

EXHIBIT - A

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMON PLEAS
Civil Action Number: 2020-CP-36-00506

Terence L. Rush,
Plaintiff,

PLAINTIFF'S REPLY BRIEF ON
THE MOTION TO DISMISS

v.
Michael B. Stribble, et al,
Respondent(s), Individually and
in their official capacity as
Newberry County Sheriff's
Deputies,

Provided to Walton CI
On 5/3/21 for Mailing
Date

Respondent(s)

Inmate's Initials SR 4-30-21

MOVING BEFORE THE HONORABLE DONALD B. HOCKER

PLAINTIFF'S REPLY BRIEF ON THE MOTION TO DISMISS

Terence L. Rush, Plaintiff
c/o RUSH, TERENCE L., #E03490
Walton Correctional Institution
691 Institution Road
Defuniak Springs, Florida 32433

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ARGUMENT IN REPLY

I. Defendant Stribble is not immune from suit and liability because the complaint alleges that his actions constituted actual fraud, actual malice, [OR] intent to harm, which is conduct outside the course and scope of his official duties.

Nothing in South Carolina Code Annotated (S.C. Code Ann.) Chapter 15-78-70 may be construed to give an employee of a governmental entity immunity from suit and liability if it is proved that the employee's conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, [OR] intent to harm.

S.C. Code Ann. §15-78-30 defines scope of official duty or scope of state employment [as] mean[ing] (1) acting in and about the official business of governmental entity and (2) performing official duties. S.C. Code Ann.

§15-78-30 (i) (2005)

This action as alleged in the complaint *Terence L. Rush v. Michael B. Stribble, et. al.*, Civil Action No.: 2020-CP-36-00506 is one for fraud. Recapping how Michael B. Stribble came onto private property under the color of authority of the Newberry County Sheriff's Office (N.C.S.O.) and the probable cause that would have been entwined and established in the warrant that he said he had for a *Correy Pena*, whom which he also stated that the Plaintiff looks like him. See complaint

exhibit on record of Corey Pena.¹ Clearly from Mr. Pena's record, photo and information, Sergeant Michael B. Stribble would have been there to look for a caucasian, white male not a(n) black male, if in fact he had an actual warrant directing him to 2809 S.C. Hwy 66, Whitmire, S.C. 29178 to look for a Corey Pena from a Magistrate Judge. Michael B. Stribble thereby establishing himself as a proper party because of his actions which resulted in a complaint against him alleging actual fraud, malice, and his intentions to harm. 2020 U.S. Dist. LEXIS 89297 :: Bellamy v. Horry City Police Dep't,

April 30, 2020 (Distinguished from Rush v. Stribble, et al. with regard to complaint)

Michael B. Stribble was not acting in and about the official business of the Newberry County Sheriff Department when he trespassed unlawfully, civilly conspired with fellow deputies to defraud the Plaintiff out of his identity and with every intention to arrest the Plaintiff thereby causing him financial and legal hardship.

In closing on the reply to being a proper party, Michael B. Stribble normally would not be named as a defending party as decided in Johnson v.

City of Aiken, 278 F. 3d 333 (January 22, 2002) because S.C. Code Ann.

1. obtained Corey Pena's Exhibit in 2019 after having to grieve the Mail Room for interfering with evidence in my legal action.

§15-78-70 provides absolute immunity to government employees acting within the scope of their employment. *Bush v. Strible, et al.* is distinguished from *Johnson v. City of Aiken*, wherein the appellees in *Johnson v. City of Aiken* did not allege in their complaint that the officers actions constituted fraud, malice, or intent to harm as alleged in the Plaintiff's complaint which is stated in subsection (b) of S.C. Code Ann. §15-78-70(b). The Defendant's affirmative defense as to point 1 in his Motion to Dismiss complaint should be denied.

II. The Claimant at Law/Plaintiff did file his claim within both of the three (3) year statute of limitation time frame provided under the general or residual statute of limitation and under the South Carolina Tort Claims Act (S.C.T.C.A.) for this action for fraud once it was discovered.

In 2018, the Plaintiff found out that his family was homeless and denied access to the residence of 2809 S.C. Hwy 66, Whitmire, S.C. 29178 that he had been paying monthly payments on to purchase. Having been locked up and extradited back to Florida for a failure to appear out of Orange County Florida in 2015 by Newberry County Sheriff Deputy Sergeant Michael B. Strible, the Plaintiff sought to find out if there was anything he could do to correct this.

Having limited resources and no access to the laws of South Carolina or a faster way to communicate to family save by Postal mail, the claimant at law discovered he had been the victim of fraud by law enforcement. In South Carolina actions for fraud has a Three (3) year statute of limitation time frame which begins to run once the fraud is discovered.

A. Due to extraordinary circumstances external to the Plaintiff, Equitable tolling would apply in this action.

Edmonson v. Eagle Nat'l Bank, 922 F.3d 535, 549

Equitable tolling applies to this case because "it doesn't rely on looking into the actions of the defendant [which gave cause to the action] but rather focuses on whether there was "excusable delay" by the plaintiff. *Edmonson v. Eagle Nat'l Bank*, 922 F.3d at 549. The plaintiff has not been out of custody since the date of the incident, which occurred on October 2nd, 2015. Being twenty-one (21) days in maximum security holding in South Carolina at the Newberry County Jail. The detainee was not aware of any available resources provided by the County Jail to detainees and was not made aware of any available resources by staff.

Florida jails and institutional law libraries house and contain resources

that pertain only to Florida law. There is no internet access or devices with internet capabilities available to detainees or prisoners due to security concerns. Applicable South Carolina Rules of Court, Procedures and Applicable S.C. statutory law was and still is unavailable to the Plaintiff. Citing *Whiteside v. United States*, 775 F.3d 180, 184 (4th Cir. 2014) (en banc) (internal quotation marks omitted) Equitable tolling applies "in th[is] rare instance where - due to circumstances external to the party's own conduct it would be unconscionable to enforce the limitation period against the party and gross injustice would result.

B. The statute of limitations for an action for fraud is governed by the discovery rule; and does not begin to run until discovery of the fraud itself. *Burgess v. American Cancer Socy. S.C. Div., Inc.*, 300 S.C. 182, 185, 386 S.E. 2d 798, 799 (S.C. App. 1989)

"I was in the library (law library) at Taylor C.I., researching something on the Lexis Nexis files that happened to me in 2018 by the Florida Department of Corrections staff when I stumbled across S.C. Federal Circuit. I was looking up being false imprisoned in my cell for someone else's actions. That's when I found out that the actions and

statements of the staff revealed to me that what occurred to me in South Carolina was fraud. That was around October of 2018. The statute of limitations does not begin to run until discovery of the fraud itself. *Burgess v. American Cancer Socy, S.C. Div. Inc., 300 S.C. 182, 185, 386 S.E. 2d 798, 799 (Ct. App. 1989)*. The defendants claim as to the Plaintiff being barred by the applicable statute of limitations must be dismissed.

C. The limitations period commences under South Carolina law when "the injured party either knows or should have known by the exercise of reasonable diligence that a cause of action arises from wrongful conduct." *State ex. rel. Wilson v. Ortho-McNeil-Janssen Pharmaceuticals, Inc., 414 S.C. 33, 777 S.E. 2d 176, 198 (S.C. 2015)*

Having found out that my children and their mother was put out of our home we were purchasing in 2018 by our financial investor, I sought to pursue legal actions against him concerning our agreement. When it was brought to my attention that work was being destroyed and personal property was being withheld from my children and mother along with my stuff, I sought out all available legal avenues that was accessible to me being confined by incarceration in

a Florida Correctional facility. When it occurred that losing something by an intentional deception to circumvent, or deceive another, when the perpetrator knows and does not care that that what they are doing will cause an injury in fact to the person even when it is false and misleading, that gives rise to an action in court for fraud. The conduct of the ones committing these intentional and wrongful actions gives the injured person by law the right to redress those wrongs in court.

The plaintiff could not have surmised what an action like such would be brought at in the courts of another state and could not very well use one states laws, rules and procedures to turn another state's court eyes towards the direction of their injury without first being able to guide them and lead them toward the wrongdoing.

My finding out that I had been wronged in South Carolina by Sergeant Michael B. Strible was made aware by the similar actions of state employees in Florida and through the research of Florida law to be

able to identify the cause of action, and just how long I have to bring it to court before I lose my right to address my injury before a court with jurisdiction over my claims. I had no knowledge I was deceived by Michael B. Stribble until the same kind of situation went on behind prison walls and fences and I sought out the cause to those actions in 2018, which put me on notice that fraud has a three year statute of limitations in South Carolina and doesn't begin to run until a party should have known by reasonable diligence that a cause of action arose from wrongful conduct. That conduct being the Deputies actions and statements coupled with their uniform to carry out such treachery.

The defendant's claim that the plaintiff is barred by the applicable statute of limitations must be dismissed.

III. The S.C.T.C.A. is not intended to protect state employees from liability for intentional torts. *Smith v. Oemitt*, 394 E. Supp. 2d 787, 792 (D.S.C. 2005).

To look into the actions of Sheriff Michael B. Stribble, all one would have to do is look to the complaint filed with the

Clerk of Court in Civil Action No.: 2020-CP-36-00506, Terence L.

Rush v. Michael B. Stribble, et al. and one could read in the complaint of the allegations of how Michael B. Stribble intentionally and with reckless disregard to the truth that I am a Black male and not a white male, that he was acting outside the course and scope of his Department's official business and his employment when he actual committed fraud by making the false and misleading statement that he "had a warrant for a Corey Penn, and that I look like him. The Defendant never had the probable cause to trespass on my property, my rights or to question me about my identity when the person he said he was looking for is of a completely different skin color. The complaint actually alleges fraud, malice and reckless disregard for my rights. Actions that are outside the course and scope of Michael B. Stribble's employment. Leaving him without immunity from a tort claim, leaving him open to being subjected to a punitive damage claim as well in his individual capacity where he acted outside the scope of his

employment. 2015 U.S. Dist. LEXIS 196027 :: Dee v. Spartanburg

County Sch. Dist. Three :: August 19, 2015. If you look to the

complaint you will see that it alleges fraud, malice and intent

to recklessly disregard my rights, as well as that this action is

initiated also in Michael B. Scribble's, Individual capacity thereby

making him subject to punitive damages claim. Smith v. Ozmit,

394 F. Supp. 2d 787, 792 (D.S.C. 2005)

The Defendant's claim that the plaintiff's action is barred

from recovering punitive damages pursuant to the S.C.T.C.A.

against the Defendant would be correct in his official capacity

and were he acting within the course and scope of his employment.

However, the complaint alleges his fraud, malice, and recklessness

also in his individual capacity which is outside the course and

scope of his employment leaving him open to suit and not immune

from liability or punitive damages. The Defendant's claim must

be dismissed.

CONCLUSION

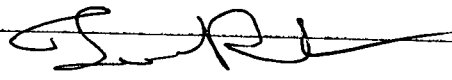
Accordingly, the Plaintiff asks this Court to deny the Defendant's Motion to Dismiss and leave Michael B. Stribble as a party to this action.

CERTIFICATE OF SERVICE

The undersigned Plaintiff, Terence L. Rush, does hereby certify that service of the Plaintiff's Reply Brief on the Motion to Dismiss submitted by the Defendant in the above-captioned action was made upon the Counsel for the Defendant and The Honorable Donald B. Hocker by placing the same in the United States Mail, first class postage prepaid, at the below listed addresses on this 30th day of April, 2021, addressed as follows:

DAVIDSON, WREN & DEMASTERS, P.A.
ATTORNEYS AND COUNSELLORS AT LAW
1611 Devonshire Drive, second Floor (29204)
Post Office Box 8568
Columbia, South Carolina 29202-8568
Counsel for Defendant

The Honorable Donald B. Hocker
P.O. Box 972
Laurens, SC 29360


Terence L. Rush

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Reply Brief complies with the
page requirements and word limitations for a reply brief.

This brief contains _____ words



Terence L. Rush.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Provided to Walton CI
On 9/27/21 for Mailing
Date

By (officer initials) AD SR

APPEAL FROM NEWBERRY COUNTY
Donald B. Hocker, Circuit Court Judge

Terence L. Rush,

v.

RECEIVED

SEP 27 2021

SC Court of Appeals

Michael B. Stribble, Individually and in his Official Capacity as Sergeant
at the Newberry County Sheriff's office, Respondent.

RECORD ON APPEAL

David Allan DeMasters, Esquire
Post Office Box 8568
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Terence L. Rush, Pro se
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Defuniak Springs, Florida 32433
Pro Se Appellant

Terence L. Rush

Terence L. Rush

Terence L. Rush vs. Michael B. Strible
LT. CASE NO: 2020-CP-36-00506
HT. CASE NO: 2021-000817

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Terence L. Rush vs. Michael B. Stribble
LT. CASE NO: 2020-CP-36-00506
HT. CASE NO: 2021-000817

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Terence L. Rush vs. Michael B. Stribble
LT. CASE NO: 2020-CP-36-00506
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Terence L. Rush vs. Michael B. Strible
LT. CASE NO: 2020-CP-36-00506
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REQUESTING SIGNED FINAL ORDER
DISMISSING COMPLAINT

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STATE OF SOUTH CAROLINA)
 COUNTY OF NEWBERRY)

TERENCE L. RUSH)
 Plaintiff(s))

VS.)
MICHAEL B. STRIBBLE, et al. JOHN DOE (Four) whose true names are unknown, Newberry County Sheriffs, Individually and in their Official Capacity as Newberry County Sheriffs Deputies,)
 Defendant(s))

Submitted By: Terence L. Rush
 Address: Walton Corr. Inst. - Main
691 Institution Road
Defuniak Springs, FL 32433

IN THE COURT OF COMMON PLEAS
2020-CP-36-00506
 CIVIL ACTION COVERSHEET

-CP-
 Provided to Walton CI
 On 11/10/20 for Mailing
 Date

SC Bar #: Inmate's Initials: *AW*
 Telephone #: _____
 Fax #: _____
 Other: 850-451-1300 (Walton C.I.'s Phone#) Classification Team 3
 E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached).

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|--|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Interpleader (690) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case # <u>20 -NI-</u> <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input checked="" type="checkbox"/> Other (399) <u>FRAUD</u> <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Incapacitated Adult Settlement (790) <input type="checkbox"/> Other (799) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) |
|---|---|--|--|

I, Elizabeth P. Folk, Clerk of Court, Newberry, South Carolina, do hereby certify that this is a true and correct original on file.
 SEP 02 2021
 Clerk of Court

Submitting Party Signature: *Terence L. Rush* Date: November 9, 2020

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)

COUNTY OF NEWBERRY)

Terence L. RUSH,)
Plaintiff,)

vs.)

Michael B. STRIBBLE, Individually)
and in his Official capacity as)
Sergeant at the Newberry County)
Sheriff's Office,)
Defendant.)

IN THE COURT OF COMMONS PLEAS

SUMMONS

2020 - CP-36-0050 4

FILE NO. _____ -CP- _____

FILED
NOV 16 2020
NEWBERRY COUNTY
CLERK OF COURT
CLOCKED
IN
ERROR

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Newberry, South Carolina

/s/ Terence L. Rush
Plaintiff/Attorney for Plaintiff

Dated: 10-06-2020

Address: Terence L. Rush,
%RUSH, TERENCE L., #E03490
Taylor Correctional Institution - Main
8501 Hampton Springs Road
Perry, Florida 32348

FILED
NOV 16 2020
NEWBERRY COUNTY
CLERK OF COURT

STATE OF SOUTH CAROLINA)

) IN THE COURT OF COMMONS PLEAS

COUNTY OF NEWBERRY)

SUMMONS

Terence L. RUSH,
Plaintiff,

2020 CP-36-00506

vs.

FILE NO. _____-CP-_____-_____

Unidentified JOHN DOE(1) whose true)
name is unknown, Individually and in his)
Official capacity as the Newberry County)
Sheriff that rode in front seat with)
Sergeant Michael B. Stribble,)
Defendant.)

NEWBERRY COUNTY
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FILED

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Newberry, South Carolina

/s/ Terence L. Rush
Plaintiff/Attorney for Plaintiff

Dated: 10-16-20

Address: Terence L. Rush,
%RUSH, TERENCE L., #E03490
Taylor Correctional Institution - Main
8501 Hampton Springs Road
Perry, Florida 32348

NEWBERRY COUNTY
FILED
2020 NOV 16 PM 10:28

STATE OF SOUTH CAROLINA)

) IN THE COURT OF COMMONS PLEAS

COUNTY OF NEWBERRY)

SUMMONS

Terence L. RUSH,)
Plaintiff,)

2020-CP-36-00506

vs.)

FILE NO. _____-CP-_____-_____

Unidentified John DOE(2), whose true)
name is unknown, Individually and in his)
Official capacity as Newberry County)
Sheriff that rode in second row seating)
with Sergeant Michael B. Stribble,)
Defendant.)

NEWBERRY COUNTY
CLERK OF COURT
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2020 OCT 20 PM 10:26
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TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Newberry, South Carolina

/s/ Terence L. Rush
Plaintiff/Attorney for Plaintiff

Dated: 10-26-20

Address: Terence L. Rush,
%RUSH, TERENCE L., #E03490
Taylor Correctional Institution – Main
8501 Hampton Springs Road
Perry, Florida 32348

FILED
NEWBERRY COUNTY
OCT 20 2020
PM 10:26

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMONS PLEAS
 COUNTY OF NEWBERRY)
)
 Terence L. RUSH,)
 Plaintiff,)
 vs.) FILE NO. _____ -CP- _____ -
)
 Unidentified John DOE(3), whose true)
 name is unknown, Individually and in)
 his Official capacity as Newberry)
 Sheriff Deputy S.L.E.D. Officer that)
 drove on to the property to assist)
 Michael B. Stribble,)
 Defendant.)

SUMMONS
 2020-CP-36-00506

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TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Newberry, South Carolina

/s/ Terence L. Rush
 Plaintiff/Attorney for Plaintiff

Dated: 10-16-20

Address: Terence L. Rush,
 %RUSH, TERENCE L., #E03490
 Taylor Correctional Institution – Main
 8501 Hampton Springs Road
 Perry, Florida 32348

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 NEWBERRY

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMONS PLEAS
 COUNTY OF NEWBERRY)
) 2020-CP-36-00506
) SUMMONS
 Terence L. RUSH,)
)
 Plaintiff,)
)
 vs.) FILE NO. ____-CP-____-_____
)
 Unidentified W. John DOE(4), whose)
 true name is unknown, Individually and)
 in his Official capacity as Newberry)
 Sheriff Deputy Lieutenant that drove up)
 independently to assist Michael B.)
 Stribble,)
 Defendant.)

2020 NOV 16 PM 10:28
 NEWBERRY COUNTY CLERK
 CLOKED IN ERROR

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Newberry, South Carolina

/s/ Terence L. Rush
 Plaintiff/Attorney for Plaintiff

Dated: 10-16-20

Address: Terence L. Rush,
 %RUSH, TERENCE L., #E03490
 Taylor Correctional Institution – Main
 8501 Hampton Springs Road
 Perry, Florida 32348

FILED
 2020 NOV 16 PM 10:28
 NEWBERRY COUNTY CLERK

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY
Terence L. RUSH,
Claimant at Law,

IN THE COURT OF COMMON PLEAS
CIVIL ACTION COMPLAINT

FILED
NEWBERRY COUNTY

2020-CP36-00506

vs.

FILE NO. 2020 NOV 16 - CP-10-29

Michael B. STRIBBLE, Unidentified
John DOE (1), Unidentified John DOE (2),
Unidentified John DOE (3), Unidentified
Lieutenant John DOE (4), Individually
and in their capacity as Newberry
County Sheriffs Deputies,
Respondents /

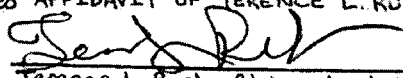
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COMPLAINT

PRELIMINARY STATEMENTS TO COMPLAINT

I Terence L. Rush, Claimant at Law, having appeared before a Notary Public and giving an Oath of Affirmation do hereby affirm under Oath and Penalty of Perjury that the facts stated herein are true and in the attached AFFIDAVIT OF TERENCE L. RUSH.


Terence L. Rush, Claimant at Law

(1) a representation: Sheriff Deputy Stribble represented the Newberry County Sheriff's Department's policy and procedures of having probable cause to officially trespass and execute a warrant signed by a South Carolina Magistrate Judge who has been provided sufficient information to establish said probable cause based on the demand by the executive authority of the State of Florida to go to 2809 SC Hwy 66, Whitmire, SC 29178 and find a Corey Pena who is believed to be there based upon that sufficient information and detain him for Florida authorities to receive him so he can appear before a Florida Circuit Court Judge in Palm Beach County and answer for offenses committed in the State of Florida when he came onto my land and stated that he "had a warrant for Corey Pena and that I look like him."

(2) its falsity: Corey Pena and I look nothing alike and sheriff Stribble did not have a warrant. see Exhibit A- Corey Pena's photo

and information. See Exhibit B- Terence L. Rush's photo and information. There was no demand from the Executive Authority of the State of Florida requesting the Newberry County Sheriff Department to proceed to 2809 SC Hwy 66, Whitmire, South Carolina 29178 under a signed warrant from a South Carolina Magistrate to take into custody the body of a Corey Pena who is believed to be at that residence based on sufficient information establishing probable cause that he is there.

(3) its materiality: There is a Corey Pena who exist and who was in the Florida database as someone who has done something to children. Deputy Stribble confirmed that Corey Pena was suspected of doing something to children when he said, "I worked on this all night and if I know what Corey was wanted for, I would have wanted him to come and check for him because of my children."

(4) Knowledge of its falsity or reckless disregard of its truth or falsity: Deputy Michael B. Stribble knew that Corey Pena and I looked nothing alike because he saw his picture and did not care about that fact as long as he was able to obtain my identity even after I pointed that fact out about him seeing the picture on his warrant and then seeing me.

(5) Speaker's intent that the representation be acted upon: Deputy Stribble wanted my identity revealed to him that is why when he asked for my name, my identification, papers identifying me and even my social security number and after giving him what I had, he said it wasn't sufficient and called for a S.L.E.D. Id Kit to be brought to my residence by another Sheriff Deputy to obtain my identity.

(6) hearer's ignorance of its falsity/(7) hearer reliance on its truth: I had no way to disprove that the Sheriff Deputies did not have an actual warrant backed by probable cause and signed by a South Carolina Magistrate Judge for a Corey Pena without being able to examine the warrant, but they never produced one. I knew

I was not Corey Pena and I tried to prove to them as best as I could that was sufficient for them that I was not Corey Pena.

