to why we're here.

11 Q. Okay. Are you familiar with the Quick Stop on
12 Peyton Street in Newberry?

13 A. Yes.

14 Q. All right. Do you know who owns that Quick Stop?

15 A. No.

16 Q. All right. Do you recognize the name Shefchick?

17 A. I don't know him.

18 Q. All right. Let me make this an exhibit.

19 (Defendant's Exhibit Number 1
20 Marked)

21 EXAMINATION BY MS. SANDIFER RESUMED:

22 Q. I'm showing you what's been marked as Exhibit 1, if
23 you want to go ahead and take a look at that. Were
24 you involved in an incident at the Quick Stop on
25 October 15th, 2008?

1 A. I don't remember the date. But I recall the
2 incident.

3 Q. Okay. And as a result -- let me go ahead and show
4 you Exhibit 2 of that incident.

5 (Defendant's Exhibit Number 2
6 Marked)

7 EXAMINATION BY MS. SANDIFER RESUMED:

8 Q. You were put on a trespass notice, right?

9 A. Yes.

10 Q. Yes?

11 A. Yes, I was.

12 Q. And that trespass notice was served on you at your
13 home, right?

14 A. I object to leading the plaintiff.

15 Q. Was the trespass notice served on you at your home?

16 A. Once again, I object to leading the plaintiff.

17 Q. That's not a leading question.

18 A. I object -- the plaintiff object on these terms --
19 the deposition on the grounds that it is vague,
20 unclear, unspecific. There's no answer that can be
21 fashioned.

22 Q. Did you receive that trespass notice that's Exhibit
23 2?

24 A. Could you rephrase the question?

25 Q. Did you know -- all right, let's read -- let's read

1 the trespass notice together. It's addressed to
2 you, Anthony Richardson. And it says, "This letter
3 is to advise you, Anthony Richardson, that you are
4 no longer allowed on my property located at 1430
5 Drayton Street," which is the Quick Stop, "in the
6 City of Newberry. Should you violate this notice
7 and visit this property, you will be prosecuted for
8 trespassing after notice." And it's signed. Did
9 you receive this trespass notice?

10 A. I object to you -- rephrase the question you want
11 me to answer first.

12 Q. Yeah. Did you receive this trespass notice, this
13 Exhibit 2? Did you receive this?

14 A. Yes, I received it.

15 Q. Okay. So you knew you were not supposed to go on
16 the property at 1430 Drayton Street in the City of
17 Newberry?

18 A. I don't think I remember exactly. Could --

19 Q. Can you read?

20 A. I object. The question is irrelevant.

21 Q. No, it's not. Can you read? Were you able to read
22 this trespass notice?

23 A. Yeah, I can read. Yes. Yes, I can read it.

24 Q. Okay. So you knew you weren't supposed to go on
25 the property, right?

1 A. I don't quite -- could you clarify your question a
2 little bit? I don't quite understand what -- I
3 object. It's -- to be it's leading the plaintiff.
4 So I object to the question as leading. It's a
5 leading question, trying to lead me to incriminate
6 myself. So I object.

7 Q. Do you agree that this trespass notice that I just
8 showed you as Exhibit 2 says, "This letter is to
9 advise you, Anthony Richardson, that you are no
10 longer allowed on my property located at 1430
11 Drayton, (Quick Stop)" in parentheses, "in the City
12 of Newberry?"

13 A. I object. I asked and answered the question.

14 Q. No, that's a totally different question.

15 A. I object. I asked and answered the question.

16 Q. All right. What does this paragraph -- I'm going
17 to mark it. What does this paragraph right here
18 say? Read that for me.

19 A. I object. You're leading the plaintiff once again.

20 Q. That's not a leading question. What does that that
21 I've marked say on Exhibit 2?

22 A. What does it say? "This letter is advising Anthony
23 Richardson that you are no longer allowed on my
24 property located at 1430 Drayton Street, Quick Stop,
25 in Newberry, South Carolina."

1 Q. Thank you. Did you ever receive any notice that
2 that trespass notice had been withdrawn?

3 A. No.

4 Q. Okay. And is it still active today?

5 A. I don't -- I don't remember.

6 Q. Okay. But you haven't received any notice that
7 it's been withdrawn?

8 A. Once again I object. I asked -- you asked it and I
9 answered the question.

10 (Defendant's Exhibit Number 3

11 Marked)

12 EXAMINATION BY MS. SANDIFER RESUMED:

13 Q. I'm showing you what's been marked as Exhibit 3.
14 And that's another incident report listing you as
15 the subject. And it's dated December 11th, 2012
16 where you were picked up for being on that
17 location. Do you recall being on that location?

18 A. Can you clarify that question?

19 Q. Yeah. Did you go back on the Quick Stop after the
20 trespass notice?

21 A. I object. Multiple questions. I object to
22 compound question.

23 Q. That's not a compound question.

24 A. I object because the question could mean more than
25 one -- or have more than one answer to the

1 question. That's why I object to a compound
2 question.

3 Q. It's either yes or no. Did you go on the property
4 -- on the Quick Stop property on December 11th,
5 2012?

6 A. I object. You're leading the plaintiff once again.

7 Q. That's a simple yes or no question.

8 A. I object. She's leading the plaintiff once again.

9 Q. Okay.

10 A. I object to this deposition on the grounds that it
11 is so vague, uncertain, ambiguous and no question
12 can be fastened hereto.

13 Q. Is there anything you disagree with in this
14 incident report that's Exhibit 3?

15 A. I object once again to leading the plaintiff.

16 Q. Did you --

17 A. Once again I object to this deposition on the
18 grounds that it is so vague, unspecific, ambiguous,
19 no question can be fastened hereto.

20 Q. It's a clear question. Did you go back on the
21 property that's the Quick Stop after October 15th,
22 2008?

23 A. I object to this deposition on the grounds that
24 this is so vague, unspecific, unclear, ambiguous,
25 unintelligible that no question could be fastened

1 hereto. I asked -- I object -- once again, I
2 asked, and I answered it.

3 Q. You didn't answer.

4 A. You asked and I answered.

5 Q. No, but you haven't --

6 A. I object.

7 Q. -- answered.

8 A. You asked and I answered the question.

9 Q. You will agree with me, will you not, that you were
10 picked up and arrested for trespassing on the Quick
11 Stop property in 2012?

12 A. I object. You asked. I answered.

13 Q. Okay.

14 A. I object to the deposition on the grounds that it
15 is so vague, unintelligible, unclear, unspecific no
16 answer can be responded or even fastened hereto.
17 You asked and I answered.

18 Q. Why are you suing Jackie Swindler?

19 A. I object. Once again you're leading the plaintiff.

20 Q. You -- did you file a lawsuit? Is this --

21 A. You asked -- I object on the behalf that you are
22 asking me to state factual background which I have
23 already stated, already stated in documents,
24 written in document with the factual background.
25 And my answer remains -- remains the same.

1 (Defendant's Exhibit Number 4
2 Marked)

3 EXAMINATION BY MS. SANDIFER RESUMED:

4 Q. All right. I'm showing you Exhibit 4. I want you
5 to flip through it because it's got attachments. I
6 want to make sure that this is everything that you
7 filed that you're representing is your complaint.

8 A. Yeah.

9 Q. Now, in it you say that you, as the plaintiff,
10 you're suing Jackie Swindler, Chief of Police,
11 Newberry County Municipal Police. Now, on this
12 it's not clear if you're suing just Jackie Swindler
13 as Chief of Police or if you're also suing Jackie
14 Swindler and the Police Department.

15 A. I object. It's a compound question. Multiple
16 question.

17 Q. Mr. Richardson, the defendant or defendants are
18 entitled to know who you're suing and what you're
19 suing them for. Now, you can keep doing this all
20 day long and I will move the court to compel you to
21 answer because there's nothing wrong with my
22 questions. So --

23 A. I object once again, as I stated in the factual
24 background, as I've said then, I say the same thing
25 now.

1 Q. Are you suing Jackie Swindler?

2 A. Yeah.

3 Q. Are you suing Newberry County -- or -- well, it
4 says Newberry County Municipal Police. But are you
5 suing the Police Department?

6 A. No, I -- no, I object. I'm suing Jackie Swindler,
7 --

8 Q. All right.

9 A. -- Chief of Police, according to the document. I
10 object. Once again you're leading the plaintiff
11 once again.

12 Q. Why are you suing Jackie Swindler?

13 A. I object to the deposition on the grounds that it
14 is so vague, unclear, unspecific, unintelligible,
15 ambiguous that no question can be fastened hereto.

16 Q. Okay. When we're at trial -- when this case goes
17 to trial, what are you going to tell the jury is
18 your reason for suing Jackie Swindler?

19 A. I object to this deposition on the grounds that it
20 is so vague, unspecific and your questions can't
21 receive answers from me.

22 Q. Yes, they can. Are you objecting to my questions
23 or to this whole deposition?

24 A. I'm objecting to the question and form.

25 Q. Okay. Can you tell me in your own words the reason

1 that you're suing Jackie Swindler?

2 A. I object to this deposition on the grounds that --
3 that is -- this question is so vague until there's
4 no response for me to give a response or even
5 answer to the question.

6 Q. Do you know what a lawsuit is?

7 A. Yeah.

8 Q. Okay. Tell me what a lawsuit is.

9 A. I object. You're leading the plaintiff once again.

10 Q. It's not a leading question.

11 A. I object. It's a tricky question.

12 Q. It's not a tricky question. You've filed a
13 lawsuit.

14 A. You asked -- I object. You asked and I answered
15 you.

16 Q. What are you alleging Jackie Swindler did to you?

17 A. I object to this deposition on the grounds that it
18 is so vague, unspecific, unclear no response can be
19 given.

