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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

COURT OF APPEALS

Daryl Parker,

Appellant,

v.

Orangeburg County,

Respondent.

INITIAL BRIEF OF APPELLANT

Appellant Case No. 2022-001462

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STATEMENT OF ISSUES ON APPEAL

- I. Whether the Circuit Court failed to consider the gross negligence of and wrongful imprisonment by Orangeburg County's agents at the County Detention Center?
- II. Whether the issues of fact were still unresolved that the time of the summary judgment motion that would have precluded a disposition in favor of Orangeburg County?

STATEMENT OF THE CASE

This matter is before the Court of Appeals pursuant to the appeal of a summary judgment motion in favor of Respondent that was rendered by the Circuit Court. An initial hearing was held on this matter July 19, 2022. Present for Appellant was Skyler Hutto, and present for Respondent was Alison Hood. Judge Diane Goodstein granted the Respondent's motion and reaffirmed her decision following the Appellant's motion to reconsider.

Appellant subsequently filed an appeal and noticed Respondent.

STATEMENT OF THE FACTS

Appellant, a citizen of Orangeburg County, was sentenced in to pay a \$100 fine or serve 30 days in jail in July, 2012 for the crime of Receiving Stolen Goods, a 30-day misdemeanor. Years later, this fine was recorded as unpaid by the Orangeburg County Clerk of Court, and a bench warrant for Appellant was issued on warrant 2015B3800100171. This warrant issued in 2015 unbeknownst to Appellant. The warrant was served on Appellant on December 14, 2020 and he was arrested. Appellant was held at the Orangeburg County Detention Center, which is controlled by Respondent, Orangeburg County.

Appellant was also arrested on two old bench warrants for Fraudulent Check, also 30-day misdemeanors. Appellant was transported to magistrate court with appointed counsel in a timely manner for the adjudication of the Fraudulent Check warrants. He was found not guilty at a bench trial, but he was not released due to the 2012 warrant still being in place. Given the nature of the 2012 charge, he expected to be released after 21 days, the service of his full sentence on that charge with good time credit.

Despite serving his full sentence of the only charge on which he was convicted, Appellant was not released after 21 days, nor was he released after 30 days. The Appellant was not released for over 45 days. Appellant's appointed counsel from the Fraudulent Check charges was notified by Appellant's family that Appellant was still incarcerated without having been provided a reason. At this time, the Circuit Court ordered the release of Appellant. Appellant served more than double the maximum sentence on the charge for which he was held. No counsel was notified of the presence of a bench warrant holding Appellant.

Appellant deposed agents of Respondent. Deponents stated that there was little to no procedure in place to ensure that those in positions like that of Appellant are not held without hope

of remedy. Respondent stated that it relied on the Solicitor's and Public Defenders' Offices to review the list of inmates daily to ensure that cases are addressed in a timely manner. *Dozier Deposition*, pg. 18 ln. 18 – pg. 19 ln. 22. The Detention Center had no independent method in place to ensure that inmates who have served their maximum sentences under bench warrants are released.

Appellant timely filed suit alleging gross negligence in the management of the Detention Center as outlined in Appellant's initial complaint.

ARGUMENT

I. Appellant set forth sufficient grounds of False Imprisonment and Gross Negligence to survive Summary Judgment.

In its complaint, Appellant claimed that Respondent was grossly negligent. Specifically, Appellant alleged the following failures:

- a. Failure to release Plaintiff in a timely manner;
- b. Failure to monitor the status of warrants upon which prisoners are held;
- c. Failure to implement a system for timely release of prisoners;
- d. Failure to monitor the status of hold upon which prisoners are held;
- e. Failure to implement a system for monitoring the statuses of warrants and holds on prisoners;
- f. Failure to make Plaintiff aware of the fact that his sentence had expired; and
- g. Failure to make any prosecuting agency of the fact that Plaintiff's sentence had expired.

The Circuit Court reasoned that:

The bench warrant states: "To all the Sheriffs, Deputy Sheriffs, etc... It is, therefore, ordered that you make diligent search for the above named and take him to the County jail /detention facility, where he will be safely held until he may be brought before this Court, or otherwise discharged by due course of law." The bench warrant was entered by the Clerk of Court on September 25, 2015. It was served on Plaintiff on December 14, 2020. At that time, Plaintiff was taken to the Orangeburg County Detention Center, pursuant to the bench warrant. The imprisonment was therefore lawful. These facts do not support a cause of action for false arrest or false imprisonment against Orangeburg County.