(8) hearer's right to rely thereon: I was raised to believe that our law enforcement officers are people of integrity and therefore I had no reason to doubt that they didn't have a warrant for a Corey Pena.

(9) the hearer's consequent and proximate injury: As a result of Deputy Stribble saying he had a warrant for Corey Pena and using that as a means to trespass on my property and defraud me out of my identity without producing said warrant, I lost the enjoyment of my peaceable possession of property I was paying for to own by purchasing it thru monthly payments, the ability to protect and defend both properties from any and all types of harm from not being physically present to do so, the interest already placed in them and the future interest in their improvement and upkeep, the lost of all livestock and my green energy, self-sustaining generator invention on that property due to the fraud perpetrated on me by Newberry County Sheriff's Deputy Michael B. Stribble and others in order to obtain my identity without affording me equal protection of the law through the procedural and substantive rights guaranteed under the Constitution for the United States of America's equal protection of the law clause and South Carolina's Constitutional equivalent.

The law is clear in South Carolina that the Statute of limitations for causes of action for fraud is governed by the discovery rule: and does not begin to run until discovery of the fraud itself or of 'such facts as would have led to the knowledge thereof, if pursued with reasonable diligence.' Burgess v. American Cancer Soc'y, S.C. Div., Inc., 300 SC 182, 185, 386 S.E. 2d 798, 799 (Cr. App. 1989) (Quoting Grayson v. Fidelity Life Ins. Co. of Philadelphia, 114 S.C. 130, 135, 103 S.E. 477 (1920)).

The Claimant at law having only access to Florida laws, discovered that he had an action for fraud in 2018. Thus extending the three (3) year statute of limitations for such an action to October 2021. However, after reasonable diligence and research, the Claimant was able in 2019 to see a photograph of Corey Pena. See previously referenced Exhibit A- Corey Pena mentioned supra. This discovery of such fact that Corey Pena could not have been mistaken for me because he is of the caucasian skin tone and possibly of the Hispanic Culture, revealed that Deputy Stribble acted in bad faith, outside of the policy and procedures of the Newberry Sheriff's Department while performing these actions under color of authority yet outside of his official duty or employment when there was not enough sufficient information to establish probable cause to trespass on my property.

South Carolina courts make clear that the law of trespass protects the peaceable enjoyment of property. See *Ravan v. Greenville County*, 434 S.E. 2d at 306 (S.C. Ct. App. 1993). There was no evidence of a crime happening or even the need for the presence of law enforcement to be out at my residence of 2809 SC Hwy 66, Whitmire, SC 29178.

"The Warrant Clause of the Fourth Amendment requires that warrant applications contain sufficient information to establish probable cause." *Holmes v. Kucynda*, 321 F. 3d 1069, 1083 (11th Cir. 2003). "Probable cause to support a search warrant exists when the totality of the circumstances allows the conclusion that there is a fair probability that contraband or evidence of a crime will be found in a particular place." *United States v. Kapordelis*, 569 F. 3d 1291, 1310 (11th Cir. 2009). See also *United States v. Martin*, 297 F. 3d 1308, 1314 (11th Cir. 2002). No warrant was ever produced stating that a Corey Pena is known or will be at 2809 SC Hwy 66, Whitmire, SC 29178 residence to establish the probable cause sufficient enough for the Newberry County Sheriff Deputies to even be there to search for anyone. Since there was no probable cause to be there, the identity of the Claimant, that Deputy

Michael B. Stribble obtained through his fraud and malicious intent to deceive Claimant at law, Terence L. Rush, through his representation of having a warrant for a Corey Pena was obtained from the "Fruit of the Poisonous Tree" through this false representation of fact once acted upon it to prove I was not Corey Pena. See enclosed narrative of Deputy Michael B. Stribble's arrest report as Exhibit C. No where does it mention the warrant he was executing on a Corey Pena, to establish his required or needed presence at the residence of 2809 SC Hwy 66, Whitmire, SC 29178 on October 2nd, 2015.

The Claimant at law has established the basis for a fraud claim under South Carolina law as set forth in *Tony v. LaSalle Bank Nat'l Ass'n*, 896 F. Supp. 2d 455 (D.S.C. 2012) and also in *Regions Bank v. Schmauch*, 354 S.C. 648, 582 S.E. 2d 432, 444-45 (Ct. App. 2003) where it lays out that there must be: "(1) a representation; (2) it's falsity; (3) its materiality; (4) Speaker's knowledge of its falsity or reckless disregard of its truth or falsity; (5) the Speaker's intent that representation be acted upon; (6) the hearer's ignorance of its falsity; (7) the hearer's reliance on its truth; (8) the hearer's right to rely thereon; and (9) the hearer's consequent and proximate injury."

NARRATIVE TO COMPLAINT

1. I was in the back yard working at the residence I was making payments on to own on October 2, 2015 in the morning.
2. Out of nowhere, Jennifer and the children are startled and run into the house.
3. That's when I noticed three unannounced and unidentified men in black uniforms come from around the North Side of the house and one unannounced and unidentified man in a black uniform come from around the South Side of the house.

4. It was evident they ~~to~~ passed thru my reasonable expectation of privacy fence erected off of both sides of the house that I did not want NO TRESPASSING.
5. As Sergeant Michael B. Stribble approached, he gave me an order to stop working.
6. I stopped working and said, "How can I help you?"
7. Sheriff Deputy Michael B. Stribble said, "I have a warrant for Corey Pena and you look like Corey Pena."
8. I said, "I can assure you I am not Corey Pena."
9. The unidentified John Doe (i) Sheriff Deputy who rode in the front seat with Sergeant Michael B. Stribble said, "You look pretty much like Corey Pena."
10. I demanded then for Sergeant Michael Stribble to produce the warrant and Sergeant Michael Stribble failed to produce a valid warrant, or any warrant for a Corey Pena.
11. Sergeant Michael Stribble told me to identify myself and produce documentation.
12. I told Michael Stribble they call me Al, short for Alfred T. Jackson and that I don't have ID because it was stolen in Florida, but the mail I receive here can identify me as Alfred T. Jackson and not as being Corey Pena.
13. Michael Stribble said, "OK, show us," but when I produced it, Michael Stribble said it was not sufficient.
14. At this time Sergeant Michael Stribble said, "Let's move around to the front of the house, I have an officer coming with a S.L.E.D. ID kit."

15. I was still under the impression that Sergeant Stribble had a valid warrant, even though I had not seen one and didn't resist being escorted to the front of the house so that I could prove I was not the person Corey Pena.
16. At about this time the unidentified John Doe (4) Lieutenant Sheriff Deputy was threatening to arrest Jennifer, call social services on my children and have our dogs removed by animal control.
17. Although Sergeant Michael Stribble wouldn't produce a valid warrant, I felt compelled to let the unidentified John Doe (3) Sheriff Deputy scan my finger because I did not know I did not have to comply with their deceit and was afraid the unidentified John Doe (4) Lieutenant would fabricate a case against me, lock Jennifer up and take my children.
18. Subsequently, Sheriff Deputy Michael Stribble arrested me for a failure to appear out of Orange County, Florida.
19. Consequently, as a result of Michael Stribble's fraud, I was deprived the guarantees of South Carolina's Constitution and of the Constitution for the United States of America in the Fourteenth, Fifth, and Fourth Amendment and the South Carolina's Constitution equivalents.
20. The actions of Sheriff Deputy Michael Stribble and the unidentified Sheriff Deputies whose true names are unknown were carried out in bad faith and without purpose under color of law without affording me equal protection of the law from being deprived of all forms of due process from self-incrimination by his fraudulent representation of having probable cause.
21. Those actions forced me to break the contractual relations I had between Kevin Gushlaw and Jennifer Malard; lose the \$39,000.00 property at 613 Owens Drive in Anderson, SC

29624 which was traded in good-faith as collateral towards paying for the 2809 SC Hwy 66, Whitmire, SC 29178 estate. Lose the \$14,000.00 paid towards the \$33,000.00 indebtedness to Kevin Gushlaw for the 2809 SC Hwy 66, Whitmire, SC 29178 estate; the construction costs in the labor of designing, demolition and clearing of the 613 Owens Dr. home in preparation of new construction for the Owens Dr. property and also the construction costs in the labor of the erection of the two story storage unit/workshop along with the remodeling, renovation, improvements and fencing off of the 2809 SC Hwy 66 estate.

WHEREFORE, the Claimant at Law, Terence L. Rush pray that this Court of Common Pleas in Newberry, South Carolina accept his Complaint pursuant to the South Carolina Rules of Civil Procedure and in accepting this Complaint, accept his demand for compensatory damages in the amount of \$204,500.00 plus attorney fees for mitigation, arbitration and Court costs, punitive damages against Sheriff Sergeant Michael Stribble, the Unidentified Sheriff Deputy in Line 9, and the Unidentified Lieutenant John Doe (4) Sheriff Deputy in Line 1b for the amount of \$204,500.00 (Two-Hundred Four Thousand, Five Hundred Dollars and Zero Cents) and whatever equitable relief the Court of Common Pleas deems just, and a jury trial is demanded should Alternative Dispute Resolution fail.

I understand that I am swearing or affirming under Oath to the truthfulness of the Claims made in this Complaint and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Date: 10-16-20

151 

Terence L. Rush, Claimant at Law,

% RUSH, TERENCE L., #E03490

Taylor Correctional Institution-Annex

8501 Hampton Springs Road

Perry, Florida 32348

Date: 10-16-20

Terence L. Rush

Terence L. Rush, Claimant at Law,
%RUSH, TERENCE L., #E03490
Taylor Correctional Institution - Annex
8501 Hampton Springs Road
Perry, Florida 32348


Oath or Affirmation

JURAT

STATE OF FLORIDA
COUNTY OF TAYLOR

Personally appeared before me the affiant, Terence L. Rush, who
being duly sworn to or affirmed and signed before me on
10-16-20 by Terence L. Rush.

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CLERK OF COURT
TAYLOR COUNTY
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 Laquita D. Dannel
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG947557
Expires 1/15/2024

Laquita D. Dannel
NOTARY PUBLIC OR DEPUTY CLERK
Laquita D. Dannel
[Print, Type or Stamp Commissioned Name of Notary or Deputy Clerk.]

Personally Known
 Produced Identification
Type of identification produced

(State ID) DC# E03490

OUTGOING LEGAL MAIL
PROVIDED TO TAYLOR C.I. FOR
MAILING ON
10-16-20 DA OSP
DATE (MAILROOM-ANNEX) OFFICER INT.

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EXHIBIT - A

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COREY PENA'S PHOTOGRAPH AND
INFORMATION IS TO BE PUT HERE,
IN EXHIBIT-A SPOT.

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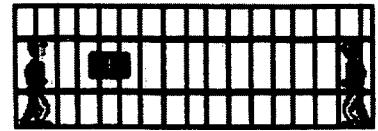
EXHIBIT - B

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FBI
COMMUNICATIONS SECTION



Corrections Offender Information Network
 Florida Department of Corrections



Inmate Population Information Detail

(This information was current as of 2/9/2020)



DC Number: E03490
Name: RUSH, TERENCE L
Race: BLACK
Sex: MALE
Hair Color: BROWN
Eye Color: BROWN
Height: 5'09"
Weight: 180 lbs.
Birth Date: 07/16/1974
Initial Receipt Date: 02/20/2017
DNA Drawn: NONE
Current Facility: TAYLOR C.I.
Current Classification Status: NOT APPLICABLE
Current Custody: CLOSE
Current Release Date: 09/24/2045

(Release Date subject to change pending gain time award, gain time forfeiture, or review. A 'TO BE SET' Release Date is to be established pending review.)

FILED
 2020 JUL 16 PM 10:30
 CLERK OF COURT



[Visiting Request Form - Part 1](#)
[Visiting Request Form - Part 2](#)
[How to Apply for Visitation](#)

* October 2, 2015 PHOTOGRAPH IS TO REPLACE THIS ONE. *(THE DATE OF ARREST PHOTOGRAPH)

EXHIBIT - C

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CLERK OF COURT

ARREST WARRANT

2015A3610100565

STATE OF SOUTH CAROLINA

County/ Municipality of

Newberry

THE STATE

15-09835

against

Terence Lanar Rush

Address: 2809 Sc Highway 66

Whitmire, SC 29178-

Phone: SSN: 058-56-0322

Sex: M Race: B Height: 5 8 Weight: 195

DL State: DL #:

DOB: 7/16/1974 Agency ORI #: SC0360000

Prosecuting Agency: Newberry County Sheriff

Prosecuting Officer: Michael Stribble - 077

Offense: Fugitive / Fugitive from justice warrant, non-crim.

Hold fug. max. 20 days. Gov. Ofc.

Offense Code: 3135

Code/Ordinance Sec: 17-09-0010

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Terence Lanar Rush

on 10/3/15

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Newberry Central Traffic Court
3239 Louis Rich Drive
Newberry, SC 29108

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

STATE OF SOUTH CAROLINA)

County/ Municipality of)

Newberry)

AFFIDAVIT

DEFENDANT COPY

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Michael Stribble who

being duly sworn deposes and says that defendant Terence Lanar Rush

did within this county and state on or about 10/2/2015 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Newberry)

in the following particulars:

DESCRIPTION OF OFFENSE: Fugitive / Fugitive from justice warrant, non-crim. Hold fug. max. 20 days. Gov. Ofc.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT ON 10-02-2015, ONE TERENCE LANAR RUSH, HEREIN SAID DEFENDANT, DID COMMIT THE OFFENSE OF "FUGITIVE FROM JUSTICE" 17-09-0010, IN THAT HE FLED FROM ORANGE COUNTY FLORIDA AFTER COMMITTING A CRIMINAL OFFENSE (FELONY) AND BY FLEEING THE JURISDICTION OF ORANGE COUNTY, FLORIDA WITH THE INTENT OF ELUDING AND EVADING ARREST. THE DEFENDANT IS WANTED FOR ATTEMPTED MURDER. THIS OFFENSE OCCURRED IN NEWBERRY COUNTY AND IS A VIOLATION OF THE S.C. CODE OF LAWS, 1976 AS AMENDED.

Signature of Affiant

MB Stribble

STATE OF SOUTH CAROLINA)

County/ Municipality of)

Newberry)

Affiant's Address 550 Wilson Road
Newberry, SC 29108-

Affiant's Telephone (803)321-2211 x 1

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/2/2015 defendant Terence Lanar Rush

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Newberry) as set forth below.

DESCRIPTION OF OFFENSE: Fugitive / Fugitive from justice warrant, non-crim. Hold fug. max. 20 days. Gov. Ofc.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)

on 10/3/2015)

Signature of Issuing Judge (L.S.))

Ronald C. Halfacre)

Judge Code: 7062)

Judge's Address 3239 Louis Rich Road
Newberry, SC 29108-1540

Judge's Telephone (803)321-2144

Issuing Court: Magistrate Municipal Circuit

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMONS PLEAS
CIVIL ACTION COMPLAINT

Terence L. RUSH,
Claimant at Law,

vs.

FILE NO. ___-CP-___-

Michael B. STRIBBLE, Unidentified
John DOE(1), Unidentified John DOE(2),
Unidentified John DOE(3), Unidentified
Lieutenant John DOE(4), Individually
And in their capacity as Newberry
County Sheriff Deputies,
Respondents. /

OUTGOING LEGAL MAIL
PROVIDED TO TAYLOR C.I. FOR
MAILING ON
12-17-19 mp
DATE (MAILROOM-MAIN UNIT) OFFICER INT.

AFFIDAVIT OF TERENCE L. RUSH

On October 2nd, 2015, I Terence Lanar Rush, doing business under the pseudonym of Alfred T. Jackson, in the State of South Carolina by working in the backyard of the residence situated in Newberry County, in the City of Whitmire, in the State of South Carolina.

1. The address of the residence mentioned in the paragraph above is 2809 SC Hwy 66, Whitmire, SC 29178.
2. This residence on the day of October 2nd, 2015 had a 6'7" hand crafted privacy panel wood fence, well within the allowable 7' height privacy fence approved for back yards by the County of Newberry.
3. This privacy panel wood fence comes off the left and right side corners of the residence when viewed from SC Hwy 66.
4. When viewing this residence from SC Hwy 66, there are trees on the left or South Side of the house that the privacy panel wood fence length runs into with a privacy gate for vehicle entrance.
5. When viewing this residence from SC Hwy 66, there is the residence of the Dicker's on the right or North Side where the privacy fence comes off of the 2809 SC Hwy 66 residence and extends out on the right to about six (6) inches from the property line, then turns west and runs between both residences six (6) inches off

of the property line and lying six (6) inches inside the property line of the residence of 2809 SC Hwy 66, Whitmire, SC 29178.

6. Kevin Gushlaw being the lawful owner of the property at 2809 SC Hwy 66, Whitmire, SC 29178 on October 2nd, 2015.
7. There existed a verbal binding contract between Kevin Gushlaw, Jennifer Malard and Claimant at Law, Terence L. Rush for the beneficiaries of Terence L. Rush before the date above mentioned in this affidavit.
8. I, Terence L. Rush, Claimant at Law, considered and accepted the terms of the Contract between Kevin Gushlaw and Jennifer Malard by performing certain duties and provisions as stipulated by our agreement.
9. This is an enumerated list of the agreement between Kevin Gushlaw, Jennifer Malard and myself.
 - 9a. Jennifer Malard acquired the property of 613 Owens Dr., Anderson, SC 29624 with the stipulation that she would have the necessary demolition of the 3 bed/1 bath home within a fourteen (14) day time frame or forfeiture of property would ensue.
 - 9b. Jennifer Malard contracted with me for the demolition.
 - 9c. The agreement between the three (3) parties would be that I, Terence L. Rush, would perform all work required by homeowner Jennifer Malard and homeowner Kevin Gushlaw.
 - 9d. The consideration being the gain of the 3 bedroom, 2 bath home at 2806 SC Hwy 66, Whitmire, SC 29178, in exchange for the property of 613 Owens Dr., Anderson, SC 29178 and the sum of \$33,000.00.
 - 9e. Upon the acceptance of this agreement by the demolition of the Anderson, SC property, a contract had been created, considered and accepted between and by all of the parties.
10. We paid Kevin Gushlaw \$500.00 a month plus ½ of any earnings from jobs I completed until the property was paid off.
11. The children of Terence L. Rush and Jennifer L. Malard would gain the property of 2809 SC Hwy 66 in Whitmire, SC as their home once paid off.

12. I demolished the house at 613 Owens Drive in Eight (8) days after a title search on the property was completed and title transferred to Jennifer L. Malard.
13. The "Owens Dr." property was to have a newly constructed five (5) bedroom 2½ bath home rebuild on it.
14. The property at 613 Owens Dr., Anderson, SC 29624 is zoned in the city to situate a five thousand (5,000) sq. ft, four (4) story home rebuild on it.
15. I drafted up the design and plans for the new home and submitted them to Kevin Gushlaw, who accepted them.
16. Kevin Gushlaw recorded the amount of the expenses by the receipts I kept and submitted to him for general accounting purposes.
17. Fourteen thousand (\$14,000.00) of the \$33,000.00 debt was repayed to Kevin Gushlaw leaving a remaining balance of \$19,000.00 to pay off the 2809 SC Hwy 66 property before the day this incident occurred with Michael B. Stribble.
18. I had constructed a two (2) story storage unit and workshop on the 2809 SC Hwy 66, Whitmire, SC property in order to store personal private property as agreed to by Kevin Gushlaw.
19. I had remodeled the interior of the 2809 SC Hwy 66 home.
20. I had installed 308 sq. ft. of hardwood floors throughout the living and dining room floors.
21. I had installed 128 sq. ft of 16" x 16" Sandstone colored tile in the kitchen.
22. I had installed 435 sq. ft. of carpet in the bedrooms.
23. I had erected a flag pole out front at the top of the driveway.
24. I had planted four fruit trees out in the front yard. A pear, a plum, an apple, and peach trees.
25. I had enclosed the front porch with screen.
26. I had built a deck off the back door of the house.
27. On October 2nd, 2015, I was in the back yard cleaning up the panels for the privacy fence and any nails on the ground so that the children could celebrate TJ's 3rd birthday.

28. There was no criminal activity being committed in the presence of any sheriff that would justify them to ignore and violate my reasonable expectation of privacy by the privacy fence they entered and TRESPASSED thru on the property of 2809 SC Hwy 66, Whitmire, SC 29178.
29. No one at the residence of 2809 SC Hwy 66, Whitmire, SC 29178 called, invited, or gave permission to any sheriff or officer of the State of South Carolina to come upon the land or property of 2809 SC Hwy 66.
30. No one on October 2nd, 2015 was in need of any assistance from any Police, Sheriff, Fire, or Medical personnel that would give permission to justify the presence of any Police, Sheriff, Fire or Medical personnel at 2809 SC Hwy 66, Whitmire, SC 29178.
31. The view of the back yard being blocked by the House and the privacy panel wood fence and trees does not allow for anyone to view, peer or see into the back yard where I was working.
32. Sheriff Deputy Michael B. Stribble and about four (4) unidentified John Doe Sheriff's Deputies for Newberry County, whose true names are unknown, came onto the property of the residence of 2809 SC Hwy 66, Whitmire, SC uninvited, unannounced and unwelcomed.
33. Sheriff Deputy Michael Stribble and about three unidentified John Doe Sheriff Deputies ignored my reasonable expectation of privacy and entered into the backyard thru the privacy fence by opening and crossing the threshold on both of the 6'7" privacy panel wood fence entrances.
34. Sheriff Michael Stribble used the Newberry County Sheriff's Office uniform to gain access onto the land of 2809 SC Hwy 66, Whitmire, SC 29178.
35. Sheriff Michael Stribble knew the warrant he and the other unidentified deputies claimed to have was false, because at no time before I demanded to see it or after, was it produced to justify their intrusion that morning.
36. I did not know that Sheriff Michael Stribble or any of the other unidentified Sheriff deputies did not have a valid warrant when they trespassed on and against my peaceable possession of property.