20 Q. Your complaint, not including the attachments, is
21 five pages. Summarize what's in these five pages
22 for me.

23 A. I object that your question to this deposition on
24 the grounds that it is vague, unclear, unspecific
25 that no answer can be --

1 Q. What don't you understand --

2 A. -- received.

3 Q. -- about my questions?

4 A. I object that the question's tricky.

5 Q. They're not tricky. I -- Chief Swindler has the
6 right to know what you're suing him about so that
7 we can properly defend it.

8 A. As I have said in the factual background, I say the
9 same thing as today. It's already on file.

10 Q. Okay. Well, then I'm going to summarize it for
11 you. You tell me if I'm right or wrong. Because I
12 need to know every single basis for your lawsuit.
13 From what I gather in this five-page document,
14 you're suing him because he waived your right to a
15 jury. Is that one of the reasons?

16 A. Yes.

17 Q. Okay. That you're also suing him because he
18 conducted a bench trial --

19 A. Yeah.

20 Q. -- and found you guilty without a judge present?

21 A. I object. You're leading the plaintiff once again.

22 Q. No, I'm trying to figure out all the reasons that
23 you're suing Chief Swindler. And I can't tell it
24 from this five-page document. I need to make sure
25 I understand.

1 A. I object. It is a matter of the court to decide.
2 We're not in a trial. We're actually in a
3 deposition here. I object on behalf -- to the
4 deposition on the grounds that it's vague, no
5 answer can be -- can be received --

6 Q. No, it's not.

7 A. -- or given --

8 Q. No, it's not.

9 A. -- hereto.

10 Q. Okay. I know you've never had your deposition
11 taken before. But I'm allowed to ask you questions
12 about this lawsuit to find out what you're
13 alleging, the reasons you're alleging it and the
14 evidence you have to support what you're alleging.
15 And I need to understand and make sure I'm clear on
16 the grounds that you're suing Jackie Swindler on.

17 A. I object --

18 Q. It's not --

19 A. -- to multiple compound questions.

20 Q. Well, I'm actually -- this isn't a question. I'm
21 trying to explain the process to you. Because you
22 have the right to depose Jackie Swindler.

23 A. I object. It's argumentative. Being
24 argumentative. I object. For the record it is --
25 is argumentative.

1 Q. Aside from your allegation that Jackie Swindler
2 waived your right to a jury trial and conducted a
3 bench trial, is there anything else you're suing
4 him about?

5 A. I object to multiple questions. You asked two or
6 three questions in one.

7 Q. All right.

8 A. For the record, it could be -- mean more than one
9 thing. I object.

10 Q. Let me break it down. You're suing him because you
11 say he waived your right to a jury trial, right?
12 You just told me that, right?

13 A. Leading -- I object. You're leading the plaintiff
14 once again.

15 Q. Are you suing him because you believe he waived
16 your right to a jury trial?

17 A. I object. I am suing him what's in the factual
18 background. As I said then, as I'm saying the same
19 thing in the -- only in the factual background. I
20 object that you want me to narrate. I'm not -- I
21 object to the narration.

22 Q. Okay. Tell me what happened.

23 A. I object on the ground to the deposition that this
24 is so vague, unclear, unspecific that no response
25 could be fastened hereto.

1 Q. Tell me what happened that led to you suing Jackie
2 Swindler.

3 A. You asked -- I object. She asked. I answered.
4 Repeated question.

5 Q. All right. Your complaint states that on February
6 2nd, 2013 you were in court before Frank Partridge.
7 Is that true?

8 A. Can you clarify the question?

9 Q. Well, were you in court before Frank Partridge on
10 February 2nd, 2013?

11 A. That's right. Yes.

12 Q. What were you -- what were you there for?

13 A. As written in the complaint, "Anthony pleaded not
14 guilty to trespassing after notice."

15 Q. And did you get a ticket for the charge of trespass
16 after notice?

17 A. I object. It's a tricky question.

18 Q. It's not a tricky question. You said in your
19 complaint -- you've mentioned -- you referenced in
20 the second sentence --

21 A. I object. You asked and I answered you.

22 Q. I haven't -- you haven't answered this question.

23 A. I object. I stated for the record that it was
24 tricky. That is the answer. That's the answer.

25 Q. There's not an objection. That's not a ground.

1 Tricky is not a ground. And it's not tricky. You
2 say, "Anthony pled guilty to trespassing after
3 notice. Warrant Ticket Number 11842GF." Right?
4 Did you receive a ticket for trespass after notice?

5 A. Yeah.

6 Q. Okay. Do you still have that ticket?

7 A. Yes, I do. But I don't have it on file, no, right
8 here at the deposition.

9 Q. Was there a fine on that ticket?

10 A. I don't -- I don't think I remember. I don't think
11 so. I don't have the ticket handy with me at the
12 moment.

13 Q. All right. Further -- your complaint further
14 states that you filled out a form demanding a jury
15 trial in the presence of Judge Partridge. Did you
16 get a copy of that form?

17 A. In the court system they don't give you copies.
18 You just fill them out, they file them with the
19 Clerk.

20 Q. All right. Explain to the best of your
21 recollection what was on that form.

22 A. Requesting a jury trial. Simple.

23 Q. So was it just, "I request a jury trial," and you
24 check a box or you sign something?

25 A. You go in front of the judge. The just asks you,

1 "How do you plead?" You say guilty or not guilty.
2 I says, "Not guilty." He stated, "What do you want
3 to be tried by," him or the jury -- juror. I said,
4 "I'd like to be tried by the juror." "Here goes
5 the form. Fill it out, and we will be in contact
6 with you through mail."

7 Q. Okay. And then your complaint states that after
8 that the court date was on or about February 10th,
9 2013. Did you get something saying you were to
10 appear in court on that day?

11 A. I object. I think you're leading the plaintiff
12 once again.

13 Q. All right. Look with me at your complaint. On the
14 fourth -- fourth line down it says, "After the
15 court date was on or about February 10th, 2013."
16 What does that mean? I don't know what that means.

17 A. Can you clarify it?

18 Q. I don't know what you're alleging here. It says,
19 "After the court date was on or about February
20 10th, 2013." I don't know what that means.

21 A. Please put Exhibit 1, please.

22 Q. You don't get to do that.

23 A. All right. This -- this basically tell you what
24 that means for the record.

25 Q. Okay. I actually have that as an exhibit.

1 A. You have this?

2 Q. Yeah, we're going to talk about that.

3 A. Okay.

4 (Defendant's Exhibit Number 5
5 Marked)

6 EXAMINATION BY MS. SANDIFER RESUMED:

7 Q. All right. I'm showing you Exhibit 5. And is that
8 what you just showed me to clarify -- or to explain
9 what after the court date -- your statement, "After
10 the court date was on or about February 10, 2013?"

11 A. I actually received a jury trial letter on February
12 20, 2013 to appear before a jury selection.

13 Q. Okay. I'm going to go ahead and --

14 A. February 20th.

15 (Defendant's Exhibit Number 6
16 Marked)

17 EXAMINATION BY MS. SANDIFER RESUMED:

18 Q. All right. I'm showing you Exhibit 6. Is this
19 what you received?

20 A. "In preparation for a jury trial on the above
21 referenced charge, the Court has scheduled a jury
22 trial selection on February 20th at 2:30 p.m."
23 Yeah.

24 Q. Okay. Now, at this point no trial had been
25 scheduled, right? Just jury selection?

1 A. I object. You're leading the plaintiff once again.

2 Q. When you received this letter that's Exhibit 6
3 dated February 7th, 2013, was it your understanding
4 that a trial had been scheduled or that you were
5 simply going for jury selection?

6 A. According to Exhibit 6, it says, "In preparation
7 for a jury trial on the above referenced charge,
8 the Court has scheduled a jury selection on
9 Wednesday, February the 20th at 2013 at 2:00 p.m.
10 The selection will be held in the municipal court
11 at the Public Safety Complex, 1507 Nance Street in
12 downtown Newberry. It is imperative you be present
13 at this time. If you are not present, you will
14 forfeit your right to a jury trial and bench trial
15 will be scheduled."

16 Q. Okay. So at that point no trial had been
17 scheduled, right?

18 A. From my understanding this is the trial selection
19 on this date. According to the record, February
20 the 20th, 2013 at two p.m. this is actually the
21 jury trial selection.

22 Q. Okay. Do you understand -- have you ever been to
23 trial?

24 A. Yes, I have. Yeah.

25 Q. Okay. Now, have you ever represented yourself at

1 trial?

2 A. Yeah.

3 Q. Okay. Tell me about that process.

4 A. Well, that process is when you appear in front of a
5 judge on the day of on the docket, that you're
6 scheduled to go on the ticket to appear before a
7 judge. When you appear before the judge you -- the
8 judge calls you and asks you how do you plead. You
9 tell him -- he said, "Do you want to plead guilty
10 or not guilty -- guilty or not." I told him not
11 guilty. He said, "How do you wish to -- to plead -
12 -" I mean, "Do you wish to be tried in front of the
13 judge or the juror." I said, "The juror." He
14 said, "Okay, sign off on the paper and we'll send
15 you through the mail when the jury selection will
16 take place." That procedure's been here forever.