Circuit Court Order August 16, 2022. While Appellant does not argue that the initial arrest was unlawful, Appellant does contend that the continued detention became unlawful after Appellant had exhausted the maximum possible sentence for which he was arrested and convicted. The Circuit Court relies upon precedent that related specifically to arrests. *See e.g. Bushardt v. United Inv. Co.*, 121 S.C. 324, 330, 113 S.E. 637, 639 (1922).

However, Appellant's continued detention beyond 21 days is contradictory to state statute. S.C. Code Ann. § 24-13-210 provides for the good time credit to be accrued by inmates in local detention facilities. S.C. Code Ann. § 24-13-40 provides that inmates should be credited with time served following the imposition of a sentence (and in some cases before). There is no doubt that Appellant was ordered to pay a fine or serve 30 days in the detention center; he successfully completed one of these options and was not subsequently released.

The Circuit Court further relies upon the text of the warrant upon which Appellant was held. In part, the Circuit Court notes this portion of the warrant: "[...] where he will be safely held until he may be brought before this Court, or otherwise discharged by due course of law." *Circuit Court Order* August 16, 2022. This portion refers to the warrant's admonition to hold the Appellant (or any subject of a bench warrant). However, while the Court has focused on the first portion, noting that the Appellant or one similarly situated should be brought before the Court, the warrant also contemplates that it will be discharged by the "due course of law." In this instance, that discharge and the course of law runs after the service of the full sentence for the charge upon which the warrant was entered.

The Court then relies on the distinction between gross negligence and negligence, or put another way, the duty to exercise slight care, citing *Faile v. South Carolina Dep't of Juvenile Justice*, 350 S.C. 315, 331-32, 566 S.E.2d 536, 544 (2002) (quoted as stating "It is the failure to

exercise even the slightest care.”) Governmental entities can be liable for negligence when said negligence arises to gross negligence. S.C. Code Ann. §15-78-60(25). The Circuit Court in this instance concluded that Detention Center and its agents had exercised slight care by confirming the bench warrant’s validity. Appellant contended to the Circuit Court and contends now that there are renewing duties beyond simply the confirmation of the initial warrant. As outlined above, the Appellant alleged numerous other, reasonable duties that would be expected of a governmental entity housing inmates, such as the duty to inform them of the reasons for their detention. Importantly here, the Detention Center had little no method of resolving Appellant’s bench warrant. No specific notification of his status as an inmate was made to anyone, including the Appellant himself. Respondent intended to rely upon diligent efforts of the Solicitor and Public Defender, both of whom no longer had any relationship with Appellant’s case.

II. Appellant presented sufficient evidence that a Jury could have concluded that Respondent was Grossly Negligent.

The gross negligence aspect of Appellant’s case turns on the prongs of duty and breach. In general, these aspects must be viewed in the light most favorable to the Appellant as the non-moving party. This case presents important factual questions that remain for the jury for which summary judgment is not appropriate. While Appellant and Respondent agree on some or most facts underlying this claim, there is an important distinction.

The Circuit Court ruled that, on a purely legal grounds, the Detention Center met its obligations to Appellant. However, that belies the possible factual determinations that a jury could make. For example, a jury could find that it was a breach of even slight care that the Detention

Center had no system in place to prevent the type of injury and incarceration that Appellant experienced. *See e.g., Wright v. PRG Real Est. Mgmt., Inc.*, 426 S.C. 202, 219, 826 S.E.2d 285, 294 (2019) (“We conclude there are questions of fact that a jury must resolve to ascertain whether a duty of care arose in this case”). This instance mirrors precedent that a jury may be required to ascertain duty (or breach). The bar for the Detention Center to have prevented this injury was so low that a jury could find it to have been a breach of slight care and thus lead to finding of gross negligence.

CONCLUSION

This Court should determine that there is sufficient legal and factual support for the Appellant’s claims to preclude summary judgment and allow a trier of facts to determine the issues presented by Appellant’s Complaint.

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March 23, 2023

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