37. Sheriff Michael Stribble and the Unidentified Sheriff deputies did not have an Official order signed by a South Carolina magistrate to be directed to 2809 SC Hwy 66, Whitmire, SC 29178 to look for and take into custody a Corey Pena or a black male known to be at the address of 2809 SC Hwy 66, Whitmire, SC 29178, who fits his description and who is wanted in Florida.
38. Sheriff Deputy Michael Stribble and the four unidentified Sheriff Deputies abused their position of trust as defenders and protectors of both constitutions, The State of South Carolina and The Constitution for the United States of America.
39. Ultimately, Sheriff Deputy Michael Stribble and the four Unidentified Newberry Sheriff deputies' actions under color of law resulted in me breaking the contractual relations I had between Jennifer Malard and Kevin Gushlaw which led to me being deprived of the peaceable use and possession of property.
40. This also caused me to be unable to finish paying off the debt for the property so that the deed would be signed over and my children wouldn't be homeless as they are now with their mother.
41. I did not harm, hurt, cheat, defraud or disturb the peace of anyone in the great State of South Carolina, and yet I was targeted by Sheriff Deputy Michael Stribble who said, "I worked on this all night.", which is in my belief, he plotted and planned all night on how to make an illegitimate reason be legitimate.
42. This Affidavit is in support of my complaint against Sheriff Deputy Michael Stribble and the Unidentified Sheriff Deputies of the Newberry County Sheriff's Office that was with him on October 2nd, 2015 for damages both compensatory and punitive against them individually and in their capacity as Newberry County Sheriff Deputies for their fraud, trespass and Constitutional violations against me and my family and the loss of property.
43. I'm exercising a private right by seeking a redress in the Court of Newberry County, South Carolina where these events happened to me and where the guarantees, secured and protected to me by the Constitution for The United States of America and the Constitution for the State of South Carolina are in full force.

44. The actions of Sheriff Deputy Michael Stribble and the unidentified Sheriff. Deputies whose true names are unknown were carried out in bad faith and without purpose under color of law without affording me equal protection of the law from being deprived of all forms of due process from self-incrimination by his fraudulent representation of having probable cause to interrogate me without showing proof of his claim when I demanded to see the warrant.

Date: 12-17-19

/s/ Terence L. Rush
Terence L. Rush
%TERNCE L. RUSH, E03490
Taylor Correctional Institution-Main
8501 Hampton Springs Rd.
Perry, Florida 32348

The Affiant, Terence L. Rush, being first duly sworn accordingly in law, being of competent age to witness, states the facts contained herein are true, correct, complete, certain and not misleading to the best of the Claimant's personal firsthand knowledge and belief subject to the penalties of perjury pursuant to the laws of The United States of America, The State of South Carolina and The State of Florida.

The Affiant, Terence L. Rush, by right freely exercises and preserves all his Natural Unalienable Rights at all times with intent to give any concerned or interested party a reasonable time to respond in a timely manner, in the Spirit of good faith by the South Carolina Civil Rules of Common Pleas Court allowable time to respond to the Complaint and this Affidavit in Support of Complaint.

I understand that I am Swearing or affirming under Oath to the truthfulness of the Claims made in this Complaint and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Date: 12-17-19

/s/ Terence L. Rush
Terence L. Rush
%TERNCE L. RUSH, E03490
Taylor Correctional Institution-Main
8501 Hampton Springs Rd.
Perry, Florida 32348

Oath or Affirmation

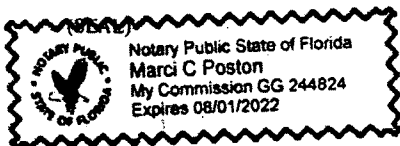
JURAT

STATE OF FLORIDA
COUNTY OF TAYLOR

Personally appeared before me the affiant, Terence L. Rush, who being duly sworn to or affirmed and signed before me on December 17, 2019 by Terence L. Rush.

Marci Poston

NOTARY PUBLIC OR DEPUTY CLERK



Marci Poston

[Print, Type, or Stamp commissioned Name of Notary or Deputy Clerk.]

- Personally Known
- Produced Identification
- Type of identification produced

DOC ID E03490

FILED
2019 OCT 20 9:52
CLERK OF COURT
TAYLOR COUNTY
FLORIDA
CLOCKED
IN ERROR

FILED
2020 NOV 16 PM 10:30
CLERK OF COURT
TAYLOR COUNTY
FLORIDA

Terence L. Rush, Claimant
% RUSH, TERENCE L., #E03490
Taylor Correctional Institution - Amex
8501 Hampton Springs Road
Perry, Florida 32348

RECEIVED
10/19/2020
CLERK OF COURT
NEWBERRY, SC

September 22, 2020


RE: TERENCE L. RUSH vs. MICHAEL B. STRIBBLE, et al.

Ms. Folk,

This cover letter is to request from you to accept the full payment of \$150.00 (One Hundred-Fifty Dollar) Filing fee towards the Civil Action. I am getting notarized to have sent to you. The payment will most likely be withdrawn from my account in two weeks from the above date. I was trying to have everything sent together with the payment, but unfortunately I am having issues with the Notary Public doing their duty as a Notary and acknowledging my signature and oath on my complaint so they could have been sent at the same time. If one reaches you before the other, could you give the other some wait time say about 3 days grace before you would have to send the other back.

I do graciously appreciate your time and attention in this matter.

Sincerely,



Terence L. Rush,

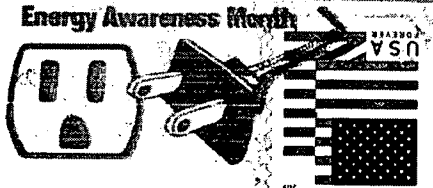
File: TLR/tar

FILED
NEWBERRY COUNTY
2020 NOV 16 PM 10:29
CLERK OF COURT
NEWBERRY, SC

Terence L. Rush,
C/o RUSH, TERENCE L., #E03490
Taylor Correctional Institution
8501 Hampton Springs Road
Perry, Florida 32348

TALLAHASSEE FL 323

13 OCT 2020 PM 2 L



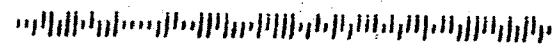
RECEIVED
10/19/2020
CLERK OF COURT
NEWBERRY, SC

ELIZABETH P. FOLK
Clerk of Court Newberry County
P.O. Drawer 10
Newberry, South Carolina 29108

FILED
OCT 16 PM 10:20
CLERK OF COURT
NEWBERRY, SC

* LEGAL MAIL

29108-001010



FLORIDA DEPARTMENT OF CORRECTIONS
INMATE TRUST

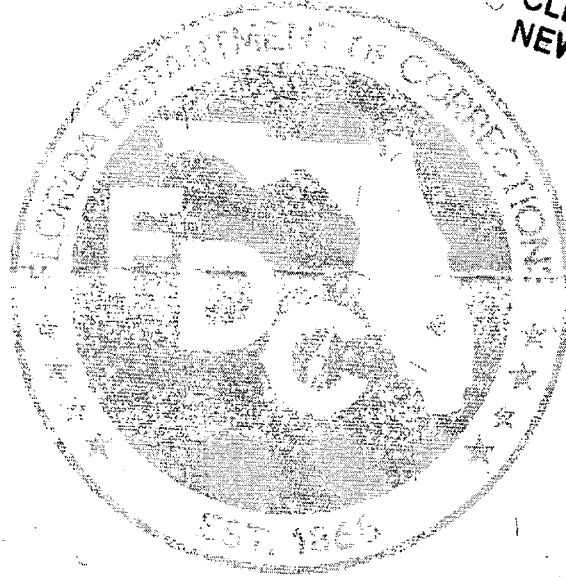
0701823

E03490

RUSH, TERENCE L.

150.00

RECEIVED
10/19/2020
CLERK OF COURT
NEWBERRY, SC



LEGAL * FILING FEE

CHECK TOTAL:

150.00

DETACH AND RETAIN THIS STATEMENT

Terence L. Rush,
% RUSH, TERENCE L., #E03490
Taylor Correctional Institution - Annex
8501 Hampton Springs Road
Perry, Florida 32348

OUTGOING LEGAL MAIL
PROVIDED BY TAYLOR C.I. FOR

MAILING ON
10-16-20, *PL* OSER
DATE (MAILROOM-ANNEX) OFFICER INT.

October 12th, 2020

CLOCKED
IN
ERROR

RE: COMPLAINT, EXHIBITS AND FILING FEE IN CIVIL ACTION

TERENCE L. RUSH vs. MICHAEL B. STRIBBLE, et al.

Dear Ms. Folk,

I am sending the complaint to be filed with the Court in Newberry County in hopes that it arrives as the cover letter that accompanied the check for the filing fee. I am truly sorry it has to be sent as such. Thank you for your patience with me in this matter.

In the Complaint are 3 (three) Exhibit References, Exhibit A, B, and C. I have had so many issues in acquiring Exhibit A and B thru the mail, that in my way to solve this, I sent a recent photograph of me as Exhibit B and a blank page with a note for Exhibit A of Corey Pena. I am having Exhibit A and Exhibit B sent to you from the source I was getting them from outside of the institution. Could you please include them in the file as they shall arrive within 3 to 5 days of your receipt of this cover letter. If I have to submit an motion to amend and/or supplement the two pages that arrived first because you would be unable to record the two following Exhibits, would you please let me know that you're unable to include them and I will request permission from the Court to allow their inclusion.

I truly appreciate your time and attention in this matter and look forward to working with you further.

Without Wax,



Terence L. Rush

enclosed: 9 Page Complaint
7 Page Affidavit of
Terence L. Rush
6 Pages of Exhibits
A - 2 pages
B - 2 pages
C - 2 pages

Terence L. Rush,
% RUSH, TERENCE L., #E03490
Walton Correctional Institution - Main
691 Institution Road
Defuniak Springs, Florida 32433

Provided to Walton CI
On 11/10/20 for Mailing
Date

November 9, 2020

Inmate's Initials DL/DR

Dear Ms. Toby:

I am returning the Civil Action Coversheet you sent me. I have filled it out and am in need of a list of ADR neutrals in the Newberry County Area I can contact to see if they would like to sit and hear these proceedings. Would you be able to provide me with such a list or the contact information of who can provide them for me please?

I also have one more concern, the institution I was at sent your office two checks for the filing fee of this action. One check is #0701823 dated 10-08-20 and the other is check #0702010 dated 10-14-20. Do you require to keep both now that two has been submitted? Or, Are you able to return one and keep the other? Please let me know.

I do appreciate your time and attention in this matter and one more thing before I go... I sent a change of address request to your office. My current address is in the upper left hand corner. Thank you for your time and attention again.

Sincerely,



Terence L. Rush

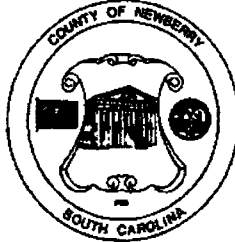
Enc: Completed Civil Action Coversheet

CLERK
NEWBERRY COUNTY
2020 NOV 16 AM 10:26
ELIZABETH P. FOLK
CLERK OF COURT

OFFICE OF CLERK OF COURT
COUNTY OF NEWBERRY

Elizabeth P. Folk
Clerk of Court

2020-CP36-00506
P.O. Drawer 10
(803) 321-2110
Fax (803) 321-2111



COPY

October 20, 2020

Terence L Rush
C/O Rush, Terrence L #E03490
Taylor Correctional Institution - Annex
8501 Hampton Springs Road
Perry, Florida 32348

Mr. Rush:

I received your filing fee and your Summons and Complaint. I am unable to file your documents without a Civil Action Coversheet completed. This form lets me know the action code for filing the case. I have enclosed a copy of the document for you to complete. I will hold your filing fee and your Summons and Complaint to give you time to receive this notice and get the completed document back to me. If by November 20, 2020 you have not returned the completed Civil Action Coversheet, I will return your filing fee and Summons and Complaint unfiled.

As far as additional documents that come in, if they are in proper order they will be clocked and filed as the date they are received and filed as to what they are. I will not be able to go back and replace an already filed document.

Sincerely,

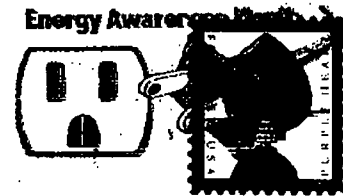
Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, SC 29108

Enc: Copy of Civil Action Coversheet

SCANNED

Terence L. Rush,
% RUSH, TERENCE L., #E03490
Taylor Correctional Institution - Annex L3-216-up
8501 Hampton Springs Road
Tallahassee, Florida 32348

TALLAHASSEE FL 323
19 OCT 2020 PM 3 L



ELIZABETH P. FOLK
Clerk of Court Newberry County
P.O. Drawer 10
Newberry, South Carolina 29108

29108-001010



2020-CP-36-0006

Terence L. Rush, Claimant
c/o RUSH, TERENCE L., # E03490
Taylor Correctional Institution - Annex
8501 Hampton Springs Road
Perry, Florida 32348

RECEIVED
10/26/2020
CLERK OF COURT
NEWBERRY, SC

September 22, 2020

RE: TERENCE L. RUSH vs. MICHAEL B. STRIBBLE, et al.

Ms. Folk,

This cover letter is to request from you to accept the full payment of \$150.00 (One Hundred Fifty Dollar) filing fee towards the Civil Action I am getting notarized to have sent to you. The payment will most likely be withdrawn from my account in two weeks from the above date. I was trying to have everything sent together with the payment, but unfortunately I am having issues with the Notary Public doing their duty as a Notary and acknowledging my signature and Oath on my complaint so they could have been sent at the same time. If one reaches you before the other, could you give the other some wait time say about 3 days grace before you would have to send the other back.

I do graciously appreciate your time and attention in this matter.

Sincerely,



Terence L. Rush

FILED
2020 OCT 16 PM 10:27
CLERK OF COURT
NEWBERRY, SC

FLORIDA DEPARTMENT OF CORRECTIONS
INMATE TRUST

0702010

E03490

RUSH, TERENCE L.

150.00

RECEIVED
10/26/2020
CLERK OF COURT
NEWBERRY, SC

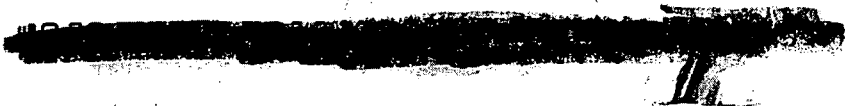
CHECK TOTAL:

150.00

LEGAL * CIVIL ACTION FILING FEE

DETACH AND RETAIN THIS STATEMENT

FLORIDA DEPARTMENT OF CORRECTIONS PO BOX 13600 CENTERVILLE STATION TALLAHASSEE, FL 32317-3600		Bank of America TALLAHASSEE, FL	63-568 631	0702010
DATE	10/15/2020	INMATE TRUST VOID AFTER 180 DAYS		
One Hundred Fifty And No/100 Dollars		AMOUNT \$*****150.00		
PAY TO THE ORDER OF	ELIZABETH P FOLK, CLERK OF NEWBERRY CO P.O. BOX 10 NEWBERRY, SC 29108		<i>Jeffrey R. Italy</i> <i>Juan B. Cruz</i>	



2020-CP-36-00504

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMON PLEAS
CIVIL ACTION DIVISION

CASE FILE: RUSH v. STRIBBLE, et. al.

Name: TERENCE L. RUSH
DC #: E03490
ADDRESS: RUSH, TERENCE L., # E03490
WALTON CORRECTIONAL INSTITUTION
691 Institution Road
Defuniak Springs, FL 32433

RECEIVED
10/29/2020
CLERK OF COURT
NEWBERRY, SC

DATE: October 21st 2020

TO: ELIZABETH P. FOLK
Clerk of Court Newberry County
P.O. Drawer 10
Newberry, South Carolina 29108

Provided to Walton CI
On 10-28-20 for Mailing
Date

By (officer initials) TSDP

REQUEST TO CHANGE ADDRESS

Dear Clerk,

I have recently been transferred and I am requesting for you to update my current address listed above as my new place to contact me from the old address listed here below in your records please.

TERENCE L. RUSH, # E03490
Taylor Correctional Institution
8501 Hampton Springs Road
Perry, Florida 32348

FILED
NEWBERRY COUNTY
2020 NOV 16 PM 10:27
ELIZABETH P. FOLK
CLERK OF COURT

I am no longer housed at Taylor C.I. in Perry, Florida and would like this change of address to Walton C.I. to take effect immediately so that there be no delay or missed communication between the court and myself regarding any proceedings to the above referenced civil action yet to be officially filed by you in your possession.

I do appreciate your time.

Terence L. Rush

Terence L. Rush, Claimant

Terence L. Rush,
% RUSH, TERENCE L., #E03490 (41-102-S)
Clton Correctional Institution
611 Institution Road
Defuniak Springs, Florida 32433

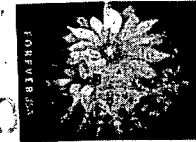
MAILED
FROM A
CORRECTIONAL
INSTITUTION

PENSACOLA FL 325
26 OCT 2020 PM 1 L



Hasler
10/26/2020

US POSTAGE \$0



ZIP 32433
011E11678517

ELIZABETH P. FOLK
Clerk of Court Newberry County
P.O. Drawer 10
Newberry, South Carolina 29108

RECEIVED
10/29/2020
CLERK OF COURT
NEWBERRY, SC

LEGAL MAIL

29108-001010



2020-036-00506

RECEIVED
11/27/20
CLERK OF COURT
NEWBERRY, SC

Hello,

Can you please attach this to
my case.

Exhibits

TERENCE L. RUSH V. MICHAEL B STRIBBLE,
et al.

Thanks.

FILED
RECEIVED
NOV 16 PM 10:27
CLERK OF COURT
NEWBERRY, SC



C1

C

Exhibits
Terence L. Rush (v.) Micheal B Str. bble, et al.

Address: 14950 74th St N, Loxahatchee, FL
Terence C. Rush 33470
VS
Michael B. Struble, et al.



Corey Johnathan Pena - Registered Sex Offender or Predator

[VIEW CRIMINAL RECORD](#)

DOB: 1996-10-12
Race: White
Sex: Male
Eyes: Gray
Height: 5 ft 5 in
Hair: Brown
Weight: 132 lbs.

Offense or Statute

Offense/Statute:
Lewd Or Lascivious Battery With Victim 12-15 Years Of
Age F.s. 800.04(4)(a)(1) (principal)

Adjudication
Date:
09 June 2017

Exhibits

Terence L. Rush

VS

Michael B. Strible, et al.

Rush

State

South Carolina

Search



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Terence Lanar Rush - 10/02/2015

Arrest Record Search

Terence Rush SC Search

[Search Arrest Records](#)



[← Myron Davis Gallman](#)

[Kenneth Earl Epps →](#)

Search For Terence's Arrest Records

Name	State
Terence Rush	SC

[Get Report →](#)

Terence Lanar Rush

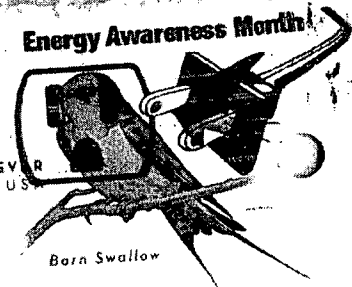
Terence Lanar Rush was booked in Newberry County, SC for >REPORT / GIVING FALSE INFORMATION TO LAW ENFORCEMENT

1. Rush
PO BOX 470677
LAKE MONROE FL 32747

ORLANDO FL 328

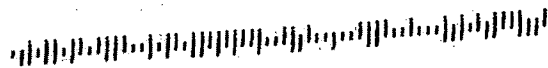
30 OCT 2020 PM 2

FOREVER
US



Newberry County Clerk of Court
Elizabeth P. Folk (Dept Commun Pleas.)
P.O. Drawer 10
Newberry, SC 29108

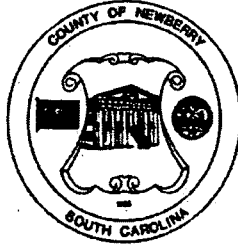
29108-001010



FFICE OF CLERK OF COURT
COUNTY OF NEWBERRY

Elizabeth P. Folk
Clerk of Court

P.O. Drawer 10
(803) 321-2110
Fax (803) 321-2111



COPY

November 23, 2020

Terence L Rush #E03490
Walton Correctional Institution-Main
691 Institution Road
Defuniak Springs, Fl 32433

Re : Terence L Rush vs. Michael B. Stribble, et al.
Case 2020-CP-36-00506

Mr. Rush,

Enclosed you will find your clocked copy of the case you filed in our office along with copies of other correspondence from this matter. We did receive two checks for the \$150.00 filing fee, and we are returning one of those checks to you. As you can see, we did get your current address and it is in the system. Please continue to communicate, in writing, any future address changes. You had also asked about sending you a list of arbitrators. You will need to contact the South Carolina Bar Association for this information.

Sincerely,

Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, SC 29108
jtoby@newberrycounty.net

Enc: Copy Initial Case Pleadings
Check#0702010 from Florida Department of Corrections Inmate Trust

Provided to Walton CI
On 12/28/20 for Mailing
C. Ke

December 27, 2020

Inmate's Name SHOUSE

Terence L. Rush,
% RUSH, TERENCE L., # E03490
Walton Correctional Institution - Main
691 Institution Road
Defuniak Springs, Florida 32433

RE: SERVICE OF PROCESS IN CASE 2020-CP-36-0
TERENCE L. RUSH vs. MICHAEL B STRIBBLE, et al

FILED
NEWBERRY COUNTY
2021 JAN -4 AM 10:51
ELIZABETH H. FOLK
CLERK OF COURT

Ms. Toby,

I have a few questions I was hoping you could help me with. Answering, they are:

1. When the case above was filed with your office, did you automatically deliver a copy of the summons and complaint to the Newberry County Sheriff for service of process on Michael B. Stribble?

If the answer to question 1. is No, then:

2. How much does it cost to have you deliver a copy to the Newberry County Sheriff in order for him or his deputy to serve Michael B. Stribble at 550 Wilson Road, Newberry, SC 29108?

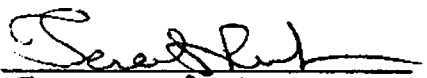
And my final question is this:

3. If you cannot provide this service, do you have a list of process servers that are approved by your office or the Court of Common Pleas that I may use?

I do hope you are able to provide me with this information or point me in the right direction. I am currently waiting for the South Carolina Bar Association to respond with a list of arbitrators/mediator neutrals in Newberry. I am seeking to serve Mr. Stribble notice, in order to request the Court to compel him to produce the names of his colleagues that are unknown in order to properly serve them also.

I look forward to your reply.