17 Q. I know. But what I'm asking you is have you ever
18 represented yourself at trial before?

19 A.. I represented myself in another case too presently.

20 Q. Okay. But have you ever gone through the trial
21 process?

22 A. Yes, I have.

23 Q. Okay. Where you were either found guilty, not
24 guilty --

25 A. I mean, it's irrelevant because it's -- I object

1 because it's irrelevant to -- to why I'm here.

2 Q. Well, no, it's not. I want to make --

3 A. I object. I -- you -- I object. You asked and I

4 answered.

5 Q. Do you know what a jury selection is?

6 A. Yeah.

7 Q. Explain jury selection to me.

8 A. I object. It is argumentative. I object it is

9 argumentative.

10 Q. What -- what do you do --

11 A. Argumentative question.

12 Q. What do you do during jury selection?

13 A. I object. I -- you asked and I answered. Asked

14 and answered the question. I object.

15 Q. Do you know what you do during jury selection?

16 A. Once again I object. You -- you asked and I

17 answered.

18 Q. No, that's a different question.

19 A. I already gave an answer.

20 Q. Do you know what you do during jury selection?

21 A. I object. I -- you asked and I answered.

22 Q. Did you go to the Newberry -- the Public Safety

23 Complex on February 20th, --

24 A. Yeah.

25 Q. -- 2013?

1 A. Yeah.

2 Q. Where did you go?

3 A. To the municipal courtroom at the municipal court
4 complex right down here, Newberry Public Safety
5 Complex.

6 Q. All right. What room did you go to?

7 A. When I entered the room I went to Jackie Swindler's
8 office.

9 Q. So when you entered the complex who was the first
10 person that you saw?

11 A. The lady in the front. I think she's the secretary
12 or the clerk. That's the first lady that I met.
13 She said, "Hold on. Jackie Swindler is the one
14 that conducts jury selection." Said, "He will be
15 out in a moment." I waited there until he came
16 out. He took me back to the back of his office.

17 Q. All right. Tell me what happened.

18 A. Went back to the back of his office. He stated to
19 me these words, that I should waive the jury and,
20 "You're not going to win the jury anyway. So
21 therefore, I'm going to --" let me find my paper
22 here "-- get you to sign off on this paper. I'm
23 going to get you to plead guilty and agree that
24 you'll pay \$250." And I said, "Okay, I will pay
25 you March the 15th, 2013," on record. I signed my

1 signature and he put his signature right here
2 beside his name. All this was done inside his
3 office.

4 Q. Okay.

5 (Defendant's Exhibit Number 7
6 Marked)

7 EXAMINATION BY MS. SANDIFER RESUMED:

8 Q. All right. I'm showing you Exhibit 7. Is that the
9 document you were just referring to?

10 A. Same document.

11 Q. Okay.

12 A. This is what he signed. And I pled guilty and
13 agreed to pay \$250 I would pay by March 15, 2013
14 inside of Jackie Swindler's office.

15 Q. Okay, let's break that down.

16 A. No judge, no court reporter, no one was present
17 other than just me and him.

18 Q. All right. Did he write, "I plead guilty and agree
19 to pay \$250, I will pay by March 15th, 2013?"

20 A. Yes, this is his signature.

21 Q. All right. And now, who signed it right there?
22 Whose signature is that?

23 A. That's my signature. Right beside it is his
24 signature.

25 Q. Okay. So you signed that?

1 A. Right. He signed it -- he signed it first, to be
2 exact. Which is his signature right here. And he
3 told me to sign over here to agree to this inside
4 his office.

5 Q. Okay. That's actually initials.

6 A. Right. That's his signature.

7 Q. Okay. So off to the right you're saying is -- is
8 Jackie Swindler's signature?

9 A. I know for a fact. For the record, this is Jackie
10 Swindler's signature and my signature.

11 Q. All right.

12 A. For the record.

13 Q. Now, your complaint says that you went to the
14 complex at one p.m. Do you recall what time you
15 went?

16 A. Could you clarify that? What do you mean going to
17 the complex for what specific reason? I don't
18 understand.

19 Q. On the fifth -- sixth -- let's read from the fifth
20 -- fifth line. "I receive a letter in the mail
21 stating a jury trial selection was scheduled for
22 February 20th, 2013 at one p.m. I attended the
23 jury selection." So did you attend a jury
24 selection at one p.m. like your complaint suggests?

25 A. I was there to appear at the jury selection. When

1 I appeared at the jury selection, once again, Mr.
2 Swindler had stated to me that the jury selection
3 had -- he waived the jury selection in his words.
4 "There won't be no jury because you're not going to
5 win anyway." This is verbally what he's saying.
6 What -- my intention was to come on February the
7 20th to be at the jury selection, to -- to clarify
8 your question.

9 Q. How long -- when you -- after you got there how
10 long did you have to wait for Chief Swindler to
11 come out?

12 A. Well, I object. I don't want to do hypothetically.

13 Q. Was it a long time.

14 A. Because I object to -- to speculation.

15 Q. So you're saying --

16 A. I don't want speculation.

17 Q. -- you can't remember exactly. And I don't care
18 exact.

19 A. I do not -- I object to -- I do not remember
20 exactly because -- I object. I do not want to
21 speculate.

22 Q. Do you recall whether it was a long time? If you
23 sit here and think back, do you think it was a very
24 long time that you had to wait?

25 A. Once again I objection, causing me to speculation -

1 - to speculate the time now. I don't know.

2 Q. So you just don't remember?

3 A. I don't know the time how long I waited in the
4 office for him to come out and get me.

5 Q. Who -- was there anybody else in the room with you?

6 A. No. Other than Swindler and I. Are you referring
7 -- you know, can you be a little bit more
8 clarification.

9 Q. In the office where you signed this agreement,
10 Exhibit 7. Was there anybody else in the room with
11 you?

12 A. The defendant and I. Swindler -- Jackie Swindler
13 and I.

14 Q. Okay. And did you say anything to him?

15 A. What do you mean? Clarify what mean. Say what you
16 mean.

17 Q. Well, you told me that he said, you know, "I waive
18 the jury selection, you're not going to win
19 anyway." Did you say anything to him?

20 A. I object. You're leading the plaintiff.

21 Q. No, I'm not. I want to know what the conversation
22 was. What did you say in response?

23 A. I object. You're leading the plaintiff once again.
24 I -- you asked and I answered.

25 Q. Tell me everything --

1 - to speculate the time now. I don't know.

2 Q. So you just don't remember?

3 A. I don't now the time how long I waited in the

4 office for him to come out and get me.

5 Q. Who -- was there anybody else in the room with you?

6 A. No. Other than Swindler and I. Are you referring

7 -- you know, can you be a little bit more

8 clarification.

9 Q. In the office where you signed this agreement,

10 Exhibit 7. Was there anybody else in the room with

11 you?

12 A. The defendant and I. Swindler -- Jackie Swindler

13 and I.

14 Q. Okay. And did you say anything to him?

15 A. What do you mean? Clarify what mean. Say what you

16 mean.

17 Q. Well, you told me that he said, you know, "I waive

18 the jury selection, you're not going to win

19 anyway." Did you say anything to him?

20 A. I object. You're leading the plaintiff.

21 Q. No, I'm not. I want to know what the conversation

22 was. What did you say in response?

23 A. I object. You're leading the plaintiff once again.

24 I -- you asked and I answered.

25 Q. Tell me everything --

1 I appeared at the jury selection, once again, Mr.
2 Swindler had stated to me that the jury selection
3 had -- he waived the jury selection in his words.
4 "There won't be no jury because you're not going to
5 win anyway." This is verbally what he's saying.
6 What -- my intention was to come on February the
7 20th to be at the jury selection, to -- to clarify
8 your question.

9 Q. How long -- when you -- after you got there how
10 long did you have to wait for Chief Swindler to
11 come out?

12 A. Well, I object. I don't want to do hypothetically.

13 Q. Was it a long time.

14 A. Because I object to -- to speculation.

15 Q. So you're saying --

16 A. I don't want speculation.

17 Q. -- you can't remember exactly. And I don't care
18 exact.

19 A. I do not -- I object to -- I do not remember
20 exactly because -- I object. I do not want to
21 speculate.

22 Q. Do you recall whether it was a long time? If you
23 sit here and think back, do you think it was a very
24 long time that you had to wait?

25 A. Once again I objection, causing me to speculation -

1 A. My question -- your answer and question state the
2 same I said five minutes ago. You asked me what I
3 did when I went into the office. I told you
4 earlier. You're -- you asking -- I object to the
5 asked and answered the question.

6 Q. You told me what he said. You haven't told me
7 anything that you said. And I'm entitled to know
8 the whole conversation from your point of view.

9 A. According to Exhibit 7, after he wrote, "I plead
10 guilty and agree to pay \$250, I will pay by March,"
11 I signed the form.

12 Q. Did you ask him any questions?

13 A. Did I ask him any questions? Could you clarify
14 that, rephrase that a little?

15 Q. Yeah. I mean, here -- did you know what you were
16 signing?

17 A. According to Exhibit 7, "I agree -- I plead guilty
18 and agree to pay \$250, I will pay by March 15th,
19 2013."

20 Q. Right. Did you understand what that was saying?

21 A. My signature.

22 Q. I understand that your --

23 A. Clarify did I understand what I was reading.

24 Q. Okay.

25 A. Yeah.

1 Q. Did you ask him anything about this, anything about
2 this agreement?

3 A. No.

4 Q. When you went to the complex on February 20th did
5 you have your ticket with you?

6 A. Yeah.

7 Q. Okay. And that ticket was for trespass after
8 notice?

9 A. Yeah.

10 Q. For being on the Quick Stop property?

11 A. Right, at the Quick Stop store. Correct.

12 Q. Right. Okay. Back in 2012, December 2012?

13 A. I can't remember the date. I -- I can't remember
14 the date, exactly what date I was --

15 Q. Well, the incident report that records the incident
16 says that the trespass after notice was on December
17 11th, 2012.