Sincerely,


Terence L. Rush

Terence L. Rush,
% RUSH, TERENCE L., # E03490
Walton Correctional Institution
691 Institution Road
Defuniak Springs, Florida 32433

PENSAC LA FL 325

29 DEC 2020 PM 2 L

FORM 3849-1



FILED
NEWBERRY COUNTY
2021 JAN -4 AM 10:41
ELIZABETH P. FOLK
CLERK OF COURT

Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, South Carolina 29108

* LEGAL MAIL *

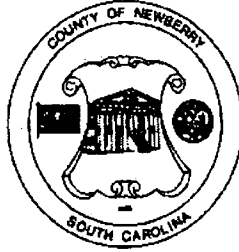
29108-001010



OFFICE OF CLERK OF COURT
COUNTY OF NEWBERRY

Elizabeth P. Folk
Clerk of Court

P.O. Drawer 10
(803) 321-2110
Fax (803) 321-2111



COPY

January 6, 2021

Terence L Rush
C/O Rush, Terrence L #E03490
Walton Correctional Institution – Main
691 Institution Road
Defuniak Springs, Florida 32433

Re: Response to letter received for case 2020CP3600506

Mr. Rush,

This letter is in response to your letter received January 4, 2021. We did not serve the Summons and Complaint that you filed, and we do not offer that service. We do not have a list of process servers.

Sincerely,

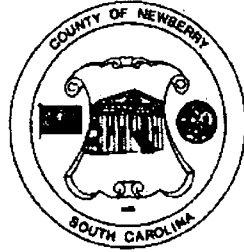
A handwritten signature in cursive script, appearing to read "Janeen Toby".

Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, SC 29108
jtoby@newberrycounty.net

OFFICE OF CLERK OF COURT
COUNTY OF NEWBERRY

Elizabeth P. Folk
Clerk of Court

P.O. Drawer 10
(803) 321-2110
Fax (803) 321-2111



COPY

January 6, 2021

Terence L Rush
C/O Rush, Terrence L #E03490
Walton Correctional Institution – Main
691 Institution Road
Defuniak Springs, Florida 32433

Re: Response to letter received for case 2020CP3600506

Mr. Rush,

This letter is in response to your letter received January 4, 2021. We did not serve the Summons and Complaint that you filed, and we do not offer that service. We do not have a list of process servers.

Sincerely,

Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, SC 29108
jtoby@newberrycounty.net

February 19, 2021

Provided to Walton CI
On 2/23/21 for Mailing
Date

Terence L. Rush,
% RUSH, TERENCE L, # E03490
Walton Correctional Institution - G1-118U
691 Institution Road
Defuniak Springs, Florida 32433

Inmate's Initials DL SR

2020-CP-36-506

RE: CASE # 2020-CP-36-0056, Terence L. Rush v. Michael B. Strible.


Dear Ms. Toby,

I would like to add these documents to the file of the case mentioned above. They are three (3) letters seeking an Alternative Dispute Resolution (ADR) neutral from the attorneys in them, all dated February 8th, 2021. Then there is the service of process by Certified Mail/ Return Receipt/ Restricted Delivery to Attorney General Alan Wilson which was received by and signed by one Stephanie Laurie on February 8th, 2021.

Would you please take note of these documents and record them with the record to CASE # 2020-CP-36-0056? The service of process starts the thirty (30) day time frame for a response and the contacting of ADR neutrals shows my attempt to follow the Supreme Court Order dated November 12, 2015.

I do appreciate your time and attention in this matter.

Sincerely,


Terence L. Rush, Claimant

Enclosed: - Three (3) correspondences to:

George Kefalos, 46A State St. Charleston, SC 29401

Bernstein & Bernstein, 5418 B Rivers Ave., Charleston, SC 29406

Wills, Massalon & Allen, P.O. Box 359, Charleston, SC 29402

- One (1) United States Postal Service - Domestic Return Receipt

9590 9402 5885 0038 0909 01 / Article # 7020 0090 0000 7710 7158

file: TLR/Elr

February 8, 2021

Provided to Walton CI
On 2/9/21 for Mailing

Terence L. Rush,
c/ RUSH, TERENCE L., # E03490
% Walton Correctional Institution-main
691 Institution Road
Defuniak Springs, Florida 32433

Inmate's Initial: DL/S

RE: SOUTH CAROLINA'S SUPREME COURT ALTERNATIVE DISPUTE RESOLUTION (ADR)
NEUTRAL REQUIREMENT FOR CIVIL SUITS.

NEWBERRY COUNTY
2021 FEB 26 AM 11:19
CLERK OF COURT

George Kefalos
46A State St.
Charleston, South Carolina 29401

Dear Mr. Kefalos:

I am the Claimant at Law in Case # 2020-CP-36-0056 filed in the Court of Common Pleas, Newberry County, South Carolina. I am looking for an ADR Neutral per the South Carolina's Supreme Court ruling for Civil Cases that aren't exempt from mediation or arbitration. This is a(n) civil action for fraud, committed by a Newberry County Sheriff Deputy Michael B. Strible.

I would like to know if your firm covers being an ADR Neutral for Newberry County? And if so, would you be interested in presiding over my case as it's neutral for the parties involved? I anticipate your response for I am inquiring the same information from two other firms in your area and quite frankly, I would be accepting the first affirmative response so that I may inform the other two that I am sorry for not going with them as a choice, however, I would like to thank them for their time in entertaining my letter. I do hope to hear from you first.

With warm regards


Terence L. Rush, Claimant at Law

file: TLR/dr.

February 8, 2021

Terence L. Rush,
C/ RUSH, TERENCE L. #E03490
Walton Correctional Institution - Main
691 Institution Road
Defuniak Springs, Florida 32433

Provided to Walton CI
On 2/8/21 for Mailing

Inmate's Ir. AN SP

RE: SOUTH CAROLINA'S SUPREME COURT ALTERNATIVE DISPUTE RESOLUTION (ADR) NEUTRAL REQUIREMENT FOR CIVIL SUITS.

Bernstein & Bernstein
5418 B Rivers Ave.
N. Charleston, South Carolina 29406

NEWBERRY COUNTY
2021 FEB 26 AM 11:49
CLERK OF COURT

Dear Bernstein & Bernstein:

I am the Claimant at Law in Case #2020-CP-36-0056, filed in Court of Common Pleas, Newberry County, South Carolina. I am looking for an ADR Neutral per the South Carolina's Supreme Court ruling for civil cases that aren't exempt from mediation or arbitration. This is an civil action for fraud, committed by a Newberry County Sheriff Deputy Michael B. Strible.

"I would like to know if your firm covers being an ADR Neutral for Newberry County, and would you be interested in presiding over my case as it's neutral for the parties involved?" I anticipate your response for I am inquiring the same information from two other firms in your area(s) and quite frankly, I would be accepting the first affirmative response so that I may inform the other two that I am sorry for not going with them as a choice however I would like to thank them for their time in entertaining my letter. I do hope to hear from you first.

With warm regards,
Terence L. Rush

File: TLR/ldr

February 8, 2021

Terence L. Rush,
c/ RUSH, TERENCE L., # E03490
% Walton Correctional Institution - Main
691 Institution Road
DeFuniak Springs, Florida 32433

Provided to Walton CI
On 2/9/21 for Mailing
Inmate's Initial: DL/SB

RE: SOUTH CAROLINA'S SUPREME COURT ALTERNATIVE DISPUTE RESOLUTION (ADR)
NEUTRAL REQUIREMENT FOR CIVIL SUITS.

Wills Massalon & Allen
P.O. Box 859
Charleston, SC 29402

NEWBERRY COUNTY
2021 FEB 26 AM 11:19
CLERK OF COURT

Dear Wills Massalon & Allen:

I am the Claimant at Law in Case #2020-CP-36-0056 filed in Court of Common Pleas, Newberry County, South Carolina. I am looking for an ADR Neutral per the South Carolina's Supreme Court ruling for Civil cases that aren't exempt from mediation or arbitration. This is a(n) Civil action for fraud, committed by a Newberry County Sheriff Deputy Michael B. Strible.

I would like to know if your firm covers being an ADR Neutral for Newberry County? And if so, would you be interested in presiding over my case as its neutral for the parties involved? I anticipate your response for I am inquiring the same information from two other firms in your area and quite frankly, I would be accepting the first affirmative response so that I may inform the other two that I am sorry for not going with them as a choice, however, I would like to thank them for their time in entertaining my letter. I do hope to hear from you first.

With warm regards,



Terence L. Rush, Claimant at Law

file: TLR/ldr

Terence L. Rush,
% RUSH, TERENCE L. # E03490
Walton Correctional Institution - G4180
691 Institution Road
Defuniak Springs, Florida 32433

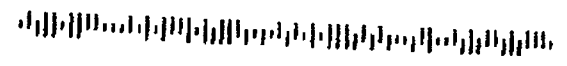
PENSACOLA FL 325
23 FEB 2021 PM 1 L



NEWBERRY COUNTY
2021 FEB 26 AM 11:20
LEGAL MAIL

ELIZABETH P. FOLK
CLERK OF COURT NEWBERRY COUNTY
P.O. Drawer 10
NEWBERRY, SOUTH CAROLINA 29108

29108-001010



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 ATTORNEY GENERAL ALAN WILSON
 1000 ASSEMBLY STREET, RM. 019
 COLUMBIA, SOUTH CAROLINA 29201



2. Article Number (Transfer from service label)
 7020 0090 0000 7710 7158

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Stephanie Laurie Addressee

B. Received by (Printed Name) C. Date of Delivery
 Stephanie Laurie 2-8-21

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

2021 FEB 26 AM 11:19
 ELIZABETH COURT
 COLUMBIA SOUTH CAROLINA

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT



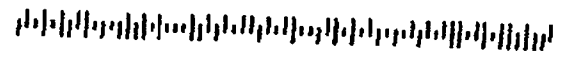
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 5885 0038 0909 01

United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box®
Terence L. Rush
% RUSH, TERENCE L., #E03490 G1184
WALTON CORRECTIONAL INSTITUTION - MEN
691 INSTITUTION ROAD
DEFUNIAK SPRINGS, FLORIDA 32433

2020-CP-36-00506



Ann. § 15-78-120, and South Carolina common law and, therefore, should be dismissed and/or stricken from Plaintiff's Complaint.

Defendant Stribble's motion is based upon the forthcoming memorandum of law, pleadings filed in this case, the rules of court, and such other matters as may be properly presented to the Court at or before the time of the hearing.

Respectfully,

DAVIDSON, WREN & DEMASTERS, P.A.

s/David A. DeMasters
DAVID A. DeMASTERS #79860
1611 DEVONSHIRE DRIVE, 2ND FLOOR
POST OFFICE BOX 8568
COLUMBIA, SOUTH CAROLINA 29202-8568
T: 803-806-8222
F: 803-806-8855
E-Mail: ddemasters@dml-law.com

Counsel for Defendant

Columbia, South Carolina

March 10, 2021

STATE OF SOUTH CAROLINA)

COUNTY OF NEWBERRY)

Terence L. Rush,)

Plaintiff,)

v.)

Michael B. Stribble, Individually and in)
his Official capacity as Sergeant at the)
Newberry County Sheriff's Office,)

Defendant.)

_____)

IN THE COURT OF COMMON PLEAS

Civil Action Number: 2020-CP-36-00506

CERTIFICATE OF SERVICE

The undersigned employee of Davidson, Wren & DeMasters, P.A., attorneys for the Defendant Michael B. Stribble, Individually and in his Official capacity as Sergeant at the Newberry County Sheriff's Office, does hereby certify that service of the **Motion to Dismiss on Behalf of Defendant** in the above-captioned action was made upon the *pro se* Plaintiff and known 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 10th day of March, 2021, addressed as follows:

Terence L. Rush #E03490
Walton Correctional Institution – Main
691 Institution Road
Defuniak Springs, Florida 32433

s/David A. DeMasters

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 03-10-2021 11:22:36 AM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp: 03-10-2021 11:21:50 AM
Court: CIRCUIT COURT
Common Pleas
Newberry
Case Caption: Terence L Rush VS Michael B Stribble ,
defendant, et al
Document(s) Submitted: Motion/Dismiss
Service/Certificate Of Service
Filed by or on behalf of: David Allan DeMasters

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

David Allan DeMasters for Michael B Stribble,
Michael B Stribble Newberry Sheriff Deputy

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

John 3 Doe
John Doe 2 Newberry County Sheriff Deputy
John 2 Doe
John Doe 1 Newberry County Sheriff Deputy
John 1 Doe
John Doe 4 Newberry Sheriff Deputy
John 4 Doe
Terence L Rush for Terence L Rush
John Doe 3 S L E D Officer

John 3 Doe

Terence L Rush for Terence L Rush

March 15, 2021

Terence L. Rush,
% RUSH, TERENCE L., #E03490
Walton Correctional Institution - Main - E1-1355
691 Institution Road
Defuniak Springs, Florida 32433

Provided to Walton CI
On 3/16/21 for Mailing
Date

Inmate's initials TR

RE: TERENCE L. RUSH v. MICHAEL B. STRIBBLE, et al.
FILE NO.: 2020-CP-36-00506

Dear Ms. Toby,

Enclosed you will find 3 different request needing to be filed on record in this case. They are the following:

1. Claimant's Request for Clerk to Enter Judgment of Default Against Michael B. Stribble.
2. Claimant's Request for Clerk of Court to Appoint an Alternative Dispute Resolution Neutral.
3. Claimant's First Request for Production of Document(s) and et al. Respondents True Names.

Correct copies has been sent to the Respondents in the certificate of service. Would you record these and let me know what the recording fees are for these documents and the last ones I sent, so that I can request a check from my Trust account to pay for them please? Could you also send me a "Proof of ADR" form for my future reference please?

I would be ever so grateful for your time and attention in this matter and look forward to hearing from you soon.

With Kind Regards, I am



Terence L. Rush

Enclosed: Three (3) different Request Documents

File: TLR/dlr

FILED
NEWSPRING
2021 MAR 22 AM 9:59
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMON PLEAS
CIVIL ACTION

Terence L. RUSH,
Claimant at Law,

FILE NO.: 2020-CP-36-00506

v.

Michael B. STRIBBLE, et al.,
Respondents, Individually and in
their Official Capacity as Newberry
County Sheriffs,
Respondent(s).

Provided to Walton CI
On 3/16/21 for Mailing
Date

Inmate's Initial: MR

CLAIMANT'S REQUEST FOR CLERK TO ENTER
JUDGMENT OF DEFAULT AGAINST MICHAEL B. STRIBBLE

Claimant, Terence L. Rush, makes this request of the Clerk of Court to enter a Judgment of Default against Michael B. Stribble, and states the following reasons for this request below:

1. Notice was sent pursuant to South Carolina Rule of Civil Procedure (SCRCP) Rule 4 by Certified Mail/Return Receipt/Restricted Delivery to Attorney General Alan Wilson for Michael B. Stribble with Tracking (#'s) Numbers: 7020 0050 0000 7710 7158 (white Tag#) / 9590 9402 5885 0038 0907 01 (Green Tag #) at 1000 Assembly Street, Rm. 019, Columbia, S.C. 29201 delivering a copy of the complaint and summons requiring a response 30 days from date of signing.

2. The Complaint and Summons was received on the 8th day of February, 2021 and signed for by Stephanie Laurie at the Attorney General's Office initiating the 30 day response time frame in the Summons or judgment for relief could be entered.

3. The Claimant has waited 5 days past the close date and has not received a response from Michael B. Stribble.

The Claimant is requesting the clerk to enter this judgment of default against Michael B. Stribble and to issue an order allowing 15 days more for response to the Complaint and Summons which was sent or the requested relief found in the Complaint could be granted against this responding party.

FILED
NEWBERRY COUNTY
2021 MAR 22 AM 9:59
CLERK OF COURT
TERENCE L. RUSH

Respectfully submitted,

Terence L. Rush
Terence L. Rush, Claimant at Law

SCANNED

Terence L. Rush,
% RUSH, TERENCE L., # E03490
Walter Correctional Institution - Main - E1-135s
691 Institution Road
DeFuniak Springs, Florida 32433

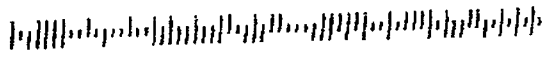
PENSACOLA FL 325
17 MAR 2021 PM 2 L



ELIZABETH P. FOLK
Clerk of Court Newberry County
P.O. Drawer 10
Newberry, South Carolina 29108

FIRST CLASS MAIL

29108-001010



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a correct copy of this Claimant's Request For Clerk To Enter Judgment of Default Against Michael B. Stribble has been furnished to: ELIZABETH P. FOLK, CLERK OF COURT NEWBERRY COUNTY, P.O. Drawer 10, Newberry, S.C. 29108, ATTORNEY GENERAL ALAN WILSON, 1000 Assembly St., Rm. 019, Columbia, S.C. 29201 and to Sergeant Michael B. Stribble, Newberry Sher. ffs Office, 550 Wilson Road, Newberry, S.C. 29108 on this 16th day of March, 2021 by U.S. Mail Postal delivery after placing this document in the hands of Walton Correctional Institution's Staff hands.

Respectfully Submitted,



Terence L. Rush,
% RUSH, TERENCE L., # E03490
Walton Correctional Institution - Main - E1-135g
611 Institution Road
Defuniak Springs, Florida 32433

FILED
NEWBERRY COUNTY
2021 MAR 22 PM 9:59
ELIZABETH P. FOLK
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMON PLEAS

FILED
NEWBERRY COUNTY CIVIL ACTION

Terence L. RUSH,

Claimant at Law,

202 MAR 22 AM 9:59

FILE No.: 2020-CP-36-00506

v.

Michael B. STRIBBLE, et al.
Respondents, Individually and in
their Official Capacity as Newberry
County Sheriffs,
Respondent(s).

CLERK OF COURT

Provided to Walton CI
On 3/16/21 for Mailing
Date

Inmate's Initial: *MSR*

CLAIMANT'S FIRST REQUEST FOR PRODUCTION
OF DOCUMENT(S) AND ET AL. RESPONDENTS TRUE NAMES

Claimant at Law, Terence L. Rush, request for Respondent, Michael B Stribble to produce for inspection and copying the warrant for Corey Pena which gave him probable cause to be at the residential address of 2809 S.C. Highway 66, Whitmire, S.C. 29178 on October 2nd, 2015 and the true name identity of the et al. Respondent(s) Sheriff Deputies for Newberry County Sheriff Department with him that day. Stating these reasons for Claimant's request below:

1. Copy of the warrant was never given to Claimant at Law or any resident of 2809 S.C. Hwy 66, Whitmire, S.C. 29178 residence to inform them that Sergeant Michael B. Stribble et al. Respondent(s) had a lawful and legal right to trespass on said property and interrupt and infringe on the Claimant's peaceable possession of property to carry out an order and not simply to harass resident.

2. The true name identity of the four Newberry Sheriffs is needed in order to fulfill the Claimant's duty of notice by service of process to lawfully inform the et al Respondents that a(n) Civil Action has been filed against them.

The Claimant is requesting this Honorable Court to issue an order compelling the Respondent, Michael B. Stribble of 550 Wilson Road, Newberry, S.C. 29108 to deliver this important information to the Claimant and this Honorable Court within 10 days following the Court's order or have his authorized representative in this matter to do so within the allotted timeframe, to the address below of Claimant.

Respectfully submitted,

Terence L. Rush

Terence L. Rush, Claimant

20-504

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a correct copy of this Claimant's First Request For Production of Document(s) and et al. Respondents True Names has been furnished to: Elizabeth P. Folk, Clerk of County Court Newberry County, P.O. Drawer 10, Newberry, S.C. 29108, Attorney General Alan Wilson, 1000 Assembly St., Rm. 019, Columbia, S.C. 29201 and to Sergeant Michael B. Stribbble, Newberry Sheriffs Office, 550 Wilson Road, Newberry, S.C. 29108 on this 16th day of March, 2021 by U.S. Postal Mail after having been placed in the hands of Walton Correctional Institution Staff's hands.

Respectfully submitted,



Terence L. Rush.
% RUSH, TERENCE L., #E03490
Walton Correctional Institution - Main - E1-135s
691 Institution Road
Defuniak Springs, Florida 32433

FILED
NEW
COUNTY
2021 MAR 22 AM 9:59
ELIZABETH P. FOLK
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMON PLEAS

FILED CIVIL ACTION

Terence L. RUSH,

NEWBERRY COUNTY

Claimant at Law,

2020-CP-36-00506 No. 2020-CP-36-00506

v.

Michael B. STRIBBLE, et al.
Respondents, Individually and in
their Official Capacity as Newberry
County Sheriffs.
Respondent(s).

CLERK OF COURT

Provided to Walton CI
On 3/16/21 for Mailing

Inmate's Initial -

MJR

CLAIMANT'S REQUEST FOR CLERK OF COURT

TO APPOINT AN ALTERNATIVE DISPUTE RESOLUTION NEUTRAL

Claimant, Terence L. Rush, respectfully request the Clerk of Court to appoint an Alternative Dispute Resolution (ADR) Neutral for the Civil action file number above and states the following in support of this appointment Pursuant to the ADR Rules made mandatory pursuant to Supreme Court Order dated November 12, 2015, they are:

1. There has been no neutral mediator selected within the 210 days.
2. The Claimant has sought out six (6) ADR Attorneys and none save Mr. George C. Beightley responded advising that he does not provide the service for Newberry County, and referred me to the South Carolina Bar Alternative Dispute Resolution Committee.
3. Claimant contacted by mail the South Carolina Bar Alternative Dispute Resolution Committee at the S.C. Bar Headquarters seeking a list of ADR Neutrals for Newberry County, but his correspondence was never answered.
4. The Claimant is not hopeful of finding a neutral by mail and then filing a "Proof of ADR" form with the Clerk of Court in the ninety-two (92) days that is left of the two-hundred ten (210) days of the filing of this action on November 16, 2020.
5. Pursuant to the ADR Rules #1, the Clerk of Court is authorized to appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed, if the parties have not selected a neutral within 210 days
6. No ADR neutral has been selected within 210 days and upon appointment of one by the Clerk, the Claimant would have to set up a telephonic conference by mail before the mandatory initial conference before 300 days.

7. Failure to comply with the Supreme Court Rules regarding ADR, may affect the Claimant's case or result in sanctions.

WHEREFORE, the Claimant, Terence L. Rush, is respectfully requesting the Clerk of Court to appoint a primary and a secondary mediator from the current roster based upon the following mentioned supra.

Respectfully submitted,



Terence L. Rush, Claimant at Law

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a correct copy of this Claimant's Request for Clerk of Court To Appoint An Alternative Dispute Resolution Neutral has been furnished by U.S. Postal Mail to: ELIZABETH P. FOLK, Clerk of Court Newberry County, P.O. Drawer 10, Newberry, S.C. 29108, Attorney General Alan Wilson, 1000 Assembly St., Rm. 019, Columbia, S.C. 29201 and to Sergeant Michael B. Stribble, Newberry Sheriff's Office, 550 Wilson Road, Newberry, S.C. 29108 on this 16th day of March, 2021 after having placed it in the hands of Walton Correctional Institution Mail Room Staff hands.

Respectfully submitted,



Terence L. Rush, Claimant at Law,

% RUSH, TERENCE L., # E03490

Walton Correctional Institution - Main - E1-135s

691 Institution Road

Defuniak Springs, Florida 32433

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMON PLEAS
Civil Action Number: 2020-CP-36-00506

Terence L. Rush, ^{MAR 31}
Plaintiff/Claimant,
v. CLERK

Michael B. Stribble, et al.
Respondent(s), Individually and
in their Official Capacity as
Newberry County Sheriff Deputies,
Defendant(s)/ Respondent(s).

NOTICE OF MOTION AND MOTION
REQUESTING JOINDER OF RESPONDENT
NEWBERRY COUNTY SHERIFF OFFICE
NEEDED FOR JUST ADJUDICATION
Provided to Walton CI
On 3/25/21 for Mailing

Inmate's Initial *MSR*

TO: MICHAEL B. STRIBBLE, ET AL. RESPONDENT(S) OF THE NEWBERRY COUNTY
SHERIFF'S OFFICE

YOU WILL PLEASE TAKE NOTICE that the Plaintiff/Claimant,
Terence L. Rush, is moving before the Presiding Judge of the
Eighth Judicial Circuit at the Newberry County Judicial Center,
Newberry, South Carolina, at such time and place as may be set by the
Court, for an Order, pursuant to Rule 19, SCRPC, requesting Joinder of
Needed Respondent, The Newberry County Sheriff's Office for just adjudication
on the Plaintiff/Claimant's Complaint and in support of such request asserts
the following:

1). The joining of the Newberry County Sheriff's Office as a Responding
party will not deprive the Court of jurisdiction over the subject matter of the
action for the cause of action arose out of the same occurrence that is the
subject of this claim, which is fraud was committed to obtain the identity of
the Claimant in Newberry County, S.C. by the Newberry County Sheriff's Office and its
Deputies, without probable cause to trespass on private property and do so, all to
the detriment of the Plaintiff/Claimant and his interest in property.

2). Complete relief cannot be accorded among the Plaintiff/Claimant Rush,
who is already a party to this action if the Newberry County Sheriff's Office
were to not be joined as a responding party to this action.

3). The statute of limitations governing an action for fraud, once it was
discovered in this case, has not run out and won't expire until October 2021, for
the Claimant discovered he had been defrauded out of his identity around October
2018, and with diligence confirmed in 2019, that Corey Pena did not and could
not look like him or be mistaken for him.

4). Joinder of the Newberry County Sheriff's Office is necessary for just adjudication and proper notice, service of process with an amended complaint could be served on the Newberry County Sheriff's Office along with copies to all parties representatives pursuant to SCRAP Rule 15 governing Amended and supplemental Pleadings which also would relate back to the original pleading.

Plaintiff/Claimant Rush's motion is presented to this Honorable Court and based upon the South Carolina Rules of Civil Procedure(s), the jurisdiction of the Court and the applicable law that may be properly presented to the Court at or before the time of the hearing.

Respectfully submitted



Terence L. Rush, Plaintiff/Claimant

% RUSH, TERENCE L., #E03490

Walton Correctional Institution - Main - E1-135 s

691 Institution Road

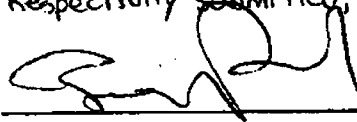
Defuniak Springs, Florida 32433

NEWBERRY COUNTY
CLERK OF COURT
2021 MAR 31 AM 9:52

CERTIFICATE OF SERVICE

I, Terence L. Rush, HEREBY CERTIFY that service of this Motion Requesting Joinder of Respondent Newberry County Sheriff's Office Needed for Just Adjudication in the above-captioned action was made upon the Attorney General Alan Wilson, 1000 Assembly St., Rm. 019, Columbia, S.C. 29201, Davidson, Wren & DeMasters, P.A., 1611 Devonshire Drive, 2nd Floor, Post Office Box 8568, Columbia, S.C. 29202-8568, attorneys for the defendant, Michael B. Strible, Individually and in his Official capacity as Sergeant at the Newberry County Sheriff's Office, The Newberry County Sheriff's Office, % Sheriff Lee Foster, 550 Wilson Road, Newberry, S.C. 29108 on this 25 day of March, 2021 by U.S. Postal Mail after having been placed in the hands of Walton Correctional Institution Staff's hands.

Respectfully submitted,



Terence L. Rush, Claimant

% RUSH, TERENCE L., #E03490

Walton Correctional Institution - Main - E1-B55

691 Institution Road

Defuniak Springs, Florida 32433

FILED
NEWBERRY COUNTY
2021 MAR 21 AM 9:52
CLERK OF COURT

Terence L. Rush,
c/o RUSH, TERENCE L., # 603490
Walton Correctional Institution - Main - E17B5's
691 Institution Road
DeFuniak Springs, Florida 32438

PENSACOLA FL 325
26 MAR 2021PM 1 L



ELIZABETH P. FOLK,
CLERK OF COURT NEWBERRY COUNTY
P.O. Drawer 10
Newberry, S.C. 29108

29108-001010



OFFICE OF CLERK OF COURT
COUNTY OF NEWBERRY

Elizabeth P. Folk
Clerk of Court

P.O. Drawer 10
(803) 321-2110
Fax (803) 321-2111



COPY

March 30, 2021

Terence L Rush
Walton Correctional Institution-Main
691 Institution Road
Defuniak Springs, FL 32433

Dear Mr. Rush:

This letter is being sent in response to the filings we received from you on March 22, 2021. You requested that the Clerk of Court appoint an Alternative Dispute Resolution Neutral. The process for that is as follows on June 14, 2021 if a neutral has not been agreed upon then I will have the system appoint a mediator and an alternate mediator. You will receive a Notice of ADR in the mail with the names and contact information for those mediators. It will be your responsibility to reach out to them to schedule a mediation hearing and pay any fees associated with that. You also requested that Mrs. Folk enter Judgment by Default against Michael B Stribble. Judge Donald B Hocker will address the entry of Default Judgment against Michael B Stribble after the Motion to Dismiss ruling. A letter pertaining to the Motion to Dismiss is enclosed as well.

Sincerely,

Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, SC 29108
jtoby@newberrycounty.net

Cc: The Honorable Donald B. Hocker (via e-mail)
David Allan DeMasters (via e-filing)

ELECTRONICALLY FILED - 2021 Mar 31 3:01 PM - NEWBERRY - COMMON PLEAS - CASE#2020CP3600506

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 03-31-2021 02:52:49 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp: 03-31-2021 02:52:33 PM
Court: CIRCUIT COURT
Common Pleas
Newberry
Case Caption: Terence L Rush VS Michael B Stribble ,
defendant, et al
Document(s) Submitted: Filing/Other Filing/Other
Filed by or on behalf of: Janeen Toby

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

David Allan DeMasters for Michael B Stribble,
Michael B Stribble Newberry Sheriff Deputy

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

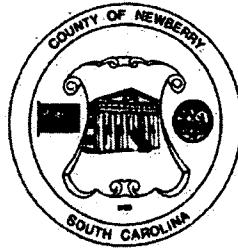
John 3 Doe
John Doe 2 Newberry County Sheriff Deputy
John 2 Doe
John Doe 1 Newberry County Sheriff Deputy
John 1 Doe
John Doe 4 Newberry Sheriff Deputy
John 4 Doe
Terence L Rush for Terence L Rush
John Doe 3 S L E D Officer
John 3 Doe

Terence L Rush for Terence L Rush

OFFICE OF CLERK OF COURT
COUNTY OF NEWBERRY

Elizabeth P. Folk
Clerk of Court

P.O. Drawer 10
(803) 321-2110
Fax (803) 321-2111



COPY

March 30, 2021

Terence L. Rush
Walton Correctional Institution-Main
691 Institution Road
Defuniak Springs, FL 32433

Dear Mr. Rush:

Judge Donald B. Hocker, Chief Administrative Judge has requested I reach out to you and Mr. DeMasters and ask you to submit a brief to him for the Motion to Dismiss, filed by Mr. Demasters, in the case 2020CP3600506 Terence L. Rush v Michael B. Stribble, et.al. The briefs are to be submitted no later than April 30, 2021. He will review them and make a ruling in writing, without a hearing. Please submit the briefs to the address listed below.

The Honorable Donald B. Hocker
PO Box 972
Laurens, SC 29360

Sincerely,

Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, SC 29108
jtoby@newberrycounty.net

Cc: The Honorable Donald B. Hocker (via e-mail)
David Allen DeMasters (via -efiling)

ELECTRONICALLY FILED - 2021 Mar 31 3:02 PM - NEWBERRY - COMMON PLEAS - CASE#2020CP3600506

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 03-31-2021 02:53:48 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp: 03-31-2021 02:53:25 PM
Court: CIRCUIT COURT
Common Pleas
Newberry
Case Caption: Terence L Rush VS Michael B Stribble ,
defendant, et al
Document(s) Submitted: Filing/Other Filing/Other
Filed by or on behalf of: Janeen Toby

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

David Allan DeMasters for Michael B Stribble,
Michael B Stribble Newberry Sheriff Deputy

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

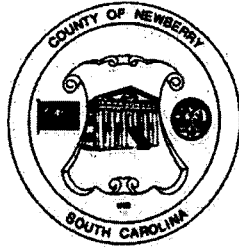
John 3 Doe
John Doe 2 Newberry County Sheriff Deputy
John 2 Doe
John Doe 1 Newberry County Sheriff Deputy
John 1 Doe
John Doe 4 Newberry Sheriff Deputy
John 4 Doe
Terence L Rush for Terence L Rush
John Doe 3 S L E D Officer
John 3 Doe

Terence L Rush for Terence L Rush

OFFICE OF CLERK OF COURT
COUNTY OF NEWBERRY

Elizabeth P. Folk
Clerk of Court

P.O. Drawer 10
(803) 321-2110
Fax (803) 321-2111



E-COPY

March 30, 2021

David Allan DeMasters (mail & e-filing)
PO Box 8568
Columbia, SC 29202

Dear Mr. DeMasters:

Judge Donald B. Hocker, Chief Administrative Judge has requested I reach out to you and Mr. Rush and ask you to submit a brief to him for the Motion to Dismiss, filed by you, in the case 2020CP3600506 Terence L. Rush v Michael B. Stribble, et.al. The briefs are to be submitted no later than April 30, 2021. He will review them and make a ruling in writing, without a hearing. Please submit the briefs to the address listed below.

The Honorable Donald B. Hocker
PO Box 972
Laurens, SC 29360

Sincerely,

Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, SC 29108
jtoby@newberrycounty.net

Cc: The Honorable Donald B. Hocker (via e-mail)
Terence L Rush (mail)

ELECTRONICALLY FILED - 2021 Mar 31 3:02 PM - NEWBERRY - COMMON PLEAS - CASE#2020CP3600506

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 03-31-2021 02:55:39 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp:	03-31-2021 02:55:17 PM
Court:	CIRCUIT COURT Common Pleas Newberry
Case Caption:	Terence L Rush VS Michael B Stribble , defendant, et al
Document(s) Submitted:	Filing/Other Filing/Other
Filed by or on behalf of:	Janeen Toby

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

David Allan DeMasters for Michael B Stribble,
Michael B Stribble Newberry Sheriff Deputy

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

John 3 Doe
John Doe 2 Newberry County Sheriff Deputy
John 2 Doe
John Doe 1 Newberry County Sheriff Deputy
John 1 Doe
John Doe 4 Newberry Sheriff Deputy
John 4 Doe
Terence L Rush for Terence L Rush
John Doe 3 S L E D Officer
John 3 Doe

Terence L Rush for Terence L Rush

Provided to Walton CI
On 3-30-21 for Mailing
Date

By (officer initials)

JM SR

Terence L. Rush,
90 RUSH, TERENCE L, #ECS490
Walton Corc. Inst. - Main
691 Institution Road
DeFuniak Springs, FL 32433

March 30, 2021

Dear Ms. Toby,

Please find a copy of the amended complaint pursuant to SCRPC Rule 15(a)(c). I am waiting for a reply to my notice of motion to join the Newberry County Sheriff's office % Lee Foster as a party. Would you attach these in and then clock them in as filed per the rule mentioned above as a matter of course?

I am most grateful for your time and attention in this matter.

Sincerely,

[Signature]
Terence L. Rush

FILED
NEWBERRY COUNTY
2021 APR - 5 AM 11:15
CLERK OF COURT

SCANNED

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMON PLEAS

Terence L. Rush,
Plaintiff,

SUMMONS

FILE NO. 2020-CP-36-00506

v.

Newberry County Sheriff Office,
% Sheriff Lee Foster, Individually
and in his Official capacity as the
Sheriff at the Newberry County Sheriff's
office,

Defendant.

FILED
NEWBERRY COUNTY
2021 APR -15 AM 11:19
CLARENCE PERKINS
CLERK OF COURT

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Newberry, South Carolina



Plaintiff/Attorney for Plaintiff

Dated: March 30, 2021

Address: Terence L. Rush, Plaintiff

% RUSH, TERENCE L., # 603490

Walton Correctional Institution - Main

691 Institution Road

DeFuniak Springs, FL 32433

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NUMBER: 2020-CP-36-00506

Terence L. Rush,

Claimant at Law,

CIVIL ACTION COMPLAINT

v.

Newberry County Sheriff's Office,
Sergeant Michael B. Stribble,
Unidentified John Doe (1),
Unidentified John Doe (2),
Unidentified John Doe (3),
Unidentified Lieutenant John Doe (4),
Individually and in their Official
Capacity as Newberry County Sheriff's
Office Deputies,

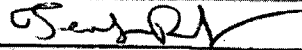
Respondent(s).

FILED
NEWBERRY COUNTY
2021 APR -5 AM 11:15
LIZABETH R. POPE
CLERK OF COURT

COMPLAINT

PRELIMINARY STATEMENTS TO COMPLAINT

I, Terence Lanar Rush, Claimant at Law, having appeared before a Notary Public and giving an Oath of Affirmation do hereby affirm under Oath and Penalty of Perjury that the facts stated herein below are true and in the attached AFFIDAVIT OF TERENCE L. RUSH.



Terence L. Rush, Claimant at Law

(1) a representation: The Newberry County Sheriff's Office (NCSO) sent Sheriff Sergeant Michael B. Stribble to represent the NCSO policy and procedure of having probable cause to officially trespass on private property and execute a warrant signed by a South Carolina Magistrate Judge who has been provided with sufficient information to establish said probable cause based on the demand by the executive authority of the State of Florida to go to 2809 S.C. Hwy 66, Whitmire, S.C. 29178 and find a Corey Pena who is believed to be there based upon that sufficient information and detain him for Florida authorities to receive him so he can appear before a Florida Circuit Court Judge in Palm Beach County and answer for offenses committed in the State of Florida when he came onto my land and stated that he had a warrant for Corey Pena and that I look like him.

(2) its falsity: Corey Pena and I look nothing alike and the NCSO and Sheriff Sergeant Stribble did not have a warrant or probable cause to trespass on my property to get my identity. See Exhibit A- Corey Pena's photo and information.

See Exhibit B - Terence L. Rush's photo and information. There was no demand from the Executive Authority of the State of Florida requesting the NCSO and its Deputies to proceed to 2809 S.C. Hwy 66, Whitmire, South Carolina 29178 under demand of the Executive Authority of the State of Florida and a signed warrant from a South Carolina Magistrate to take into custody the body of a Corey Pena who is believed to be at that residence based on sufficient information establishing probable cause that he is there.

(3) its materiality: There is a Corey Pena who exist and who was in the Florida database as someone who has done something to children. Sheriff Sergeant Stribble confirmed that Corey Pena was suspected of doing something to children when he said, "I worked on this all night and if I know what Corey was wanted for, I would have wanted him to come and check for him because of my children."

(4) knowledge of its falsity or reckless disregard of its truth or falsity: NCSO N.C.I.C. databases provided Sheriff Sergeant Michael B. Stribble with the knowledge and identity of Corey Pena and that I looked nothing like him because he saw his picture and did not care about that fact as long as he was able to obtain my identity even after I pointed out that fact about Sheriff Sergeant Stribble seeing Corey's picture with his warrant and then seeing me.

(5) Speaker's intent that the representation be acted upon: NCSO sent Sheriff Sergeant Stribble to represent their official business in the County of Newberry, S.C. when he came on my land in the Authority and uniform of the NCSO and wanted my identity revealed to him under the guise of having a warrant for someone he said I look like to prove I wasn't that person when he asked for my name, my identification, papers identifying me and even my social security number and after giving him what I had, he said it wasn't sufficient and called for a S.L.E.D. ID Kit to be brought to my residence by another Sheriff Deputy (Unidentified John Doe (3)) to obtain my identity.

(6) hearer's ignorance of its falsity/(7) hearer reliance on its truth: I had no way to disprove that the NCSO did not send the Sheriff Deputies to my residence with an actual warrant backed by probable cause and signed by a South Carolina Magistrate

Judge who had been presented with sufficient probable cause for a Corey Pena who could be mistaken for me without being able to examine the warrant, but they never produced one. I knew I was not Corey Pena and I tried to prove to them as best as I could that was sufficient for them that I was not Corey Pena, when I should not have been intruded upon in the first place.

(8) hearer's right to rely thereon: I was raised to believe that our Law Enforcement Offices and their Officers are people of integrity, honest, trustworthy and would not violate the law they're sworn to uphold, therefore, I had no reason to doubt that they didn't have a warrant for someone who could be mistaken for me named Corey Pena.

(9) the hearer's consequent and proximate injury: As a result of the NCSO sending Sheriff Sergeant Stribble and the other Unidentified John Doe NCSO Deputies to represent the NCSO official business in the County of Newberry, South Carolina by saying they had a warrant for a Corey Pena and using that as a means to trespass and remain on my property and defraud me out of my identity without producing said warrant, I lost the enjoyment of my peaceable possession of property I was paying for to own by purchasing it thru monthly payments, the ability to protect and defend both properties from any and all types of harm from not being physically present to do so, the interest already placed in them and the future interest in their improvement and upkeep, the lost of all livestock and my green energy, self-sustaining generator invention on that property due to the fraud perpetrated on me by the NCSO thru Newberry County Sheriff Sergeant Michael B. Stribble and other NCSO Deputies in order to obtain my identity without affording me equal protection of the law through the procedural and substantive rights guaranteed under the Constitution for the United States of America's equal protection of the law clause and South Carolina's Constitutional equivalent.

The law is clear in South Carolina that the Statute of limitations for causes of action for fraud is governed by the discovery rule: and does not begin to run until discovery of the fraud itself or of 'such facts as would have led to the knowledge thereof, if pursued with reasonable diligence.' *Burgess v. American*

Cancer Soc'y, S.C. Div., Inc., 300 S.C. 182, 185, 386 S.E. 2d 798, 799 (Ct. App. 1989) (Quoting *Grayson v. Fidelity Life Ins. Co. of Philadelphia*, 114 S.C. 130, 135, 103 S.E. 477 (1920).)

The Claimant at Law having only access to Florida laws, discovered that he had an action for fraud in 2018. Thus extending the three (3) year statute of limitations for such an action to October 2021. However, after reasonable diligence and research, the Claimant was able in 2019 to see a photograph of Corey Pena. See previously referenced Exhibit A: Corey Pena mentioned supra. This discovery of such fact that Corey Pena could not have been mistaken for me because he is of the caucasian skin tone and possibly of the Hispanic culture, revealed that the NCSO thru NCSO Sergeant Strickle acted in bad faith, outside of the policy and procedures of the Newberry County Sheriff's Office and applicable law at that time on warrants under the Warrant Clause of the FOURTH AMENDMENT while performing these actions under color of authority yet outside of their official duty, charter and employment when there was not enough sufficient information to establish probable cause to trespass on my property.

South Carolina Courts make clear that the law of trespass protects the peaceable enjoyment of property. See *Ravon v. Greenville County*, 434 S.E. 2d at 306 (S.C. Ct. App. 1993). There was no fresh pursuit, no disturbance of peace, no evidence of a crime happening now or previously, or even the need for the presence of law enforcement to be at my residence of 2809 S.C. Hwy. 66, Whitmire, S.C. 29178.

"The Warrant Clause of the Fourth Amendment requires that warrant applications contain sufficient information to establish probable cause." *Holmes v. Kucynda*, 321 F. 3d 1069, 1083 (11th Cir. 2003). "Probable cause to support a search warrant exists when the totality of the circumstances allows the conclusion that there is a fair probability that contraband or evidence of a crime will be found in a particular place." *United States v. Kapordelis*, 569 F. 3d 1291, 1310 (11th Cir. 2009). See also *United States v. Martin*, 297 F. 3d 1308, 1314 (11th Cir. 2002). No warrant was ever produced stating that a Corey Pena is known to be or will be at 2809 S.C. Hwy. 66, Whitmire, S.C. 29178 residence to establish the probable cause sufficient enough for the NCSO

to send NCSO Deputies to my residence to search for anyone. Since there was no probable cause to be there, the identity of the Claimant, that the NCSO and NCSO Sergeant Michael B. Strible obtained through their fraud and malicious intent to deceive the Claimant at law, Terence L. Rush, out of his identity through their representation of having a warrant for a Corey Pena was obtained from the "Fruit of the Poisonous Tree" through this fake representation of fact once acted upon it to prove I was not Corey Pena. See enclosed narrative of NCSO sergeant Michael B. Strible's arrest report as Exhibit C. No where does it mention the warrant he was executing on a Corey Pena, to establish his required or needed presence at the residence of 2809 S.C. Hwy. 66, Whitmire, S.C. 29178 on October 2nd 2015.