18 A. Right.

19 Q. Do you dispute that?

20 A. No, I don't dispute that.

21 Q. Okay. Now, did you have to present that ticket to
22 Chief Swindler?

23 A. No.

24 Q. Do you know why he thought that you were going to
25 be found guilty anyway?

1 A. I object. Causing speculation.

2 Q. Okay, so you don't know?

3 A. I object. It cause me to narrate.

4 Q. Okay, I'm showing you again Exhibit 3 which is the
5 incident report. Do you dispute that you were on
6 that property?

7 A. No.

8 Q. And at the time that trespass notice was active?

9 A. I don't know. I don't remember.

10 Q. Well, you hadn't received any notification that
11 that guy had withdrawn it, did you?

12 A. Not that I -- no. Because I -- if -- I don't -- I
13 don't think that -- if he did, I had no knowledge
14 of it, you know.

15 Q. So when you were in Jackie Swindler's office in
16 February 2013 had you represented yourself in legal
17 proceedings before that date?

18 A. Objection. That's irrelevant to why we're here.

1 Q. Okay. And the court's going to decide on a lot of
2 these things that you're objecting to actually.

3 When you were in Chief Swindler's office did you
4 think you had a right to a jury trial?

5 A. Yeah.

6 Q. Well, did you tell him you had a right to a jury
7 trial?

8 A. Would you clarify that?

9 Q. Yeah. When he told you that he had waived your
10 jury trial, did you speak up for yourself?

11 A. Well, first of all, he's the Chief of Police. I
12 knew he had no authority. He wasn't no judge.

13 Q. So you knew at the time that you were in his office
14 that he had no authority to waive your jury trial?

15 A. Well, I know my rights.

16 Q. Right.

17 A. Under the Constitutional rights. I know I'm aware
18 of that no police officer can sentence a defendant
19 in a criminal case.

20 Q. Okay. And you knew that at the time that you were
21 in his office, right?

22 A. Yeah.

23 Q. Okay.

24 A. I knew he was -- wasn't according to the law. Yes,
25 I knew that wasn't correct. Yes.

1 Q. Okay. Did you speak up for yourself?

2 A. No.

3 Q. Why not?

4 A. Why didn't I -- I mean, he's Chief of Police. I'm
5 in his office, you know, trying to -- you know,
6 just going to his office and he's telling me what
7 he's going to do. So, I mean, I didn't -- I -- I
8 did not compete with him or argue with him, or
9 become argumentative about what he was doing.

10 Q. What did you understand was the penalty for
11 trespass after notice?

12 A. What did I understand? I don't -- I don't -- I
13 don't understand your question.

14 Q. What's the penalty for trespass after notice? Do
15 you do jail time or do you pay a fine?

16 A. Well, when I researched it, it could be either, or.

17 Q. Okay. What did you find out when you researched
18 it?

19 A. When I researched it? I mean, I don't understand
20 what you mean. You know, --

21 Q. You said you researched it. You researched the
22 penalty. What did you find out?

23 A. Well, when you go in the court and you enter a
24 plea, most of the time the judge tell you what this
25 charge carry. I -- I guess he's power to let you

1 know what the consequences are, you know, when you
2 plead not guilty to the charge and what you, you
3 know, could be facing if you decide to lose the
4 case. He don't suppose to give you legal
5 information, but sometimes they do.

6 Q. Okay.

7 A. And literally I already done did the research prior
8 to me going to court. So --

9 Q. Well, what could you have been facing? How much
10 jail time could you have been facing?

11 A. Well, 30 days or a fine.

12 Q. What kind of fine could you have been facing?

13 A. According to this here, he states I pled guilty and
14 agreed to pay \$250.

15 Q. Is that -- does that --

16 A. Jackie Swindler's signature.

17 Q. Does that agree with -- do you agree with that
18 based on your research?

19 A. I don't understand your question. Can you clarify
20 it?

21 Q. When you looked it up -- when you looked -- you
22 told me that you looked it up to see what you could
23 be facing. You said jail time 30 days or a fine.
24 What was the fine that you found out?

25 A. What was the fine that I found out? I mean, it --

1 that's -- I object to it's irrelevant. Because the
2 simple fact is he said \$250 according to what's
3 written. So that's all I needed to know, is what
4 he filled out and said. So, I mean, regardless of
5 what I researched on, I think that's irrelevant to
6 that part or why we're here. We're here because of
7 what he signed, he stated to and document telling
8 that I pled guilty and agreed to pay \$250 I would
9 pay by March 15th, 2013.

10 Q. Do you recall when you looked it up what the fine
11 was?

12 A. Once again, I object. You asked and I answered it.

13 Q. This is a different question. Do you recall --

14 A. I object that you're beginning to harass me. The
15 same -- you just asked me the same question
16 earlier. I object to you asked and I answered.
17 You know, I feel like, you know, I'm -- I'm being
18 protected by the Constitutional right here. But I
19 object that you asked, I answered the question
20 already. You're asking me the same question
21 repeatedly. I object.

22 Q. Well, you're not answering it. And it's not the
23 same question. So you by your signature agreed to
24 pay the \$250 by March 15th, right?

25 A. I object once again. It was the question -- my

1 answer remain the same. You asked me earlier the
2 same thing again.

3 Q. When you signed this in Jackie Swindler's office --
4 now, listen because it's a different question.
5 When you signed this in Jackie Swindler's office,
6 did you -- were you thinking okay, I'm going to pay
7 \$250 by March 15th?

8 A. I object. You're leading the plaintiff.

9 Q. No, I'm not.

10 A. I object. You're leading the plaintiff.

11 Q. What was going through your mind when you signed
12 that agreement?

13 A. I object. You're leading the plaintiff.

14 Q. When you signed this agreement did you intend to
15 pay \$250 by March 15th?

16 A. I object. I -- I -- you asked the question earlier
17 and I answered it.

18 Q. You haven't answered.

19 A. No. I object. You asked and I answered.

20 Q. You haven't answered. You haven't answered the
21 question. Were you going to pay it -- did you mean
22 to pay it by March 15th?

23 A. Why would I -- I -- why would I pay it and he's not
24 a judge? Really?

25 Q. Well, why did you sign it? Why did you sign this

1 agreement?

2 A. Because I -- he acted as the judge. He said that I
3 -- this is what he wrote in front of his office to
4 me. I pled guilty and you pay \$250 I will pay by
5 March 15th. He acted as a judge in his office when
6 he -- I signed it and he signed it. I mean, we --
7 we -- we asking the same question over and over.

8 Q. So --

9 A. I mean, we keep going through the same thing.

10 Q. No. Because I don't understand why you signed it.
11 Can you explain to me why you signed it?

12 A. I object. You asked -- I -- I object that you're
13 beginning to harass the plaintiff when repeatedly
14 asking the same question over and over.

15 Q. Because I'm not getting an answer. I'm not getting
16 an answer.

17 A. I object. I -- once again I object that you
18 repeatedly asking and I'm answering, repeatedly
19 asking me the same question over and over. It
20 becoming harassment to the plaintiff. I think we
21 need to get the court involved.

22 Q. Call them.

23 A. Well, it's beginning that --

24 Q. Call them.

25 A. -- the plaintiff being harassed with the same

1 questions over and over.

2 Q. Well, let's call the judge.

3 A. Asking the same question over and over and
4 rewording, it's the same question.

5 Q. It's not the same question.

6 A. You're asking me the same question over and over
7 about why did I sign this. That's a repeated
8 question.

9 Q. And you haven't answered.

10 A. I object to you're abusing --

11 Q. Your answer is an objection. Is that right?

12 A. Can I get a break?

13 Q. Yeah, you can get a break.

14 (Off the record from 10:59 a.m.
15 until 11:12 a.m.)

16 EXAMINATION BY MS. SANDIFER RESUMED:

17 Q. Are you ready?

18 A. Yeah.

19 Q. Okay, Mr. Richardson, I need -- I need to explain
20 something to you. This is not a question, but I
21 want you to listen to me. Okay? Because I know
22 this is your first deposition. Under the Rules of
23 Civil Procedure -- South Carolina Civil Procedure
24 you can object to my question, but you don't have
25 the right to refuse to answer my question unless

1 there's some privilege attached to it. And since
2 you don't have an attorney, I don't think that
3 there's a privilege that's attached to any of my
4 questions. Regardless, if you're going to refuse
5 to answer my question, then you have five days to
6 file a motion. And if your motion is denied, I can
7 call you back in here to answer my questions at
8 your cost. And I just want to let you know that
9 going forward. Okay?

10 A. I want to make an objection.

11 Q. Okay, make an objection.

12 A. On account of should I make objections a statement
13 under Rule 30(j)(4), make a speaking objection
14 which may suggest a answer to a witness. I want to
15 put that in there on the record.

16 Q. All right. Now, with what I just told you, I'm
17 going to go back and ask you some questions that
18 I've already asked you. And if you want to
19 continue to object, that's fine. But know that
20 you've got the five days to file a motion. You
21 don't have a right to refuse to answer unless
22 there's a privilege. Have you ever been arrested
23 aside from this time with the --

24 A. Yeah.

25 Q. Okay. Can you tell me about those? What have you

1 been arrested for?