The Claimant at law has established the basis for a fraud claim under South Carolina law as set forth in *Tony v. LaSalle Bank Nat'l Ass'n*, 396 F. Supp. 2d 455 (D.S.C. 2012) and also in *Regions Bank v. Schmauch*, 354 S.C. 618, 582 S.E. 2d 432, 444-45 (S.C. App. 2003) where it lays out that there must be: "(1) a representation; (2) its falsity; (3) its materiality; (4) speaker's knowledge of its falsity or reckless disregard of its truth or falsity; (5) the speaker's intent that representation be acted upon; (6) the hearer's ignorance of its falsity; (7) the hearer's reliance on its truth; (8) the hearer's right to rely thereon; and (9) the hearer's consequent and proximate injury."

NARRATIVE TO COMPLAINT

1. I was in the back yard working at the residence I was making payments on to own on October 2, 2015 in the morning.
2. Out of nowhere, Jennifer and the children are startled and run into the house.
3. That's when I noticed three unannounced and unidentified men in black uniforms come from around the North side of the house and one unannounced and unidentified man in a black uniform come from around the South side of the house.

4. It was evident they trespassed thru my reasonable expectation of privacy fence erected off of both sides of the house that I did not want NO TRESPASSING.
5. As NCSO Sergeant Michael B. Stribble approached, he gave me an order to stop working.
6. I stopped working and said, "How can I help you?"
7. NCSO Sergeant Michael B. Stribble said, "I have a warrant for Corey Pena and you look like Corey Pena."
8. I said, "I can assure you I am not Corey Pena."
9. The Unidentified John Doe(i) NCSO Deputy who rode in the front seat with NCSO Sergeant Michael B. Stribble said, "You look pretty much like Corey Pena."
10. I demanded then for NCSO Sergeant Michael Stribble to produce the warrant and NCSO Sergeant Michael Stribble failed to produce a valid warrant or any warrant for a Corey Pena.
11. NCSO Sergeant Michael Stribble told me to identify myself and produce documentation.
12. I told Michael Stribble they call me Al, short for Alfred T. Jackson and that I don't have ID because it was stolen in Florida, but the mail I receive here can identify me as Alfred T. Jackson and not as being Corey Pena.
13. Michael Stribble said, "OK, Show us," but when I produced it, Michael Stribble said it was not sufficient.

14. At this time NCSO Sergeant Michael Stribble said, " Lets move around to the front of the house, I have an officer coming with a S.L.E.D. ID Kit.

15. I was still under the impression that NCSO Sergeant Stribble had a valid warrant, even though I had not seen one and didn't resist being escorted to the front of the house so that I could prove I was not the person Corey Pena.

16. At about this time the Unidentified John Doe (4) NCSO Lieutenant was threatening to arrest Jennifer, call social services on my children and have our dogs removed by animal control.

17. Although NCSO sergeant Michael Stribble wouldn't produce a valid warrant, I felt compelled to let the Unidentified John Doe (3) NCSO Deputy scan my finger because I did not know I did not have to comply with their deceit and was afraid the Unidentified John Doe (4) NCSO Lieutenant would fabricate a case against me, lock Jennifer up and take my children.

18. Subsequently, NCSO Sergeant Michael Stribble arrested me for a failure to appear out of Orange County, Florida.

19. Consequently, as a result of the NCSO and NCSO sergeant Michael Stribble fraud, I was deprived the guarantees of South Carolina's Constitution and of the Constitution for the United States of America in the FOURTEENTH, FIFTH, and FOURTH AMENDMENT(S) and the South Carolina's Constitution equivalents.

20. The actions of NCSO, NCSO Sergeant Michael Stribble and the Unidentified NCSO Deputies whose true names are unknown were carried out in bad faith and without purpose under color of law without affording me equal protection of the law from being deprived of all forms of due process from self-

incrimination by their fraudulent representation of having probable cause.

21. These actions forced me to break the contractual relations I had between Kevin Gushlaw and Jennifer Malard; lose the \$37,000.00 property at 613 Owens Drive in Anderson, S.C. 29624 which was traded in good-faith as collateral towards paying for the 2809 S.C. Hwy. 66, Whitmire, S.C. 29178 estate. Lose the \$14,000.00 paid towards the \$33,000.00 indebtedness to Kevin Gushlaw for the 2809 S.C. Hwy. 66, Whitmire, S.C. 29178 estate; the construction costs in the labor of designing, demolition and clearing of the 613 Owens Dr. home in preparation of new construction for the Owens Dr. property and also the construction costs in the labor of the erection of the two story storage unit/workshop along with the remodeling, renovation, improvements and fencing off of the 2809 S.C. Hwy 66 estate.

WHEREFORE, the Claimant at Law, Terence L. Rush, pray that this Court of Common Pleas in Newberry, South Carolina accept his Complaint pursuant to the South Carolina Rules of Civil Procedure and in accepting the Complaint, accept his demand for compensatory damages in the amount of \$204,500.00 each plus attorney fees for mitigation, arbitration and Court costs, punitive damages against the Newberry County Sheriff's Office (NCSO), NCSO sergeant Michael B. Stribble, the unidentified John Doe (1) NCSO deputy in Line 9, the unidentified John Doe (4) NCSO Lieutenant in Line 16 and the unidentified John Doe (3) NCSO Deputy in Line 17 for the amount of \$204,500.00 (TWO-HUNDRED FOUR THOUSAND, FIVE HUNDRED DOLLARS AND ZERO CENTS) each and whatever equitable relief the Court of Common Pleas deems just and a jury trial is demanded should Alternative Dispute Resolution Fail.

I understand that I am swearing to or affirming under oath to the truthfulness of the claims made in this Complaint and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Date: 3-30-21

Terence L. Rush
Terence L. Rush, Claimant at Law,
% RUSH, TERENCE L., # E03490
Walton Correctional Institution - Main
691 Institution Road
Defuniak Springs, Florida 32433

NOTARY

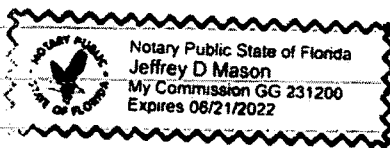
STATE OF FLORIDA
COUNTY OF WALTON

Document Attached to this Notary Sheet:

CIVIL ACTION COMPLAINT and AFFIDAVIT OF TERENCE L. RUSH

Terence L. Rush
Inmate Signature

TERENCE L. RUSH
Printed Name
Walton Correctional Institution
691 Institution Road
Defuniak Springs, FL 32433



Jeffrey D. Mason
Notary Signature
Jeffrey D. Mason
Notary Printed Name

Sworn to and subscribed before me by means of [X] physical presence or [] online notarization, this 30 day of March, 2021, by Terence Rush

Jeffrey D. Mason
Signature of Notary - State of Florida Stamped Commissioned

FILED
NEWBERRY COUNTY
2021 APR -5 AM 11:15
ELIZABETH P. FINK
CLERK OF COURT

EXHIBIT - A

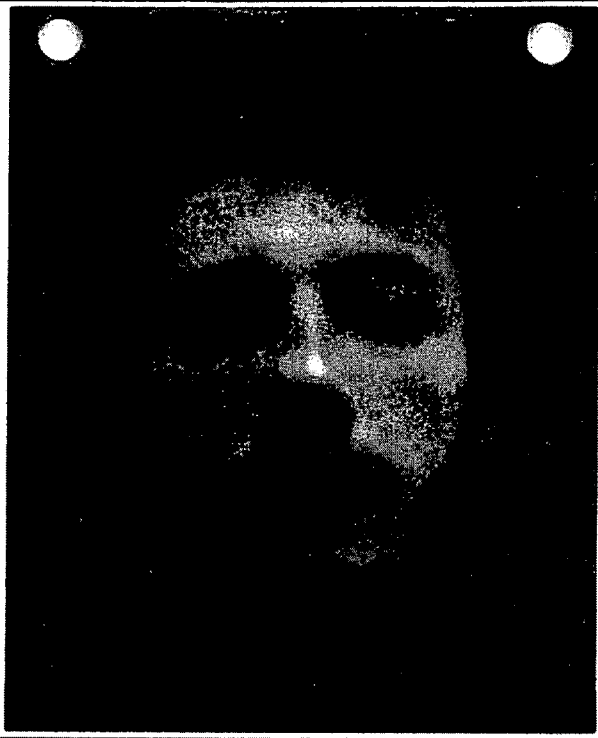
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MAY 9 9:52
NEWBERRY COUNTY

FILED
NEWBERRY COUNTY
2020 NOV 16 PM 10:29
CLERK OF COURT

COREY PENA'S PHOTOGRAPH AND
INFORMATION IS TO BE PUT HERE,
IN EXHIBIT-A SPOT.

FILED
NEWBERRY COUNTY
2021 APR -5 AM 11:16
CLARENCE P. FOLLS
CLERK OF COURT

FILED
NEWBERRY COUNTY
2021 NOV 16 PM 10:29
CLARENCE P. FOLLS
CLERK OF COURT



Corey Johnathan Pena - Registered Sex Offender or Predator

VIEW CRIMINAL RECORD

DOB: 1996-10-12
Race: White
Sex: Male
Eyes: Gray
Height: 5 ft 5 in
Hair: Brown
Weight: 132 lbs.

FILED
NEWBERRY COUNTY
2021 APR -5 AM 11:16
ELIZABETH P. FOLLA
CLERK OF COURT

Offense or Statute

Offense/Statute:

Lewd Or Lascivious Battery With Victim 12-15 Years Of
Age F.s. 800.04(4)(a)(1) (principal)

Adjudication

Date:

FILED
NEWBERRY COUNTY
2021 APR -5 AM 11:16
ELIZABETH P. FOLS
CLERK OF COURT

EXHIBIT - B

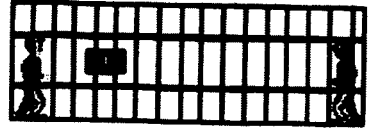
CLOCKED
IN
ERROR

FILED
NEWBERRY COUNTY
2021 NOV 16 PM 10:29



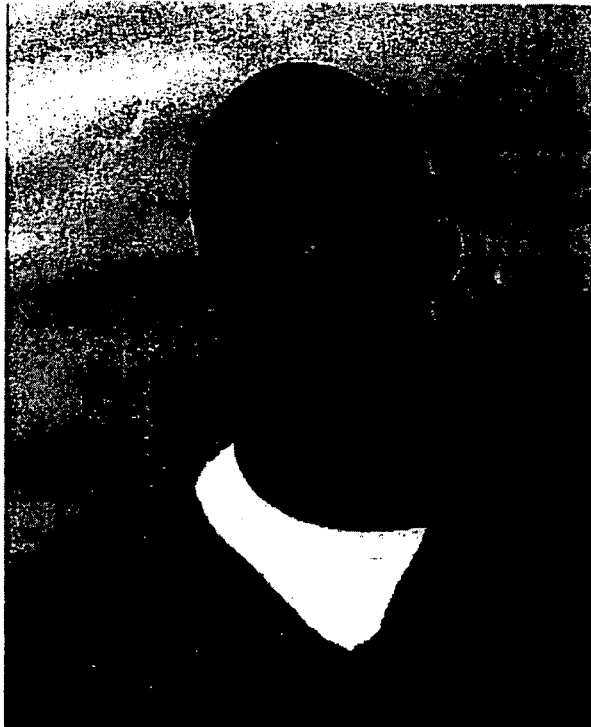
Corrections Offender Information Network

Florida Department of Corrections



Inmate Population Information Detail

(This information was current as of 2/9/2020)



DC Number: E03490
Name: RUSH, TERENCE L
Race: BLACK
Sex: MALE
Hair Color: BROWN
Eye Color: BROWN
Height: 5'09"
Weight: 180 lbs.
Birth Date: 07/16/1974
Initial Receipt Date: 02/20/2017
DNA Drawn: NONE
Current Facility: TAYLOR C.I.
Current Classification Status: NOT APPLICABLE
Current Custody: CLOSE
Current Release Date: 09/24/2045

FILED
 NEWBERRY COUNTY
 2021 APR -5 AM 11:17
 ELIZABETH P. FOLY
 CLERK OF COURT

FILED
 NEWBERRY COUNTY
 2020 NOV 16 PM 10:30
 CLERK OF COURT



(Release Date subject to change pending gain time award, gain time forfeiture, or review. A 'TO BE SET' Release Date is to be established pending review.)

[Visiting Request Form - Part 1](#)

[Visiting Request Form - Part 2](#)

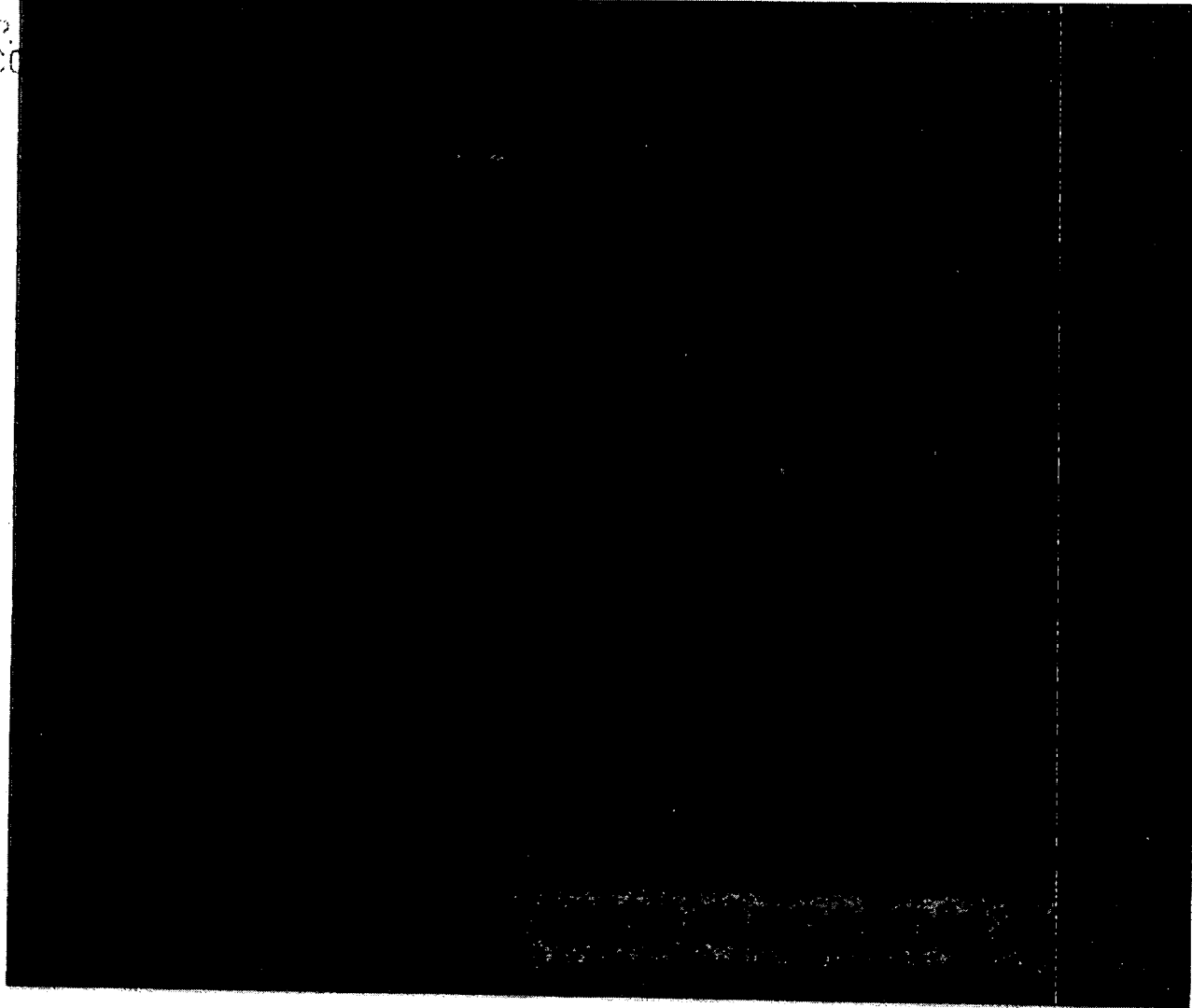
[How to Apply for Visitation](#)

* October 2, 2015 PHOTOGRAPH IS TO REPLACE THIS ONE. * (THE DATE OF ARREST PHOTOGRAPH)

FILED
NEWBERRY COUNTY

2021 APR -5 AM 11:17

ELIZABETH P.
CLERK OF CO



Exhibits
rence L. Rush (v.) Micheal B Strubble, et al.

VS
Michael B. Stribble, et al.

South Carolina

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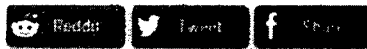
[Home](#) » [US States](#) » [South Carolina](#) » [Newberry County, SC](#) » Terence Lanar Rush

Terence Lanar Rush - 10/02/2015

Arrest Record Search

Terence Rush SC Search

[Search Arrest Records](#)



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NEWBERRY COUNTY
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ELIZABETH R. FOLK
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[← Myron Davis Gallman](#)

[Kenneth E](#)

Search For Terence's Arrest Records

Name	State
Terence Rush	SC

[Get Report →](#)

Terence Lanar Rush

Terence Lanar Rush was booked in Newberry County, SC for >REPORT / GIVING FALSE INFORMATION TO LAW ENFORCEMENT

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NEWBERRY COUNTY
2021 APR -5 AM 11:17
ELIZABETH P. FOLK
CLERK OF COURT

EXHIBIT - C

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NEWBERRY COUNTY
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FILED
NEWBERRY COUNTY
2020 NOV 16 PM 10:30
ELIZABETH P. FOLK
CLERK OF COURT

ARREST WARRANT

2015A3610100565

STATE OF SOUTH CAROLINA

County/ Municipality of

Newberry

THE STATE 15-09636

against

Terence Lanar Rush

Address: 2809 Sc Highway 66

Whitmire, SC 29178-

Phone: SSN: 058-56-0322

Sex: M Race: B Height: 5 8 Weight: 195

DL State: DL #:

DOB: 7/16/1974 Agency ORI #: SC0360000

Prosecuting Agency: Newberry County Sheriff

Prosecuting Officer: Michael Stribble - 077

Offense: Fugitive / Fugitive from justice warrant, non-crim. Hold fug. max. 20 days. Gov. Ofc.

Offense Code: 3135

Code/Ordinance Sec: 17-09-0010

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Terence Lanar Rush

on 10/3/15

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Newberry Central Traffic Court
3239 Louis Rich Drive
Newberry, SC 29108

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

STATE OF SOUTH CAROLINA

County/ Municipality of

Newberry

AFFIDAVIT

DEFENDANT COPY

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Michael Stribble

who

being duly sworn deposes and says that defendant Terence Lanar Rush

did within this county and state on or about 10/2/2015

violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of

Newberry

in the following particulars:

DESCRIPTION OF OFFENSE: Fugitive / Fugitive from justice warrant, non-crim. Hold fug. max. 20 days. Gov. Ofc.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT ON 10-02-2015, ONE TERENCE LANAR RUSH, HEREIN SAID DEFENDANT, DID COMMIT THE OFFENSE OF "FUGITIVE FROM JUSTICE" 17-09-0010, IN THAT HE FLED FROM ORANGE COUNTY FLORIDA AFTER COMMITTING A CRIMINAL OFFENSE (FELONY) AND BY FLEEING THE JURISDICTION OF ORANGE COUNTY, FLORIDA WITH THE INTENT OF ELUDING AND EVADING ARREST. THE DEFENDANT IS WANTED FOR ATTEMPTED MURDER. THIS OFFENSE OCCURRED IN NEWBERRY COUNTY AND IS A VIOLATION OF THE S.C. CODE OF LAWS, 1976 AS AMENDED.

Signature of Affiant

MB Stribble

STATE OF SOUTH CAROLINA

County/ Municipality of

Newberry

Affiant's Address 550 Wilson Road

Newberry, SC 29108-

Affiant's Telephone (803)321-2211 x 1

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/2/2015

defendant Terence Lanar Rush

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Newberry

) as set forth below:

DESCRIPTION OF OFFENSE: Fugitive / Fugitive from justice warrant, non-crim. Hold fug. max. 20 days. Gov. Ofc.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 10/3/2015

Signature of Issuing Judge (L.S.)

Ronald C. Halfacre

Judge Code: 7062

Judge's Address 3239 Louis Rich Road

Newberry, SC 29108-1540

Judge's Telephone (803)321-2144

Issuing Court: Magistrate Municipal Circuit

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMONS PLEAS
CIVIL ACTION COMPLAINT

Terence L. RUSH,
Claimant at Law,
vs.

FILE NO. _____ -CP- _____

Michael B. STRIBBLE, Unidentified
John DOE(1), Unidentified John DOE(2),
Unidentified John DOE(3), Unidentified
Lieutenant John DOE(4), Individually
And in their capacity as Newberry
County Sheriff Deputies,
Respondents. /

OUTGOING LEGAL MAIL
PROVIDED TO TAYLOR C.I. FOR
MAILING ON

12-17-19 mp
DATE (MAILROOM-MAIN UNIT) OFFICER INT.

AFFIDAVIT OF TERENCE L. RUSH

On October 2nd, 2015, I Terence Lanar Rush, doing business under the pseudonym of Alfred T. Jackson, in the State of South Carolina by working in the backyard of the residence situated in Newberry County, in the City of Whitmire, in the State of South Carolina.

1. The address of the residence mentioned in the paragraph above is 2809 SC Hwy 66, Whitmire, SC 29178.
2. This residence on the day of October 2nd, 2015 had a 6'7" hand crafted privacy panel wood fence, well within the allowable 7' height privacy fence approved for back yards by the County of Newberry.
3. This privacy panel wood fence comes off the left and right side corners of the residence when viewed from SC Hwy 66.
4. When viewing this residence from SC Hwy 66, there are trees on the left or South Side of the house that the privacy panel wood fence length runs into with a privacy gate for vehicle entrance.
5. When viewing this residence from SC Hwy 66, there is the residence of the Dicker's on the right or North Side where the privacy fence comes off of the 2809 SC Hwy 66 residence and extends out on the right to about six (6) inches from the property line, then turns west and runs between both residences six (6) inches off

of the property line and lying six (6) inches inside the property line of the residence of 2809 SC Hwy 66, Whitmire, SC 29178.

6. Kevin Gushlaw being the lawful owner of the property at 2809 SC Hwy 66, Whitmire, SC 29178 on October 2nd, 2015.
7. There existed a verbal binding contract between Kevin Gushlaw, Jennifer Malard and Claimant at Law, Terence L. Rush for the beneficiaries of Terence L. Rush before the date above mentioned in this affidavit.
8. I, Terence L. Rush, Claimant at Law, considered and accepted the terms of the Contract between Kevin Gushlaw and Jennifer Malard by performing certain duties and provisions as stipulated by our agreement.
9. This is an enumerated list of the agreement between Kevin Gushlaw, Jennifer Malard and myself.
 - 9a. Jennifer Malard acquired the property of 613 Owens Dr., Anderson, SC 29624 with the stipulation that she would have the necessary demolition of the 3 bed/1 bath home within a fourteen (14) day time frame or forfeiture of property would ensue.
 - 9b. Jennifer Malard contracted with me for the demolition.
 - 9c. The agreement between the three (3) parties would be that I, Terence L. Rush, would perform all work required by homeowner Jennifer Malard and homeowner Kevin Gushlaw.
 - 9d. The consideration being the gain of the 3 bedroom, 2 bath home at 2806 SC Hwy 66, Whitmire, SC 29178, in exchange for the property of 613 Owens Dr., Anderson, SC 29178 and the sum of \$33,000.00.
 - 9e. Upon the acceptance of this agreement by the demolition of the Anderson, SC property, a contract had been created, considered and accepted between and by all of the parties.
10. We paid Kevin Gushlaw \$500.00 a month plus ½ of any earnings from jobs I completed until the property was paid off.
11. The children of Terence L. Rush and Jennifer L. Malard would gain the property of 2809 SC Hwy 66 in Whitmire, SC as their home once paid off.

12. I demolished the house at 613 Owens Drive in Eight (8) days after a title search on the property was completed and title transferred to Jennifer L. Malard.
13. The "Owens Dr." property was to have a newly constructed five (5) bedroom 2½ bath home rebuild on it.
14. The property at 613 Owens Dr., Anderson, SC 29624 is zoned in the city to situate a five thousand (5,000) sq. ft, four (4) story home rebuild on it.
15. I drafted up the design and plans for the new home and submitted them to Kevin Gushlaw, who accepted them.
16. Kevin Gushlaw recorded the amount of the expenses by the receipts I kept and submitted to him for general accounting purposes.
17. Fourteen thousand (\$14,000.00) of the \$33,000.00 debt was repayed to Kevin Gushlaw leaving a remaining balance of \$19,000.00 to pay off the 2809 SC Hwy 66 property before the day this incident occurred with Michael B. Stribble.
18. I had constructed a two (2) story storage unit and workshop on the 2809 SC Hwy 66, Whitmire, SC property in order to store personal private property as agreed to by Kevin Gushlaw.
19. I had remodeled the interior of the 2809 SC Hwy 66 home.
20. I had installed 308 sq. ft. of hardwood floors throughout the living and dining room floors.
21. I had installed 128 sq. ft of 16" x 16" Sandstone colored tile in the kitchen.
22. I had installed 435 sq. ft. of carpet in the bedrooms.
23. I had erected a flag pole out front at the top of the driveway.
24. I had planted four fruit trees out in the front yard. A pear, a plum, an apple, and peach trees.
25. I had enclosed the front porch with screen.
26. I had built a deck off the back door of the house.
27. On October 2nd, 2015, I was in the back yard cleaning up the panels for the privacy fence and any nails on the ground so that the children could celebrate TJ's 3rd birthday.

28. There was no criminal activity being committed in the presence of any sheriff that would justify them to ignore and violate my reasonable expectation of privacy by the privacy fence they entered and TRESPASSED thru on the property of 2809 SC Hwy 66, Whitmire, SC 29178.
29. No one at the residence of 2809 SC Hwy 66, Whitmire, SC 29178 called, invited, or gave permission to any sheriff or officer of the State of South Carolina to come upon the land or property of 2809 SC Hwy 66.
30. No one on October 2nd, 2015 was in need of any assistance from any Police, Sheriff, Fire, or Medical personnel that would give permission to justify the presence of any Police, Sheriff, Fire or Medical personnel at 2809 SC Hwy 66, Whitmire, SC 29178.
31. The view of the back yard being blocked by the House and the privacy panel wood fence and trees does not allow for anyone to view, peer or see into the back yard where I was working.
32. Sheriff Deputy Michael B. Stribble and about four (4) unidentified John Doe Sheriff's Deputies for Newberry County, whose true names are unknown, came onto the property of the residence of 2809 SC Hwy 66, Whitmire, SC uninvited, unannounced and unwelcomed.
33. Sheriff Deputy Michael Stribble and about three unidentified John Doe Sheriff Deputies ignored my reasonable expectation of privacy and entered into the backyard thru the privacy fence by opening and crossing the threshold on both of the 6'7" privacy panel wood fence entrances.
34. Sheriff Michael Stribble used the Newberry County Sheriff's Office uniform to gain access onto the land of 2809 SC Hwy 66, Whitmire, SC 29178.
35. Sheriff Michael Stribble knew the warrant he and the other unidentified deputies claimed to have was false, because at no time before I demanded to see it or after, was it produced to justify their intrusion that morning.
36. I did not know that Sheriff Michael Stribble or any of the other unidentified Sheriff deputies did not have a valid warrant when they trespassed on and against my peaceable possession of property.

37. Sheriff Michael Stribble and the Unidentified Sheriff deputies did not have an Official order signed by a South Carolina magistrate to be directed to 2809 SC Hwy 66, Whitmire, SC 29178 to look for and take into custody a Corey Pena or a black male known to be at the address of 2809 SC Hwy 66, Whitmire, SC 29178, who fits his description and who is wanted in Florida.
38. Sheriff Deputy Michael Stribble and the four unidentified Sheriff Deputies abused their position of trust as defenders and protectors of both constitutions, The State of South Carolina and The Constitution for the United States of America.
39. Ultimately, Sheriff Deputy Michael Stribble and the four Unidentified Newberry Sheriff deputies' actions under color of law resulted in me breaking the contractual relations I had between Jennifer Malard and Kevin Gushlaw which led to me being deprived of the peaceable use and possession of property.
40. This also caused me to be unable to finish paying off the debt for the property so that the deed would be signed over and my children wouldn't be homeless as they are now with their mother.
41. I did not harm, hurt, cheat, defraud or disturb the peace of anyone in the great State of South Carolina, and yet I was targeted by Sheriff Deputy Michael Stribble who said, "I worked on this all night.", which is in my belief, he plotted and planned all night on how to make an illegitimate reason be legitimate.
42. This Affidavit is in support of my complaint against Sheriff Deputy Michael Stribble and the Unidentified Sheriff Deputies of the Newberry County Sheriff's Office that was with him on October 2nd, 2015 for damages both compensatory and punitive against them individually and in their capacity as Newberry County Sheriff Deputies for their fraud, trespass and Constitutional violations against me and my family and the loss of property.
43. I 'm exercising a private right by seeking a redress in the Court of Newberry County, South Carolina where these events happened to me and where the guarantees, secured and protected to me by the Constitution for The United States of America and the Constitution for the State of South Carolina are in full force.

44. The actions of Sheriff Deputy Michael Stribble and the unidentified Sheriff Deputies whose true names are unknown were carried out in bad faith and without purpose under color of law without affording me equal protection of the law from being deprived of all forms of due process from self-incrimination by his fraudulent representation of having probable cause to interrogate me without showing proof of his claim when I demanded to see the warrant.

Date: 12-17-19

/s/ Terence L. Rush
Terence L. Rush
%TERNCE L. RUSH, E03490
Taylor Correctional Institution-Main
8501 Hampton Springs Rd.
Perry, Florida 32348

The Affiant, Terence L. Rush, being first duly sworn accordingly in law, being of competent age to witness, states the facts contained herein are true, correct, complete, certain and not misleading to the best of the Claimant's personal firsthand knowledge and belief subject to the penalties of perjury pursuant to the laws of The United States of America, The State of South Carolina and The State of Florida.

The Affiant, Terence L. Rush, by right freely exercises and preserves all his Natural Unalienable Rights at all times with intent to give any concerned or interested party a reasonable time to respond in a timely manner, in the Spirit of good faith by the South Carolina Civil Rules of Common Pleas Court allowable time to respond to the Complaint and this Affidavit in Support of Complaint.

I understand that I am Swearing or affirming under Oath to the truthfulness of the Claims made in this Complaint and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Date: 12-17-19

/s/ Terence L. Rush

Terence L. Rush
%TERNCE L. RUSH, E03490
Taylor Correctional Institution-Main
8501 Hampton Springs Rd.
Perry, Florida 32348

Oath or Affirmation

JURAT

STATE OF FLORIDA
COUNTY OF TAYLOR

Personally appeared before me the affiant, Terence L. Rush, who being duly sworn to or affirmed and signed before me on December 17, 2019 by Terence L. Rush.

Marci Poston

NOTARY PUBLIC OR DEPUTY CLERK



Marci Poston

[Print, Type, or Stamp commissioned Name of Notary or Deputy Clerk.]

- Personally Known
- Produced Identification
- Type of identification produced

DOC ID E03490

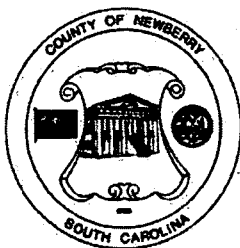
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COUNTY OF NEWBERRY

Elizabeth P. Folk
Clerk of Court

P.O. Drawer 10
(803) 321-2110
Fax (803) 321-2111



COPY

April 8, 2021

Terence L Rush # E03490
Walton Correctional Institution-Main E1-135's
691 Institution Road
Defuniak Springs, FL 32433

Mr. Rush,

When you file a motion, you are required to file a motion/order coversheet and pay the \$25.00 filing fee. After speaking to Mrs. Folk, she approved for me to process your motion but asked that I send you a copy of the motion/order coversheet for you to complete and send back along with the \$25.00 motion filing fee. Please let me know you have any questions.

Sincerely,

Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, SC 29108
jtoby@newberrycounty.net

Encl: Motion/Order Coversheet Form
Clocked copy of Motion and Motion Requesting Joinder of Respondent
Newberry County Sheriff Office Needed for Just Adjudication

ELECTRONICALLY FILED - 2021 Apr 08 3:27 PM - NEWBERRY - COMMON PLEAS - CASE#2020CP3600506

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 04-08-2021 03:23:50 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp: 04-08-2021 03:23:41 PM
Court: CIRCUIT COURT
Common Pleas
Newberry
Case Caption: Terence L Rush VS Michael B Stribble ,
defendant, et al
Document(s) Submitted: Letter/Letter Letter/Letter
Filed by or on behalf of: Janeen Toby

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

David Allan DeMasters for Michael B Stribble,
Michael B Stribble Newberry Sheriff Deputy

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

John 3 Doe
John Doe 2 Newberry County Sheriff Deputy
John 2 Doe
John Doe 1 Newberry County Sheriff Deputy
John 1 Doe
John Doe 4 Newberry Sheriff Deputy
John 4 Doe
Terence L Rush for Terence L Rush
John Doe 3 S L E D Officer
John 3 Doe

Terence L Rush for Terence L Rush

Subsequently, Plaintiff alleges that he allowed his finger to be scanned, and due to that scan, Plaintiff was arrested by Defendant Stribble. Upon his finger being scanned, it was determined that Plaintiff was Terence L. Rush who was wanted for attempted murder in Florida.

Plaintiff was then arrested when his true identity was discovered, issued a ticket for “giving false information to police” and transported to the Newberry County Detention Center. On October 3, 2015, a “Fugitive from Justice Warrant” arrest warrant was issued by Magistrate Judge Ronald C. Halfacre that stemmed from Plaintiff fleeing from Florida to evade an arrest for “attempted murder”. *See*, Exhibit “C” to Complaint.²

Plaintiff further alleges in his affidavit that Defendant Stribble violated Plaintiff’s rights by Defendant Stribble’s “fraudulent representation of having probable cause to interrogate me without showing proof of his claim when [Plaintiff] demanded to see the warrant.” *See*, Affidavit attached to Complaint. Put simply, it appears that Plaintiff is alleging that Defendant Stribble used “improper means” when arresting Plaintiff by allegedly stating that he had an arrest warrant for “Corey Pena” on October 2, 2015.

Plaintiff then filed the subject lawsuit on October 20, 2020 and appears to bring a claim of “Fraud” against Defendant Stribble.

STANDARD

“A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true.” *See Hotel and Motel Holdings, LLC v. BJC Enters., LLC*, 414 S.C. 635, 780 S.E.2d 263 (2015). Therefore, this court must “construe the complaint in a light most favorable

and attached to his Complaint. Giving that false identification was in violation of S.C. Code Ann. §16-17-0725(b) – “Misrepresenting identity to law enforcement officers”.

² Plaintiff does not dispute the veracity of this arrest warrant as he attached it to his Complaint or allege that he was falsely arrested pursuant to the warrant.

to the nonmovant and determine if the ‘facts alleged and the inferences reasonably deducible from the pleadings would entitle the plaintiff to relief on any theory of the case.’” *Id.* (quoting *Williams v. Condon*, 347 S.C. 227, 233, 553 S.E.2d 496, 499 (Ct. App. 2001)). If the facts and inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then the grant of a motion to dismiss for failure to state a claim is improper. *Clearwater Tr. v. Bunting*, 367 S.C. 340, 343, 626 S.E.2d 334, 335 (2006). “Furthermore, the complaint should not be dismissed merely because the court doubts the plaintiff will prevail in the action.” *Spence v. Spence*, 368 S.C. 106, 116–17, 628 S.E.2d 869, 874 (2006).

DISCUSSION

I. DEFENDANT IS NOT A PROPER PARTY³ PURSUANT TO THE SOUTH CAROLINA TORT CLAIMS ACT, S.C. CODE ANN. § 15-78-10

The South Carolina Tort Claims Act defines “employee” as “any officer, employee, or agent of the State or its political subdivisions, including elected or appointed officials, law enforcement officers, and persons acting on behalf or in service of a governmental entity in the scope of official duty.” S.C. Code Ann. § 15–78–30(c). “Scope of official duty or scope of state employment means (1) acting in and about the official business of a governmental entity and (2) performing official duties.” S.C. Code Ann. § 15–78–30(i).

Pursuant to Section 15–78–70(a), individuals who qualify as employees are not subject to suit as personal defendants for the alleged tort claims committed within the course and scope of their employment. Specifically, §15-78-70(a) provides in that “[a]n employee of a governmental entity who commits a tort while acting within the scope of his official duty is not liable therefor

³ Even if Plaintiff had named the proper party (Sheriff of Newberry County), his claims would still be barred by the statute of limitations as explained in Section II of the memorandum.

except as expressly provided for in subsection (b).” S.C. Code Ann. § 15–78–70(a). Subsection (b) declares: “Nothing in this chapter may be construed to give an employee of a governmental entity immunity from suit and liability if it is proved that the employee’s conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude.” S.C. Code Ann. § 15–78–70(b).

Importantly, the Tort Claims Act is intended to cover those actions committed by an employee within the scope of the employee’s official duty. “The provisions of [the Tort Claims Act] establishing limitations on and exemptions to the liability of the State, its political subdivisions, and employees, while acting within the scope of official duty, must be liberally construed in favor of limiting the liability of the State.” S.C. Code Ann. § 15–78–20(f); *see also Wade v. Berkeley County*, 330 S.C. 311, 498 S.E.2d 684 (Ct.App.1998) (noting that § 15–78–20(f) limits coverage to employees acting within the scope of official duty).

Here, it is undisputed that the Sheriff of Newberry County⁴ is a “governmental entity” within the meaning of the Act. The record further reflects that Defendant Stribble was an “employee” of the Sheriff of Newberry County pursuant to the definition of employee contained in S.C. Code Ann. § 15-78-30(c) when conducting police activities while as a law enforcement officer employed by the Sheriff of Newberry County. The Complaint does not allege nor is there any evidence that Defendant Stribble was acting outside the course and scope of his employment with the Sheriff of Newberry County. Therefore, Defendant Stribble is entitled to be dismissed.

⁴ There is no entity known as the Newberry County Sheriff’s Department under the laws of South Carolina, and therefore, the only proper party for any state law claims is the Sheriff of Newberry County.

II. PLAINTIFF'S COMPLAINT IS BARRED BY THE TWO-YEAR STATUTE OF LIMITATIONS PROVIDED UNDER THE SOUTH CAROLINA TORT CLAIMS ACT

As stated above, Plaintiff was arrested on October 2, 2015 for the crime of being a "Fugitive from Justice" as well as providing "False Information to Police"⁵ when identifying himself as "Alfred T. Jackson". Plaintiff then filed his complaint in this matter on October 20, 2020. Defendant Stribble asserts that Plaintiff's claims are barred by the statute of limitations because more than two years have elapsed between the accrual of his claims (the date of his arrest) and the filing of this action.

The Tort Claims Act "constitutes the exclusive remedy for any tort committed by an employee of a governmental entity." S.C. Code Ann. § 15-78-70(a). Under the Tort Claims Act, the statute of limitations for suit against a state agency or its employees is two years after the "date the loss was or should have been discovered." S.C. Code Ann. § 15-78-110. If the action is not brought within the required statute of limitations it is "forever barred." *Id.*

A loss should be discovered when the "circumstances would put a person of common knowledge and experience on notice that some right has been invaded, or that some claim against another party might exist." *Joubert v. DSS*, 341 S.C. 176, 191, 534 S.E.2d 1, 9 (Ct. App. 2000). "The important date under the discovery rule is the date that a plaintiff discovers the injury, not the date of the discovery of the identity of [the] wrongdoer." *Wiggins v. Edwards*, 314 S.C. 126, 128, 442 S.E.2d 169, 170 (1994).

Importantly, Plaintiff does not deny that he gave Defendant Stribble the wrong identity when first asked to identify himself or dispute the validity of the arrest warrant. Moreover, Plaintiff, at the time of his arrest on October 2, 2015, clearly knew that he was not "Corey Pena"

⁵ Plaintiff was found guilty of this charge on October 7, 2015. See, Exhibit "A"- Public Index Records

so any alleged discovery of “fraud” some years after his arrest is without merit. Plaintiff did not need to see a photograph of “Corey Pena” to determine that he was not “Corey Pena” so any allegation he only discovered some years after he is not “Corey Pena” is baseless.

Because Plaintiff’s Complaint is solely related to his arrest that occurred on October 2, 2015, it is clear that any injury related to that arrest is beyond the two-year statute of limitations as his Complaint was filed on October 20, 2020. Because Plaintiff’s sole cause of action for “fraud” is barred by the Tort Claims Act’s two-year statute of limitations, his Complaint should be dismissed in its entirety.

CONCLUSION

Based on the foregoing analysis and discussion, Defendant Stribble respectfully requests this Court grant his motion to dismiss and dismiss Plaintiff’s Complaint with prejudice.

Respectfully,

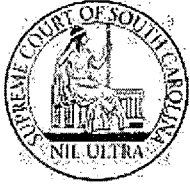
DAVIDSON, WREN & DEMASTERS, P.A.

s/David A. DeMasters
DAVID A. DeMASTERS #79860
1611 DEVONSHIRE DRIVE, 2ND FLOOR
POST OFFICE BOX 8568
COLUMBIA, SOUTH CAROLINA 29202-8568
T: 803-806-8222
F: 803-806-8855
E-Mail: ddemasters@dml-law.com

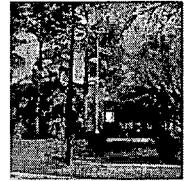
Counsel for Defendant

Columbia, South Carolina

April 30, 2021



Newberry County Eighth Judicial Circuit Public Index



Newberry County Home Page [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

The State of South Carolina VS Terence Lanar Rush					
Case Number:	24948EV	Court Agency:	Central Court Of Newberry	Filed Date:	10/03/2015
Case Type:	Criminal	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Halfacre (Magistrate), Ronald C.	Disposition Judge:	Halfacre (Magistrate), Ronald C.
Disposition:	Guilty Bench Trial Credit Time Served				
Disposition Date:	10/07/2015	Date Received:		Arrest Date:	10/02/2015
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:		Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Rush, Terence Lanar	1223-Report / Giving false information to law enforcement, fire dept. or rescue dept.	1223-Report / Giving false information to law enforcement, fire dept. or rescue dept.		10/07/2015		

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ELECTRONICALLY FILED - 2021 Apr 30 2:40 PM - NEWBERRY - COMMON PLEAS - CASE#2020CP3600506

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 04-30-2021 02:40:34 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp: 04-30-2021 02:40:21 PM
Court: CIRCUIT COURT
Common Pleas
Newberry
Case Caption: Terence L Rush VS Michael B Stribble ,
defendant, et al
Document(s) Submitted: Memo/Memo in Support
- Exhibit/Filing of Exhibits
Filed by or on behalf of: David Allan DeMasters

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

David Allan DeMasters for Michael B Stribble,
Michael B Stribble Newberry Sheriff Deputy

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

John 3 Doe
John Doe 2 Newberry County Sheriff Deputy
John 2 Doe
John Doe 1 Newberry County Sheriff Deputy
John 1 Doe
John Doe 4 Newberry Sheriff Deputy
John 4 Doe
Terence L Rush for Terence L Rush
John Doe 3 S L E D Officer

John 3 Doe

Terence L Rush for Terence L Rush



State of South Carolina
The Circuit Court of the Eighth Judicial Circuit

Donald B. Hocker
Judge

Laurens County Courthouse
100 Hillcrest Square, Suite Q
Post Office Box 972
Laurens, SC 29360
Phone: (864) 984-2076
Fax: (864) 984-2333
dhockerj@sccourts.org

May 11, 2021

Mr. David A. DeMasters, Esquire
Post Office Box 8568
Columbia, South Carolina 29202-8568

Re: Rush vs. Stribble, 2020-CP-36-506

Dear Mr. DeMasters:

I am writing you this letter instead of emailing you due to the fact that the Plaintiff is currently incarcerated in Florida.

I would ask that you prepare an Order granting your Motion to Dismiss Complaint. Dismissal is based on all of your three grounds in your Motion with the primary ground being the statute of limitations barring this action. If any cause of action accrued for the benefit of the Plaintiff, it appears that it did so on October 2, 2015. The Complaint was filed on November 6, 2020. The fact that the Plaintiff is seeking to amend his complaint to add the Sheriff's Department and Sheriff Foster does not help the Plaintiff, if I were to grant his amendment request.

Finally, it should be noted that the Plaintiff has not filed any briefs in opposition to this Motion to Dismiss, as required by previous correspondence from the Clerk on March 30, 2021.

Cordially

A handwritten signature in black ink, appearing to be 'Donald B. Hocker', written over a horizontal line.