2 A. I object to it's irrelevant.

3 Q. Are you refusing to answer my question?

4 A. I'm objection -- objecting to it because it's -- it
5 is irrelevant. I'm objecting to the deposition on
6 the grounds that it's vague, unspecific, unclear,
7 that no response can be fastened hereto.

8 Q. You can object and then answer. Are you refusing
9 to answer my question?

10 A. I'm objection to the leading of the plaintiff,
11 leading and suggesting of the plaintiff.

12 Q. And that's fine. You can still go ahead and answer
13 my question. You've preserved your objection.

14 A. And I'm going to object to relevancy. I don't
15 think I have to go into detail specifically what I
16 was arrested for and specifically what I'm arrested
17 for. I object to it to irrelevant to why we're
18 here.

19 Q. And that's fine. You're entitled to object to my
20 question, but you can still answer it. What I want
21 to know is are you refusing to answer that
22 question?

23 A. I object that I -- you asked it and I answered.
24 Your answer is I object to the deposition on the --
25 based on the ground that it's vague, unclear,

1 unspecific and no response can be fastened hereto.

2 That's your answer.

3 Q. No, that's an objection. An answer is when you go
4 ahead and you tell me when you've been arrested and
5 for what. You've already given me your objection.
6 Now either you're going to answer it or you're --
7 you're refusing to answer it. I need to know which
8 one it is.

9 A. I object to the form of the question.

10 Q. And that's fine. You can object on ever single
11 basis that you want to. But you still have to
12 answer. And if you're refusing to answer, I need
13 to know that.

14 A. Objection once again. You asked and I answered. I
15 gave you an answer.

16 Q. You gave me an objection. That's not an answer.
17 Let me go back over this again. Under the Rules of
18 Civil Procedure in South Carolina you have the
19 right to object to my question. But you still have
20 to answer unless there's a privilege, in which you
21 have five days to file a motion. Now, you've given
22 me an objection. You've given me all sorts of
23 objections to my question about when and why you
24 were arrested. But you still have to answer.

25 A. Can you rephrase the question?

1 Q. Why were you arrested?

2 A. In details what do you -- I don't quite understand
3 your question. What do you mean why was I arrested
4 about -- what do you mean?

5 Q. You said you'd been arrested before.

6 A. I've been arrested multiple times.

7 Q. Okay. For what?

8 A. I can't remember my whole list of things I've been
9 arrested for.

10 Q. Okay.

11 A. I can't remember all of that.

12 Q. Give me some -- give me some examples.

13 A. Trespassing. What I'm here for now.

14 Q. Right.

15 A. Okay, you got an answer.

16 Q. All right. What else?

17 A. I -- you -- I object. Asked and answered.

18 Q. Can you remember the other times that you've been
19 arrested?

20 A. No.

21 Q. You can't?

22 A. No, I can't remember specifically what I was
23 arrested for and the times I got arrested other
24 than I'm in here for trespassing.

25 Q. Have you ever filed a lawsuit other than this one?

1 A. Yeah.

2 Q. Against whom?

3 A. Police Department.

4 Q. Which one?

5 A. Union.

6 Q. Okay. Have you ever filed any other lawsuit?

7 A. Other than this one.

8 Q. Right. And the Union.

9 A. Right.

10 Q. Is there anything else that you --

11 A. I don't remember. If there are any others, I don't

12 remember.

13 Q. Okay. Have you ever been sued?

14 A. Not that I remember.

15 Q. You stated that you had represented yourself in a

16 jury trial before. Do you recall that?

17 A. I did, but I don't quite remember which --

18 specifically what year, what date. I don't

19 remember all of that. But, yes, I have represented

20 myself on numerous criminal cases, yes.

21 Q. And they've gone to jury?

22 A. I have, yes. I have -- you know, sometime they --

23 they didn't make it to jury. They decided to toss

24 it out in my favor.

25 Q. Okay. But you have seen a trial all the way to the

1 jury --

2 A. Yeah.

3 Q. -- to jury verdict?

4 A. Yeah.

5 Q. Was that criminal?

6 A. Well, I object to your question. Lack of
7 foundation.

8 Q. Was the jury trial that you saw all the way to
9 verdict a criminal trial or a civil trial?

10 A. Criminal I did it through -- are you -- I still
11 don't -- could you rephrase the question. I still
12 don't quite understand specifically where you're
13 coming from when you say civil or --

14 Q. This case --

15 A. Are you reference to me or whoever? I mean, who
16 are you talking about?

17 Q. This case that we're here on that you filed against
18 Jackie Swindler, this is a civil case. Do you --
19 do you know that?

20 A. Yeah.

21 Q. Okay. And then when you've been charged with a
22 crime, that's criminal. And you've told me that
23 you've seen -- you've represented yourself in a
24 jury trial all the way to a jury verdict. And I'm
25 asking was that in a criminal case or a civil case?

1 A. I would object to multiple question, compound
2 question. And it was a criminal that I actually
3 did all the way. It was in -- it was in -- it was
4 in a criminal case.

5 Q. It was -- I'm sorry, what?

6 A. Criminal case.

7 Q. Okay. Now, I asked you before and I don't think
8 you answered other than an objection. Do you have
9 relatives in the county of Newberry that go by a
10 different last name than Richardson?

11 A. No. Relatives, I mean, could you clarify what you
12 mean by relatives?

13 Q. Yeah. Blood and/or marriage.

14 A. This is my wife. So what do you mean when you say
15 relatives. Could you clarify or rephrase that
16 question?

17 Q. Yeah. Okay. I know your wife's last name is
18 Turner.

19 A. And my last name is Richardson.

20 Q. Right. And do you have a sister? Do you have any
21 sisters in Newberry County?

22 A. Do I have a sister? Yeah.

23 Q. Any -- does she have a last name other than
24 Richardson?

25 A. No, she's Richardson.

1 Q. Okay. Any cousins in Newberry County that have a
2 last name other than Richardson?

3 A. No cousins, no.

4 Q. Okay. Anybody --

5 A. I have a niece.

6 Q. Okay.

7 A. Right.

8 Q. Is she over 18?

9 A. Yes.

10 Q. And what's her last name?

11 A. Richardson.

12 Q. Okay. Do you belong to any church?

13 A. Yes.

14 Q. What church?

15 A. I object as to relevance.

16 Q. Okay, you can object, and then you can --

17 A. The reason it's irrelevant to why we're here.

18 Q. You can -- you still have to answer.

19 A. Little River Baptist Church.

20 Q. Have you ever been in the military?

21 A. No.

22 Q. All right. When you signed -- okay, I'm showing
23 you Exhibit Number 7 again. What was your
24 intention when you signed that agreement?

25 A. I object. The document speak for itself.

1 Q. Okay. The document says, "I plead guilty." Did
2 you intend to plead guilty?

3 A. Did I intend to plead guilty? According to what
4 Jackie Swindler wrote. I was intending to have a
5 jury trial which I filed in front of Jackie
6 Swindler requesting a jury trial written in
7 documents. I don't know why you don't have that in
8 a exhibit right now when I filed the form to
9 request a jury selection I have not yet received
10 through discovery.

11 Q. Well, why did you then plead guilty instead of
12 asserting your right to a jury trial?

13 A. I object to the question. Lack of foundation.

14 Q. You can still answer.

15 A. Could you rephrase -- rephrase the question?

16 Q. Instead of signing this agreement why didn't you
17 assert your right to a jury trial?

18 A. My intention was when I first -- when I first
19 received the letter in the exhibit to attend a jury
20 selection. This right here was never on my mind to
21 even plead guilty in front of the chief of police.
22 I was expecting a jury selection which is normal
23 process when he stated to me inside to fill the
24 form out, that, "We will notify you through mail
25 when a jury will be selected." My intention was

1 never to - to plead guilty. That was his decision.
2 When I approached the desk at the complex, Jackie
3 Swindler is the one that handled the jury
4 selection. Then after a period of time, I can't
5 give you exact time, he told me to come back to the
6 back of his office. And that's when he stated to
7 me that, "Well, you're not going to win the jury
8 trial anyway, so I done waived it for you. So you
9 just sign right here. I'm going to give you to
10 dah, dah, dah, dah, dah." He signed it and signed
11 this thing saying that you agree to what I wrote.
12 My document speaks for itself. That document does.
13 Q. So why didn't you -- well, what did you say in
14 response to that? Did you say anything to him?
15 A. No. Other than I signed. Only response I got from
16 him is I signed my name after he signed his name.
17 Q. Okay. Why did you sign that document?
18 A. Because we was in his office. He asked me -- once
19 again, he stated to me I would plead guilty -- for
20 the record, it's written on regular paper with his
21 signature in Exhibit 7 exhibit.
22 Q. You don't seem to --
23 A. The document speak for itself.
24 Q. You don't seem to me to be shy about asserting your
25 rights. So why didn't you say, "I have a right to

1 a jury trial, you can't waive my jury trial?"

2 A. First of all, I'm not an attorney. I'm just pro
3 se. You know, and at the end of the day my -- I
4 was expecting a jury trial. Once again, if I
5 believe that a person goes in front of a judge in
6 writing, writes on a paper that he requested --
7 they have copies of it over at the court where I
8 signed the paper requesting a jury trial by the
9 juror. When they sent this letter in the mail to
10 come to the jury selection, I was expecting a jury
11 trial. I didn't see no cars in the parking lot.
12 So most of the time you go to a jury selection, a
13 lot of times there be people sitting in the lobby
14 or cars parked in the parking lot. That's when I
15 approached the lady. I guess she does the 9-1-1
16 dispatch. I don't know what she does down there.
17 This is what she said. "Jackie Swindler is going
18 to handle the jury trial selection."

19 Q. Have you ever been to a jury selection with Chief
20 Swindler?

21 A. Have I ever been to a jury selection with Chief
22 Swindler? No. I have been present -- I watched
23 him do jury selection. We didn't make it to the
24 jury selection, even though I requested a jury
25 selection in writing.

1 Q. Okay. But wait, now. You've seen him do jury
2 selection before?

3 A. Right. I've seen him do it numerous times.
4 Actually I done been down there before and I done
5 watched him conduct jury selections numerous times.

6 Q. Okay. Tell me how that process works when he
7 conducts it.

8 A. Well, legally he don't supposed to conduct it
9 anyway. But he selects the people. He calls the
10 jury in. He sits it down and start at the public
11 complex and say, you know -- sits right here in a
12 regular desk and say, "You select -- you have the
13 right as pro se to select your people -- six people
14 to dah, dah, dah, dah, dah." No judge present.

15 Q. Okay. So but he --

16 A. I done watched him do it. But since we did not
17 make it to that part because he voluntarily waived
18 my rights and signatures, documents before himself.
19 And I haven't got all my discovery from you all. I
20 can't really present something that I don't have.

21 Q. Okay. Do you know Chief Swindler aside from this
22 encounter you had with him on February 20th?

23 A. Your question lacks foundation. Can you rephrase
24 that? I object.

25 Q. Before February 20th, 2013 did you know Chief

1 Swindler?

2 A. I object to our question. It still lacks
3 foundation. Could you rephrase that a little more
4 in detail because I don't quite get what you're
5 saying. I don't quite understand your question the
6 way you're trying to go at this. But I object once
7 again. It lacks foundation.

8 Q. I just want to know did you know him before your
9 encounter with him on the 20th of February?

10 A. I had some dealing with him, I mean, as for the
11 system. But outside of the court, no.

12 Q. Okay.

13 A. I never had no dealing with him outside the court.
14 I don't even personally -- don't even care to deal
15 with him outside the court anyway. So --

16 Q. Okay. What kind of dealing did you have with him
17 inside the court?

18 A. Well, he -- just once again for the record, this is
19 a ongoing situation right here. Swindler been
20 doing this forever. You know, been doing jury
21 selections as long as I can remember. And if you
22 go back and look at all of my cases in front of
23 him, and when I did plead guilty, it was done in
24 the same process. It's not something that just
25 happened on this day, you know.

1 Q. Okay. Have you ever had the occasion to discuss
2 with Chief Swindler reducing points or fines, for
3 example, like when you get a traffic ticket?

4 A. No.

5 Q. No?

6 A. No. This is what he offered me. This document
7 speak for itself.

8 Q. Okay. And I'm not talking about the -- February
9 20th. I'm talking about anytime that you may have
10 gotten a traffic ticket or whatever. Did you ever
11 have the occasion to negotiate with him to either
12 reduce points, reduce fines or give you extra time
13 to pay on a fine?

14 A. Are you asking me questions when you're saying and,
15 and, and, and, and? Is that questions you asking?

16 Q. Well, I can break it down for you.

17 A. Well, if it is, I object to it on behalf it's a
18 compound question. It's multiple questions into
19 one.

20 Q. Then let me break it down for you. Have you ever
21 had the opportunity on a traffic ticket to
22 negotiate with Chief Swindler to reduce points?

23 A. No.

24 Q. Have you ever had the opportunity on a traffic
25 ticket to negotiate with Chief Swindler to reduce

1 the fine?

2 A. Document speaks -- I object. The document speak
3 for itself.

4 Q. I'm not talking about that -- I'm not talking about
5 that --

6 A. Object. But however, I object to hypothetically
7 questions that --

8 Q. It's not hypothetical.

9 A. -- I don't -- can't even answer. However, I object
10 to the document speak for itself.

11 Q. Okay, listen. This isn't hypothetical. I'm asking
12 if --

13 A. Well, you asking me to answer something I can't
14 answer. It's a hypothetical question. I object to
15 it.

16 Q. I'm not saying what if. I'm asking you if you've
17 ever had the occasion to negotiate with Chief
18 Swindler on a ticket to reduce the fine?

19 A. No.

20 Q. Okay. Have you ever had the occasion to negotiate
21 with Chief Swindler on a ticket to give you more
22 time to pay?

23 A. I don't think I remember that. This is what --
24 once again, I object to hypothetical speculation.
25 This right here was no negotiation. This is what

1 we signed on the day inside his office on the 15th.
2 This is what here. This letter came through the
3 mail. I never went back -- after this present with
4 him, I never been back down there at all. I never
5 seen a judge to the first day when I went on, as in
6 record -- on the day in front of Judge Partridge
7 the only time I ever saw a judge. I never seen,
8 talked to Jackie Swindler. Only time I talked to
9 him was March the 15th, 2013 when he made this form
10 right here. I agreed -- I pled guilty and agreed
11 to pay \$250 I would pay by March 15th. Okay.
12 Prior to this date right here I never spoke to
13 Jackie Swindler other than the date I went down for
14 the jury selection. Let me clarify that. On the
15 day of the jury selection when he sent it in the
16 mail is the date I went down there. This is when
17 we -- he -- we agreed to pay this by March 15th.
18 This is when we agreed to pay for it. When he did
19 not -- when I did not pay it, that's when he went
20 in front of the judge and got a bench warrant to
21 arrest me. You understand what I'm saying?

22 Q. Uh-huh.

23 A. The city arrested -- sent a bench warrant that --
24 he took this paper in front of Judge Frank
25 Partridge and signed for a bench warrant.

1 Q. Did you get a copy of the bench warrant?

2 A. They never gave me a copy. I had to pay -- I had
3 the choice -- Looney, the officer for the county --
4 I think his name is Major everybody call him --
5 said, "You can either pay the money or go to jail."

6 Q. Is his last name really Looney?

7 A. That's what they told me. That's what told me his
8 name was. I think that's his last name. But
9 everybody in the neighborhood call him Major. But
10 I know he's a black cop for the city. That's -- I
11 don't know -- Looney or Looney.

12 Q. So when you left Chief Swindler's office after you
13 signed this agreement, were you thinking that you
14 were going to pay the \$250 or not?

15 A. Are you thinking you going to pay it or not? I
16 object to that is a compound question. Which
17 question you want me to answer first?

18 Q. When you left Chief Swindler's office after signing
19 this agreement, did you think in your head that you
20 were going to pay the \$250?

21 A. I knew immediately that he had done something
22 wrong. I knew immediately that he wasn't no judge.
23 So I was not going to pay it until actually they --
24 he actually sent me the bench warrant.

25 Q. All right. And --

1 A. I was not going to pay at all because he -- he's --
2 a chief of police don't have the same authority as
3 a judge. Which I knowingly knew that. So once he
4 did this right here, I knew there wasn't no judge
5 signature on it. I wasn't expecting nothing else
6 to happen.

7 Q. And tell me how you learned that there was a bench
8 warrant.

9 A. They came looking for me.

10 Q. Where were you?

11 A. I was at the laundromat over there in Helena when
12 the city cop came over there, you know. And
13 actually the guys told me that the city cop was
14 looking for me, Major. And I got on the phone and
15 called him and said, "Look, what do you want with
16 me?" He said, "I have a bench warrant for your
17 arrest for trespassing that I picked you up at the
18 --" because he was the cop that arrested me at the
19 west end.

20 Q. When you were on the --

21 A. Right. The same cop that brought the bench warrant
22 was the same cop that arrested me down there, Major
23 Looney. And he stated to me verbally on the phone
24 that Judge Partridge was the one that signed the
25 warrant he has, the bench warrant right here in the

1 car with me. He said, "I will give you two
2 options. Turn yourself in or pay your money." He
3 said, "But I can't explain to you what happened
4 because I was there when you signed the bench
5 warrant in court." Because when you go to court,
6 the officer that's there has to be there. And he
7 was there and he saw when I signed the form inside
8 the court in front of Judge Partridge. Now,
9 whether I would have knowed that he was going to
10 testify, I don't know. But the court reporter was
11 there. So -- of course we have something to
12 document there. We can find it on the court dates.
13 Q. Okay. So this is that -- let me -- Exhibit 3, that
14 reporting officer looks like it's --
15 A. Major. That's it. Looney, Loyne. Whatever his
16 name is.
17 Q. Okay. L-o-y-n-e-s.
18 A. Yeah.
19 Q. He was the same one that arrested you --
20 A. Right.
21 Q. -- for violating the trespass notice --
22 A. Yeah, at the store.
23 Q. -- at Quick Stop?
24 A. Right. The same guy who brought the bench warrant
25 and did the report the same day. Which I fully

1 cooperated with him. I didn't give him no
2 problems, just for the record. And same one --

3 Q. What? You didn't give him any problems --

4 A. You know, in other words, kind of refused not to
5 go. Once he presented to me the papers and said,
6 "Look, you have a trespassing on you," and he took
7 me on to the jail. The same one who brought the
8 bench warrant.

9 Q. Right. Okay.

10 A. This is the same guy.

11 Q. Okay.

12 A. And it was the same guy that was in court when I
13 filled out the jury trial requesting a jury trial.
14 Same guy. Same officer. Major. Just for the
15 record.