Donald B. Hocker
Circuit Court Judge
Chief Administrative Judge for Common Pleas
Eighth Judicial Circuit

cc: Terrance L. Rush, via mail
cc: Janeen Toby, Newberry CP Clerk, via email

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 05-28-2021 03:00:58 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp: 05-28-2021 03:00:35 PM
Court: CIRCUIT COURT
Common Pleas
Newberry
Case Caption: Terence L Rush VS Michael B Stribble ,
defendant, et al
Document(s) Submitted: Letter/Letter Letter/Letter
Filed by or on behalf of: Janeen Toby

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John 4 Doe
Terence L Rush for Terence L Rush
John Doe 3 S L E D Officer
John 3 Doe

Terence L Rush for Terence L Rush



State of South Carolina
The Circuit Court of the Eighth Judicial Circuit

Donald B. Hocker
Judge

Laurens County Courthouse
100 Hillcrest Square, Suite O
Post Office Box 972
Laurens, SC 29360
Phone: (884) 984-2076
Fax: (884) 984-2333
dhockerj@sccourts.org

May 26, 2021

Mr. David A. DeMasters, Esquire
Post Office Box 8568
Columbia, South Carolina 29202-8568

Re: Rush vs. Stribble, 2020-CP-36-506

Dear Mr. DeMasters:

I am supplementing my letter to you of May 11, 2021. My ruling stands but I would note that in fact Mr. Rush did submit his Brief which I have read and considered. He had a valid excuse for it being late.

Cordially,

A handwritten signature in black ink, appearing to be 'D. Hocker', written over the printed name.

Donald B. Hocker
Circuit Court Judge
Chief Administrative Judge for Common Pleas

DBH/ras

cc: Terrance L. Rush, via mail
cc: Janeen Toby, Newberry CP Clerk, via email

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 05-28-2021 03:01:58 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp: 05-28-2021 03:01:35 PM
Court: CIRCUIT COURT
Common Pleas
Newberry
Case Caption: Terence L Rush VS Michael B Stribble ,
defendant, et al
Document(s) Submitted: Letter/Letter Letter/Letter
Filed by or on behalf of: Janeen Toby

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John 4 Doe
Terence L Rush for Terence L Rush
John Doe 3 S L E D Officer
John 3 Doe

Terence L Rush for Terence L Rush

June 1, 2021

Terence L. Rush,
% RUSH, TERENCE L., #E03490
Walton Corr. Inst. - Main - B1-136s
691 Institution Road
DeFuniak Springs, Florida 32433

Provided to Walton CI
On 6/3/21 for Mailing
Date

Inmate's Initials DL/SR

RE: TERENCE L. RUSH v. MICHAEL B. STRIBBLE, et al.,
Civil Action # 2020-CP-36-00506

Dear Ms. Toby,

Would you please send me a Motion/Order Cover sheet and the amount it costs to file an appeal in the Appellate Court for Newberry County? I do not know which court that would have jurisdiction over the Court of Common Pleas in Newberry County, so would you also send me the address of the Court of Appeals that has jurisdiction to entertain appellate proceedings for the Court of Common Pleas in Newberry?

I do appreciate your time and attention in this matter.

With kind regards, I am



Terence L. Rush.

file: TLR/dlr

FILED
NEWBERRY COUNTY
2021 JUN -7 AM 11:13
CLERK OF COURT

Terence L. Rush,
c/o RUSH, TERENCE L., # E03490
Walton Correctional Institution - main - B1-136 s.
691 Institution Road
Defuniak Springs, Florida 32433

PENSACOLA FL 325
3 JUN 2021 PM 2 L

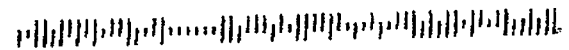


FILED
NEWBERRY COUNTY
2021 JUN -7 AM 11:13
ELIZABETH P. FOLK
CLERK OF COURT

ELIZABETH P. FOLK
Clerk of Court Newberry County
P.O. Drawer 10
Newberry, S.C. 29108

* LEGAL MAIL *

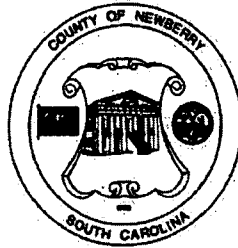
29108-001010



OFFICE OF CLERK OF COURT
COUNTY OF NEWBERRY

Elizabeth P. Folk
Clerk of Court

P.O. Drawer 10
Newberry, SC 29108
(803) 321-2110
(803) 321-2111-Fax



June 7, 2021

Terence L Rush
C/O Rush, Terence L., #E03490
Walton Corr. Inst. Main-B1-136S
691 Institution Road
Defuniak Springs, FL 32433

COPY

Mr. Rush:

This is in response to your letter received by this office June 7, 2021. I have enclosed a Motion/Order coversheet that you requested. The Court of Appeals address is as follows:

Court of Appeals
PO Box 11629
Columbia, SC 29211

As far as your questions about the cost for filing an appeal in the Appellate Court, you will need to contact them for the information.

Sincerely,

Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, SC 29108
jtoby@newberrycounty.net

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 06-07-2021 04:18:40 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp: 06-07-2021 04:18:26 PM
Court: CIRCUIT COURT
Common Pleas
Newberry
Case Caption: Terence L Rush VS Michael B Stribble ,
defendant, et al
Document(s) Submitted: Letter/Letter Letter/Letter
Filed by or on behalf of: Janeen Toby

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Michael B Stribble Newberry Sheriff Deputy

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John 1 Doe
John Doe 4 Newberry Sheriff Deputy
John 4 Doe
Terence L Rush for Terence L Rush
John Doe 3 S L E D Officer
John 3 Doe

Terence L Rush for Terence L Rush

June 17, 2021

Provided to Walton CI
On 6/17/21 for Mailing
Date

Inmate's Initials DN JR

Terence L. Rush,
% RUSH, TERENCE L., # E03490
Walton Corr. Inst. - Main, B1-136s
691 Institution Road
Defuniak Springs, Florida 32433

RE: RUSH v. Stribble, 2020-CP-36-00506


Dear Honorable Chief Administrative Judge Hocker:

I have been waiting sir for your signed order granting the defendant's motion to Dismiss so that I can proceed accordingly. Could you please send it so that I may submit what necessary motions or appeals that would follow this decision that has been made?

I do appreciate your time and attention in this matter.

With kind regards

I am,


Terence L. Rush

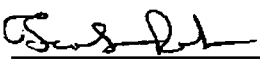
cc: Mr. David A. Demasters, via mail
cc: Ms. Janeen Tobey, Newberry CP Clerk, via mail
file: TLR/elt

2021 JUN 22 AM 9:55
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF NEWBERRY)
)
Terence L. Rush)
) Plaintiff,)
)
 vs.)
)
Michael B. Stribble, et. al.)
) Defendant.)

IN THE COURT OF COMMON PLEAS
 EIGHTH JUDICIAL CIRCUIT
 CASE NO.: 2020 -CP- 36 - 00506

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: <u>Terence L. Rush</u> , Bar No. <u>9056</u> Address: <u>Walton Cor. Inst. - main</u> <u>691 Institution Road, Defuniak Springs, FL 32433</u> Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>David A. DeMasters</u> , Bar No. <u>79860</u> Address: _____ <u>Post office Box 8568, Columbia, S.C. 29222</u> Phone: <u>803-806-8222</u> Fax <u>803-806-8855</u> E-mail: <u>ademasters@dml-law.com</u> Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: <u>Motion Requesting Joinder of Party Pursuant to Rule 19 of SCRCP</u> Estimated Time Needed: <u>5 minutes</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant Date submitted <u>May 10</u> , 20 <u>21</u>	
SECTION III: Motion Fee	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instruction Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____, 20____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____, 20____	
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

2021 JUL -6 AM 11:46
 FILED

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 07-08-2021 08:42:16 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp: 07-08-2021 08:40:17 PM
Court: CIRCUIT COURT
Common Pleas
Newberry
Case Caption: Terence L Rush VS Michael B Stribble ,
defendant, et al
Event(s):
Order/Order Cover Sheet \$25.00
Document(s) Submitted: Proposed Order/Dismissal
Filed by or on behalf of: David Allan DeMasters

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

David Allan DeMasters for Michael B Stribble,
Michael B Stribble Newberry Sheriff Deputy

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John 1 Doe
John Doe 4 Newberry Sheriff Deputy
John 4 Doe
Terence L Rush for Terence L Rush

John Doe 3 S L E D Officer

John 3 Doe

Terence L Rush for Terence L Rush

May 10, 2021

Terence L. Rush,
% RUSH, TERENCE L., #E03490
Walton Corr. Inst. - Main
691 Institution Road
DeFuniak Springs, FL 32433

FILED
2021 JUL -6 AM 11:46
CLERK OF COURT

RE: MOTION/ORDER COVERSHEET

Dear Ms. Toby,

Please find enclosed is the motion/order coversheet you sent me along with a check for \$25.00 to file the motion previously sent to you. I am aware you have clocked it in as filed and I do appreciate your time in being patient to receive this payment.

with kind regards

I am ...



Terence L. Rush

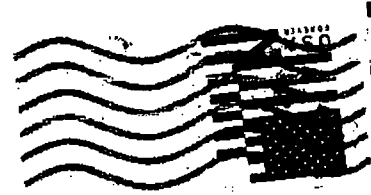
Enclosed: Check/MOTION ORDER COVERSHEET

File: TLR/tlr

Terence L. Rush,
% RUSH, TERENCE L., # E03490
Walton Correctional Institution - Main E1-135's
691 Institution Road
Defuniak Springs, Florida 32433

TALLAHASSEE FL 323

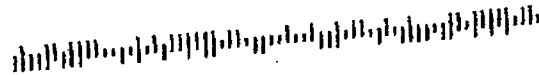
30 JUN 2021 PM 2 L



ELIZABETH P. FOLK
Clerk of Court Newberry County
P.O. Drawer 10
Newberry, S.C. 29108

* LEGAL MAIL *
FILED
2021 JUL -6 AM 11:45
ELIZABETH P. FOLK
CLERK OF COURT
NEWBERRY COUNTY

29108-001010



STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)
)
Terence L. Rush,)
)
)
Plaintiff,)
)
v.)
)
Michael B. Stribble, Individually and in)
his Official capacity as Sergeant at the)
Newberry County Sheriff's Office,)
)
)
Defendant.)

IN THE COURT OF COMMON PLEAS

Civil Action Number: 2020-CP-36-00506

ORDER OF DISMISSAL

This matter came before the Court on a Motion to Dismiss filed by Defendant on March 10, 2021. In lieu of a hearing, the Court has considered the arguments presented through the parties' briefs and the entirety of the records before this Court, including all filings made by all parties. The Court finds that Plaintiff's claims against Defendant must be dismissed as a matter of law, as is set out in detail herein, and that Defendant's pending motion must be, and hereby is, **GRANTED.**

Plaintiff Terrence L. Rush, proceeding *pro se*, filed this action on November 16, 2020. In his Complaint, Plaintiff sets forth allegations that appear to allege Defendant used improper methods in arresting Plaintiff on October 15, 2015. This stems from his allegations that Defendant claimed to have an arrest warrant for a "Corey Pena." Plaintiff denied being "Corey Pena" and gave Defendant and other uniformed officers a false name. Eventually, Plaintiff allowed Defendant to scan his finger, allowing Defendant to learn Plaintiff's true identity and that he was wanted for attempted murder in Florida. At that point, he was arrested and subsequently issued a ticket for providing false information from police. Plaintiff was then transported to the Newberry County Detention Center and then to Florida on a Fugitive from

Justice Warrant issued by a Newberry County Magistrate. Plaintiff then filed this subject lawsuit and attempts to bring a claim of “Fraud” against Defendant. Defendant has moved for dismissal of Plaintiff’s claims, asserting Defendant is an improper party in this action, that Plaintiff’s claims are barred by the applicable statute of limitations, and that punitive damages and attorney’s fees are barred by the South Carolina Tort Claims Act.

DISCUSSION

1. Plaintiff’s Complaint is barred by the two-year Statute of Limitations provided in the South Carolina Tort Claims Act.

Initially, Plaintiff’s claims are barred by the applicable Statute of Limitations. Because this action is brought against an employee of the Sheriff of Newberry County, it is governed by the South Carolina Tort Claims Act (“Tort Claims Act”). The Tort Claims Act “constitutes the exclusive remedy for any tort committed by an employee of a governmental entity.” S.C. Code Ann. § 15-78-70(a). Under the Tort Claims Act, the statute of limitations for suit against a state agency or its employees is two years after the “date the loss was or should have been discovered.” S.C. Code Ann. § 15-78-110. If the action is not brought within the required statute of limitations it is “forever barred.” *Id.*

A loss should be discovered when the “circumstances would put a person of common knowledge and experience on notice that some right has been invaded, or that some claim against another party might exist.” *Joubert v. DSS*, 341 S.C. 176, 191, 534 S.E.2d 1, 9 (Ct. App. 2000). “The important date under the discovery rule is the date that a plaintiff discovers the injury, not the date of the discovery of the identity of [the] wrongdoer.” *Wiggins v. Edwards*, 314 S.C. 126, 128, 442 S.E.2d 169, 170 (1994).

In this case, Plaintiff was arrested on October 2, 2015 for being a fugitive from justice and for providing false information to police. The second charge stems from Defendant’s

attempt to serve an arrest warrant on a “Corey Pena” on Plaintiff and asking him for his identity. When asked by officers his name, he told them he was “Alfred T. Jackson.” Plaintiff does not deny that he gave Defendant the wrong identity when first asked to identify himself or dispute the validity of the arrest warrant. At the time of Plaintiff’s arrest on October 2, 2015, he knew that he was not “Corey Pena” so any alleged discovery of “fraud” some five years after his arrest is without merit. Plaintiff did not need to see a photograph of “Corey Pena” to determine that he was not “Corey Pena” so any argument to the contrary fails.

Plaintiff’s cause of action in this case is “fraud” and the allegations are solely related to the arrest on October 2, 2015. Any injury due to the alleged actions of Defendant were discovered by Plaintiff on that date. Plaintiff initiated this action on November 16, 2020, more than five years after the date he was arrested and three years past the running of the two-year statute of limitations provided for in the Tort Claims Act. The Court, therefore, finds that Plaintiff’s claims are barred by the statute of limitations and should be dismissed.

2. Defendant is not a proper party pursuant to S.C. Code Ann. § 15-78-10¹

The Tort Claims Act, S.C. Code Ann., § 15-78-10, *et seq.*, provides various immunities for employees of governmental actors. Chief among these immunities is the absolute immunity provided to individual employees contained within S.C. Code Ann., § 15-78-70. Pursuant to subsection 15-78-70(a), individual employees are not subject to suit as personal defendants for the alleged tort claims committed within the course and scope of their employment.

Plaintiff named Defendant Michael B. Stribble as an individual defendant in this case. The record reflects that Defendant was employed by the Sheriff of Newberry County at the time of the incident. Pursuant to Section 15-78-70(a), individuals who qualify as employees are not

¹ Even if Plaintiff had named the proper party (Sheriff of Newberry County), his claims would still be barred by the statute of limitations.

subject to suit as personal defendants for the alleged tort claims committed within the course and scope of their employment. While Plaintiff alleges in his Complaint that Defendant “acted in bad faith” and outside the course and scope of his employment during Plaintiff’s arrest, the Court finds those arguments unavailing. The record is clear that Plaintiff gave false information to law enforcement personnel, including Defendant, when he identified himself as “Alfred T. Jackson”. Plaintiff does not deny this allegation. The Court finds this action by Plaintiff to be telling and shows that if any falsity was committed that day, it was by Plaintiff, not Defendant. Therefore, Defendant is also entitled to be dismissed on this ground as well.

CONCLUSION

Therefore, the Court finds that Defendant’s Motion to Dismiss is **GRANTED**, and Plaintiff’s Complaint must be, and hereby is, **DISMISSED WITH PREJUDICE**².

AND IT IS SO ORDERED

The Honorable Donald B. Hocker
Presiding Circuit Court Judge

_____, 2021
Laurens, South Carolina

² Defendant also asserted a third ground in his motion regarding punitive damages and attorney’s fees. The Court finds that the plain language of § 15-78-120 bars these types of damages. Since the Court has found that Plaintiff’s claims must be dismissed, these portions of the Complaint would be stricken as well, but no further ruling or analysis is needed.



Newberry Common Pleas

Case Caption: Terence L Rush VS Michael B Stribble , defendant, et al
Case Number: 2020CP3600506
Type: Order/Dismissal

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

Electronically signed on 2021-07-09 13:17:20 page 5 of 5

Certificate of Electronic Notification

Recipients

David DeMasters - Notification transmitted on 07-09-2021 01:37:30 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP3600506

Official File Stamp: 07-09-2021 01:37:18 PM
Court: CIRCUIT COURT
Common Pleas
Newberry
Case Caption: Terence L Rush VS Michael B Stribble ,
defendant, et al
Document(s) Submitted: Order/Dismissal Order/Dismissal
Filed by or on behalf of: Donald B Hocker

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Michael B Stribble Newberry Sheriff Deputy

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John 4 Doe
Terence L Rush for Terence L Rush
John Doe 3 S L E D Officer
John 3 Doe

Terence L Rush for Terence L Rush

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

Terence L. Rush,
Appellee / Plaintiff,

v.

Michael B. Strible, et al,
Respondent(s), Individually
and in their official capacity as
Newberry County Sheriff's Deputies,
Appellant / Respondent(s).

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT

Civil Action Number: 2020-CP-36-00506

NOTICE OF APPEAL

Provided to Walton CI
Clt 7/27/21 for Mailing,
Date

Inmate's initials MSW

NOTICE IS GIVEN that the Appellee / Plaintiff, Terence L. Rush,
appeals to the South Carolina Court of Appeals, the following Order(s) of
the Court:

The Order dismissing the Plaintiff's complaint on July 9, 2021.

I HEREBY CERTIFY that a copy of the foregoing Notice of Appeal
has been furnished by United States Mail hand delivery to the Court of
Common Pleas Eighth Judicial Circuit, P.O. Drawer 10, Newberry, South
Carolina 29108, The Honorable Donald B. Hocker, P.O. Box 972,
Laurens, South Carolina 29360, The South Carolina Court of Appeals,
1220 Senate Street, Columbia, South Carolina 29201 and to the
Appellant / Respondent(s) attorney, Davidson, Wren, & DeMasters, PA,
Attorneys and Counselors at Law, 1411 Devonshire Drive, Second Floor
(29204), Post Office Box 8568, Columbia, South Carolina 29202-8568, this the
27th day of July, 2021.

Respectfully submitted,



Terence L. Rush,
% RUSH, TERENCE L., # E03490
Walton Correctional Institution
671 Institution Road
DeFuniak Springs, Florida 32433

FILED
NEWBERRY COUNTY
2021 JUL 30 AM 10:01
ELIZABETH P. FOLK
CLERK OF COURT

Terence L. Rush,
% RUSH, TERENCE L., # EC3490
Walton Correctional Institution - Main
691 Institution Road
Defuniak Springs, Florida 32433

PENSACOLA FL 325
27 JUL 2021 PM 1 L



ELIZABETH P. FLOCK
CLERK OF COURT NEWBERRY COUNTY
P.O. Drawer 10
Newberry, South Carolina 29108

* LEGAL MAIL *

29108-001010



STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

IN THE COURT OF COMMON PLEAS
Civil Action No: 2020-CP-36-00506

Terence L. Rush,
Plaintiff,

v.
Michael B. Stribble, Individually
and in his Official Capacity as
Sergeant at the Newberry County
Sheriff's Office,
Defendant.

DIRECTIONS TO CLERK
TRANSMITTAL OF RECORD
ON APPEAL TO APPEALS COURT

Provided to Walton CI
On 8/25/21 for Mailing
Date

By (officer initials) ΔN SP

The Plaintiff, Terence L. Rush, having previously served all parties of his intention to appeal the Court's decision, seeks now the Clerk's assistance in the following:

1. Please prepare, certify and transmit the original record to the South Carolina Court of Appeals.


Terence L. Rush

PROOF OF SERVICE

I, TERENCE L. RUSH, HEREBY CERTIFY, that I have placed the following document in the hands of Mr. Henderson, Walton C.I.'s Legal Mail Official, to be delivered by U.S. Postal mail delivery to the following: David Allan DeMasters, Post Office Box 8568, Columbia, South Carolina 29202-8568, Tel: (803) 806-8222, Attorney for Defendant on this 25th day of August, 2021.



Terence L. Rush,
% RUSH, TERENCE L., #E03490
Walton Correctional Institution
691 Institution Road
Defuniak Springs, Florida 32433

NEWBERRY COUNTY
CLERK OF COURT
2021 AUG 30 AM 11:27

SCANNED

Terence L. Rush,
% RUSH, TERENCE L., # E03490
Walton Correctional Institution - Main
691 Institution Road
Defuniak Springs, Florida 32433

PENSACOLA FL 325
25 AUG 2021 PM 1 L



ELIZABETH P. FOLK
Clerk of Court Newberry County
P.O. Drawer 10
Newberry, South Carolina 29108

FILED
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2021 AUG 30 AM 11:27
ELIZABETH P. FOLK
CLERK OF COURT

✪ LEGAL MAIL ✪

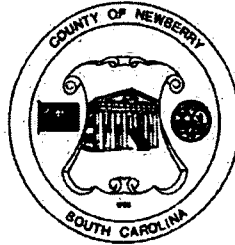
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OFFICE OF CLERK OF COURT
COUNTY OF NEWBERRY

Elizabeth P. Folk
Clerk of Court

P.O. Drawer 10
Newberry, SC 29108
(803) 321-2110
(803) 321-2111-Fax



September 2, 2021

COPY

Terence L Rush #E03490
Walton Correctional Institution-Main
691 Institution Road
Defuniak Springs, FL 32433

Mr. Rush:

This letter is being sent in response to your letter received August 30, 2021. Enclosed you will find the requested certified copy of your case file. As far as transmitting the file to the South Carolina Court of Appeals, it my understanding it is the litigant's responsibility to deliver documents to the appellate court.

Sincerely,

Janeen Toby
Common Pleas Deputy Clerk
PO Drawer 10
Newberry, SC 29108
jtoby@newberrycounty.net

CC: David Allan DeMasters (via NEF)

ELECTRONICALLY FILED - 2021 Sep 02 3:31 PM - NEWBERRY - COMMON PLEAS - CASE#2020CP3600506