16 Q. Did you -- I'm sorry, did you ever get a copy of
17 that bench warrant?"

18 A. Well, when I -- I never -- I tried to get the copy
19 of it from him, but I don't know what they done
20 with it. Because I ended up paying the money

21 instead of going to the jail. But he told me --

1 Q. Okay. So you didn't get the bench warrant --

2 A. In my hand, no. He -- after I had talked to him,

3 you know, he told me, said, "Look, you can turn

4 yourself in or however, you know, but you've got

5 two choices, turn yourself in or pay the money."

6 So I ended up paying the money. But he came to the

7 laundromat looking for me. That how I knew that he

8 had a bench warrant for my -- after I called him on

9 the phone at the -- through the city dispatch.

10 Q. Okay. So did you physically go pay the \$250?

11 A. I sent my wife and my mother.

12 Q. All right.

13 A. And once they paid it, and then that's when they

14 brought me the ticket and said, "You have the proof

15 that you paid it. That what lift the bench warrant

16 off of you."

17 (Defendant's Exhibit Number 8

18 Marked)

19 EXAMINATION BY MS. SANDIFER RESUMED:

20 Q. All right, this is Exhibit 8. Is that what she

21 brought you, the receipt for the payment?

22 A. No, because I don't see the number on here. I

23 don't think this is right.

24 Q. That's not right.

25 A. This is something else. I don't know what that is.

1 Q. I think that's --

2 A. Oh, that's Common Pleas Court. Okay.

3 Q. Yeah.

4 A. No, this is not it. I know the ticket number is
5 the same thing on this one. I don't think that's
6 the ticket number on it. If it don't match the
7 ticket number, that's not it.

8 Q. Here we go.

9 (Defendant's Exhibit Number 9
10 Marked)

11 EXAMINATION BY MS. SANDIFER RESUMED:

12 Q. Is this what she brought you?

13 A. Yes, this is -- I think this is it. Like I don't
14 see the ticket number on it to really classify it
15 as the exact -- but it appear to be the same.

16 Q. Okay. I think the ticket number is right there.

17 A. Oh, yeah, I see it now. Yeah, that's it. This is
18 it then. All right.

19 Q. Okay. Do you have an appeal on file regarding this
20 matter, this -- your -- your pleading guilty?

21 A. Yeah.

22 Q. Okay.

23 A. And it's about to be overturned, yeah.

24 Q. Okay. Is an attorney handling that for you?

25 A. Yeah.

1 Q. All right. And can you tell me the grounds that
2 you're appealing it on? Is it post conviction
3 relief?

4 A. Well, that's -- I object because that's client and
5 -- privileged -- client and attorney privileged.

6 Q. No, I don't want to know what you all have --

7 A. That's irrelevant. I object for the record.
8 Attorney/client privilege for the trial in court.

9 Q. I don't want to know what you all have talked
10 about. Is it classified as post conviction relief?
11 Do you know?

12 A. It's PCR.

13 Q. Okay.

14 A. Right.

15 Q. Do you know what stage that appeal is in?

16 A. Once again, I object. It's attorney/client
17 privilege. You have to call my attorney.

18 Q. You don't know. Okay, that's fine.

19 A. Right. Call my attorney that's representing me in
20 the case.

21 Q. Now, your complaint alleges that you're seeking
22 four million dollars for this lawsuit.

23 A. Yeah.

24 Q. Why do you think you're entitled to four million
25 dollars?

1 A. The document speak for itself. The factual
2 background speak for itself.

3 Q. So you can't tell me in your own words why you
4 think you're entitled to four million dollars?

5 A. I object. The document speaks for itself.

6 Q. Well, the documents don't tell me --

7 A. Well, it tells you the factual background of the
8 lawsuit and the reason why I am suing for that
9 amount, a Constitutional violation. The document
10 speak for itself.

11 Q. What damages have you suffered as a result of this
12 incident with Chief Swindler? I know you're out
13 \$250. What else?

14 A. "The concept of a fair trial involves fairness to
15 the prosecution and to the public as well as to the
16 defendant. DPP versus Meakin (2006) BWHC 1067.
17 Police authority to deprive or conspire to deprive
18 another person of any right of conduct that
19 deprives persons of their rights (42 USCA 14141
20 (2000)). Chief of police abuse his power in acting
21 and was truly involved in police corruption. South
22 Carolina has two within the first thirty days of
23 the judge calls the jury back to the courtroom with
24 the defendant present, not the police or Chief of
25 Police. Jackie Swindler misconduct in sentencing

1 Anthony Richardson and canceling my jury trial and
2 conduct a jury selection without a judge is clearly
3 misconduct of a police officer under the equal
4 protection of the law is clearly violated."

5 Q. But you all didn't have --

6 A. And numerous other things.

7 Q. But you all didn't have a jury selection?

8 A. He violated my right to a jury selection in waiving
9 -- which I am entitled to. At that time I was a
10 criminal, which I'm entitled to the right to a jury
11 trial selection. Which is a fact. The document
12 speaks for itself. I object. The document speaks
13 for itself. And I object that I don't have to
14 really plead my case in a deposition. I have to
15 plead my case in the trial.

16 Q. No. Again, you have to let us know your --

17 A. Grounds?

18 Q. -- grounds for why you think you're entitled to
19 four million dollars. And you can object, which
20 you've done. But you still have to answer.

21 A. "The jurisdictional line is the provision in South
22 Carolina 22-3-550 or both. All offenses falling
23 below the line are the jurisdiction of the
24 magistrate and implication municipal court where
25 one distinct set of procedures is used and all

1 offenses above this line are within the
2 jurisdiction of the circuit courts where another
3 set of this procedure is used. The procedure used
4 in this court higher than magistrate's court and
5 municipal court is not discussed in this book. The
6 procedure which magistrates use is a summary
7 procedure. The General Assembly has adopted this
8 definition." You can finish reading it. The
9 document speaks for itself.

10 Q. All right. Now, what are your actual damages? I
11 know that you paid \$250. Is there any -- do you
12 have any other actual damages?

13 A. Constitutional violation. Basically in the factual
14 background specifically tells you -- states the
15 official reason why I'm suing for that amount. I
16 mean, where it's a Constitutional violation I
17 believe I can sue whatever amount I desire to sue
18 for. If I can prove within a court of law that it
19 is a clearly Constitution established statutory
20 violation, then I'm entitled to -- it all depends
21 on what the jury awards the plaintiff with.

22 Q. Okay. But what I want to know is aside from the
23 \$250 and the Constitutional violation, how -- how
24 else have you been damaged?

25 A. "Anthony Richardson was deprived of his right to a

1 trial and to be tried by an impartial jury. Chief
2 of Police Jackie Swindler has constituted judicial
3 misconduct and police have no reason to sentence me
4 at all, even in a jury selection on 2/20/2013
5 because he is not a judge and only a judge can
6 sentence or even conduct a jury selection. It is
7 the duty of the judge to protect citizens against
8 improper and unwarranted control. No person shall
9 be deprived of life, liberty or property without
10 due process of the law (U.S. Constitution, Fifth
11 Amendment). Constitutional rights violations
12 committed by chief of police include right to a
13 lawyer, right to cross examination, right to
14 confront a witness, right to use court subpoena
15 power to compel a witness to testify, right to a
16 jury trial and presumption of innocence. Defendant
17 acted with malice or with reckless indifference to
18 federal protected rights on an aggrieved
19 individual. South Carolina Section 15-78-70
20 provides that government employees may be liable in
21 tort actions."

22 Q. You don't think Jackie Swindler owed you an
23 attorney, do you?

24 A. I object to hypothetical or speculation in your
25 question.

1 Q. Well, that's what you just said in your complaint.

2 I want to make sure I understand that.

3 A. Well, I object that the documents speak for
4 themselves.

5 Q. Why do you think that you were owed an attorney?

6 A. I object. The documents speak for themselves.

7 Q. Well, you can object, but you still need to answer.

8 A. It says, "Municipal judges are granted the same
9 jurisdiction in traffic cases as magistrates by
10 South Carolina Code 14-25-45 of the South Carolina
11 Code. Magistrates and municipal judges may impose
12 sentences within these guidelines. Only the
13 magistrate and municipal judges may impose
14 sentences within these limits singular or in
15 alternative not the police officer." That's South
16 Carolina Code 14-25-45 in South Carolina Code.
17 Only judge -- magistrate or municipal judge
18 according to -- document speaks for itself.

19 Q. When you were in the room with Jackie Swindler and
20 you all came up with that agreement that you
21 signed, did he threaten you?

22 A. Did he threaten -- no.

23 Q. Did he tell you if you didn't sign that document,
24 something was going to happen to you?

25 A. No.

1 Q. Did you ever go speak to Judge Partridge or Judge
2 Koon or any judge in Newberry about what happened
3 to you after you signed that agreement?

4 A. I spoke with Judge Jayroe.

5 Q. Judge who?

6 A. Judge Jayroe. Chief judge administrator.

7 Q. Okay. Spell his last name.

8 A. I don't know. I just know his name is Judge -- I
9 don't know -- exactly know -- I just was referred
10 to by one of the judges up there that he is the
11 magistrate judge over just for the magistrate
12 court. He's in Little Mountain. He's Judge Jayroe
13 I think. Jayroe I think.

14 Q. Okay. And tell me your conversation with him.

15 A. That's irrelevant. I think you need to go ask
16 Judge Jayroe his conversation we had with him. I
17 think that's irrelevant. I think you need to go
18 ask him because I object to hearsay. You're asking
19 me to speak on something that he told me. And I
20 object that you need to go ask Judge Jayroe what he
21 had the discussion about.

22 Q. Okay. Who prompted the discussion? Did you go to
23 him, or did he call you?

24 A. I object. It's asked and I already answered the
25 question.

1 Q. No. No, you didn't. You haven't. You've
2 objected, but you haven't answered. But anyway,
3 it's a different question. Who went to who first?
4 You? Did you go to him first?

5 A. I object. I asked -- you asked and I answered your
6 question. You asked me earlier did I go to Jack --
7 Jayroe. I told you when I went to him. Now,
8 you're asking me the same question again, who went
9 to him first and did I go to him. I object as
10 asked and answered the question.

11 Q. Okay. What did you say when you went to him?

12 A. I can't answer that. I object to hearsay question.

13 Q. Okay, but you still can answer.

14 A. Well, and I also object that it is irrelevant to
15 the -- the reason why we're here. Because he's
16 actually not going to be a witness in this case.

17 Q. Okay. Who are your witnesses?

18 A. The documents themselves going to speak for their
19 self.

20 Q. Okay. So you just plan on submitting documents?
21 What --

22 A. Yeah, only thing I'm going to submit is documents
23 to present to the judge once I receive all
24 documents. Once -- it'll be submitted to the jury
25 and the jury will decide its own case what happens.

1 Q. So you don't plan on calling any witnesses?

2 A. I don't think so. And again I may. I don't think
3 so.

4 Q. Okay. Well, who would be a witness?

5 A. Who would be a witness? I think your -- your
6 question is -- have a lack of foundation. I object
7 that your question have a lack of foundation.
8 Would you rephrase the question?

9 Q. Yeah. Who -- who besides you and Chief Swindler is
10 a witness to this incident?

11 A. Well, I don't plan on asking the judge -- chief
12 judge magistrate if he's willing to because since
13 he have foreknowledge, since he aware of what's
14 happening. And I'm going to ask -- I'll probably,
15 you know -- basically I'm going to use as evidence
16 to try to prove my case. Documents going to speak
17 for themselves. I'm rather confident that once the
18 court see the documents, that I feel that it's
19 going to be in my favor.

20 Q. Okay.

21 A. Once I get all the complete documents and
22 everything that I need. Right now I haven't
23 received all of the documents including the motion
24 of discovery that I have not actually received the
25 complete documents I need to actually prepare for

1 went on and on about other things. That was
2 constantly through his own viewpoint he said that
3 defendant messed up.

4 Q. Okay.

5 A. But everything was Constitutional violations that
6 was in the law that was created.

7 Q. Okay. So you're just suing for Constitutional
8 violations?

9 A. Well, I'm -- I'm suing for my right that I have --
10 any defendant at that point in time was defending
11 in a criminal case. I have a right to request a
12 jury trial. If I request a jury trial in writing
13 in front of a judge, a municipal judge, only person
14 that can waive that right is the judge or myself.
15 I never waived no right at all. The request for a
16 jury trial is still on file at the courthouse right
17 now.

18 Q. Okay. Now, let me ask you this. If your appeal is
19 granted, do you plan on having a jury trial on this
20 -- on this matter, on the trespass notice?

21 A. Can you rephrase the question?

22 Q. Yeah. You filed an appeal, a PCR on your guilty
23 plea for trespass after notice. If the Court of
24 Appeals --

25 A. No, that wasn't the grounds I was being -- go ahead

1 trial. But that's another issue.

2 Q. Okay. So this Judge Jeff you may call as a witness
3 then?

4 A. I may, and I may not.

5 Q. All right. Well, then go ahead and tell me
6 everything that was discussed.

7 A. I object. I think you need to go ask Judge Jayroe.

8 Q. No, I'm asking you. You can answer.

9 A. I mean, you asking me to, you know, to discuss
10 something with him directly what I talked to him.
11 I know that's hearsay until he come himself, it's
12 actually for filing evidence. So I object on
13 hearsay.

14 Q. You can object. You can assert any objection you
15 want. But you still have to answer.

16 A. We -- we discussed Constitutional violations,
17 strictly the Constitutional violations. Strictly
18 Constitutional violations. All of my
19 Constitutional violations, we discussed it.

20 Q. All right. And what did he say?

21 A. He said a defendant has the right to cross examine
22 the witness concerning bias on the confrontation
23 clause under the Sixth Amendment right to
24 confrontation while -- by Chief of Police Jackie
25 Swindler, 563 SC 2d at 317, one of the things. We

1 went on and on about other things. That was
2 constantly through his own viewpoint he said that
3 defendant messed up.

4 Q. Okay.

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6 was in the law that was created.

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18 Q. Okay. Now, let me ask you this. If your appeal is
19 granted, do you plan on having a jury trial on this
20 -- on this matter, on the trespass notice?

21 A. Can you rephrase the question?

22 Q. Yeah. You filed an appeal, a PCR on your guilty
23 plea for trespass after notice. If the Court of
24 Appeals --

25 A. No, that wasn't the grounds I was being -- go ahead

1 with your question.

2 Q. Okay. You've appealed your guilty plea, right?

3 Yes?

4 A. Yeah.

5 Q. Okay. If the Court of Appeals comes back and says,
6 "You know, he's right," then do you plan on -- what
7 do you plan on doing?

8 A. Appealing again. I have a right to appeal as many
9 times as I want under the law.

10 Q. If the Court of Appeals comes back and says you're
11 right, you plan on appealing again?

12 A. No. If you -- that's what I'm saying. I don't
13 quite understand your question when you're saying -
14 - you asking me if the Appeal Court -- can you
15 rephrase the question again because I don't quite -
16 - it's kind of a tricky question you're trying to
17 ask me.

18 Q. Yeah. You say that you didn't -- your right to a
19 jury trial was taken away.

20 A. I object. You're leading the plaintiff.

21 Q. If your -- if your guilty plea is overturned, do
22 you plan on having a trial on this trespass after
23 notice?

24 A. Once again, I object to leading the plaintiff and
25 suggesting. It all depends on what the Appeals

1 Court decide. Because right now I have an attorney
2 representing me on that case. That's -- object to
3 the client and attorney privilege. That's
4 something you have to discuss with my attorney
5 which handles it. If that does go into transition,
6 he's handling that case. I have an attorney active
7 in that PCR.

8 Q. Do you have a job?

9 A. No, I'm unemployed.

10 Q. Did you graduate from high school?

11 A. Yeah.

12 Q. When did you graduate?

13 A. I can't quite remember the date.

14 Q. Well, do you remember the year?

15 A. I do not remember. It was in the nineties. I know
16 that.

17 Q. Okay. From Newberry High?

18 A. Yeah.

19 Q. Did you go to college?

20 A. Yes.

21 Q. Where did you go?

22 A. I went to Newberry College for a while. Then I
23 graduated from Ashwood University.

24 Q. From where?

25 A. Ashwood University.

1 Q. How do you spell that?

2 A. And then I attended -- Ashwood. And I attended the
3 University of Phoenix also.

4 Q. Did you get a degree from either one?

5 A. I have a degree in Computer Programming.

6 Q. When did you get that degree?

7 A. 2005 I think.

8 Q. When was the last time you had a job?

9 A. I can't quite remember the date. I don't want to
10 hypothetically or speculate. But it been a while.

11 Q. Okay. Where was it?

12 A. Georgia Pacific.

13 Q. What did you do there?

14 A. I was a operator.

15 Q. Do you remember your supervisor's name?

16 A. Chester Dye.

17 Q. All right. I don't know if I got an answer from
18 you, but you have never received a notice from
19 Quick Stop that you're welcome back on the
20 property?

21 A. I don't think so. I do not remember if I did or if
22 I didn't. But I don't think so.

23 Q. Okay. That's all I have.

24 FURTHER DEPONENT SAITH NOT.

25 Signing not waived.

1 (Whereupon, there being no further
2 questions, the deposition was
3 concluded at 12:03 p.m.)

4 (*This transcript may contain quoted material.
5 Such material is reproduced as read or quoted
6 by the speaker.)

7 (**Certificate accompanies sealed original only.)

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FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Frank R. Addy, Circuit Court Judge
Appellant C/A 2014-002532

Anthony Derone Richardson,

Appellant,

v.

Jackie Swindler chief of Police

Newberry County Municipal Police

Respondent.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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

- 1.....DEFENDANT ANSWER
- 2.....DEFENDANT AMENDMENT MEMORANDUM IN SUPPORT OF SUMMARY JUDGEMENT
- 3..... I-78 DEPOSITION TRANSCRIPT

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

January 20, 2001

Anthony Derone Richardson
P.O Box 221
Newberry, Sc. 29108

Anthony Derone Richardson 5-17-17

PROOF OF SERVICE

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

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Frank Addy Jr, Circuit Court Judge

Appellant Case No. 2014-002532

Anthony Derone Richardson,

Appellant,

v.

Jackie Swindler chief of Police
Newberry County Municipal Police,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Leave Supplement of Appeal
Designation of matter on RESPECTFULLY SUBMITTED MORRISON LAW FIRM,
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ATTORNEY FOR RESPONDENT

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MAY 23 2017
SC Court of Appeals

CERTIFICATE OF COUNSEL
THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

APPEAL FROM NEWBERRY COUNTY

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Jackie Swindler chief of Police

Newberry County Municipal Police

Respondent.

CERTIFICATE OF COUNSEL

The undersigned certified that this Motion Supplement Record Appeal complies with Rule 211(b), SCACR.

May 16, 2017

Anthony Derone Richardson

P.O Box 221

Newberry, Sc. 29108

Anthony Derone Richardson
..... date *5-17-17*

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