

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAY 22 2023

Appeal from Greenville Co.
Court of Common Pleas

SC Court of Appeals

The Hon. Brian M. Gibbons, Cir. Court Judge

2023-000061

Randall D. Price

Appellant

vs.

Greenville Co. Sheriff's Office
and Deputy Compton

Respondent

INITIAL BRIEF OF APPELLANT

Other counsel of record

Charles F. Turner, Jr
325 Rocky Slope Rd Ste 201
Greenville, SC 29607

Randall D. Price
MacDougall C.F.
1516 Old Billiard Rd.
Ridgeville, SC 29472

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Other Authorities

STATEMENT OF ISSUES ON APPEAL

WHETHER JUDGE BIBBONS ORDER OF DISMISSAL
WAS IN ERROR WHEN IT FAILED TO ADDRESS
APPELLANT AMENDED COMPLAINT WHICH
SHOWED "FACTS" SUFFICIENT TO
CONSTITUTE A CAUSE OF ACTION

STATEMENT OF THE CASE

On Oct 2, 2020 Deputy Compton with the Greenville Co. Sheriff's Office stopped Dalton Taylor on Hwy 14 operating an unsafe moped. Although Dalton Taylor was allowed to continue on his way. And during my drive home on Hwy 11, I hit and killed Mr. Taylor. Thus, I was arrested and pled guilty to Hit and run with Death Dec 8, 21. On Jun 9, 22 I filed my civil action against Greenville, Co. Sheriff's Office et al. On Sept 22, 22 judge Gravelly gave me 20 days to submit an amended complaint. On Oct 17, 2022 I appeared before judge Gibbons upon my amended complaint, which he denied. On Dec 2, 2022 I filed a timely 59 (a) (e) motion, which he denied on Dec 14 2022. This appeal follow

ARGUMENT

Judge Gibbons order of dismissal was in error when it failed to address my AMENDED complaint / issue SEE: Ex A which showed "FACTS" sufficient to constitute a cause of action. But here his dismissal / order failed to make specific of findings of facts and conclusions of law to my AMENDED Complaint / issues SEE Ex. B Thus I filed a timely 59 (a) cert motion SEE Ex C which judge Gibbons denied SEE: Ex D

Here on Aug 26, 22 I appeared via video before judge Gravely - per judge Gravely order

dated Sept 22, 22 he gave me 20 days to
submit my AMENDED complaint/issues
SEE Ex E

Which on Nov. 18, 22 I appeared before judge
Gibbons upon my AMENDED complaint/issues
SEE Ex A and F to

And, as argued above judge Gibbons order
did not address my AMENDED complaint/
issues. When his order only referred
back to judge Bravely original order, giving
me 20 days to make an amendment SEE
Ex: B Ex: E and Ex G

Here, its too clear, that judge Bravely
order never "fully" address my Tort
Claims / GROSS NEGLIGENCE = AMENDED
Complaint/issues. SEE Ex. A and Ex B

Here in my AMENDED complaint SEE Ex A

I argued - and now argued that Deputy Compton was GROSS NEGLIGENCE when he interacted with Dalton Taylor his conduct failed out-side the scope of his MINISTERIAL duties. When Deputy Compton failed to ticket and or arrest MR Taylor, who was operating an unsafe moped in VIOLATION of S.C. Code Ann § 56-2-3070

In part (E) a person may not operate a moped on a public hwy that has a speed limit of greater, than 55 miles per hour

(F) No light on moped - 56-1-1760
Never displayed moped license

Also see 56-2-3000 and 56-1-1720

And MR. Taylor even had drugs on him in his system

Here, I argue Deputy Compton did not exercise any slight due care. Which caused the domino affect..... resulting in my damages..... Which Deputy Compton reasonably knew or should have known of the foreseeable danger, not only to Mr. Taylor. danger/injury to anyone that would be on the same Hwy with Mr Taylor, as in this case at bar SEE Ex H

Ind. Simm interview of Michael Burns. Here the Defendants is more at fault than I was in this case.

Thus, knowing the foreseeable danger - GROSS NEGLIGENCE as in my case. The lower court failed to address or apply the heightened GROSS NEGLIGENCE standard, to determine whether the Defendants immunity was waived per 15-78-60 (25) Where gross negligence

is a mixed question of law and Fact and should be presented to the jury. Unless the evidence supports only one reasonable inference. Which did not in this case at bar.

And, further where Deputy Compton told Mr Taylor, "that you ain't got no lights, you gonna wind up getting HURT."

Here, Mr. Taylor asked Deputy Compton "if he can make it to the Spine." Deputy Compton says "Man that is SUPER unsafe dude and way too far."

Thus, the Defendant's was not entitled to any form of immunity (ies) per 15-78-20(a); 15-78-78(b). And or my case should have been submitted to a jury on all issues triable by a jury—plus the amount of damages. I

requested from the Defendants, And, in
his individually capacity against Deputy
Compton per 15-78-120 (a)

CONCLUSION

WHEREFORE: due to the above arguments
this court should reverse the lower
court ruling(s) and grant me a jury
trial upon all triable issues. And,
further grant me any other relief this
court deems just and fair.

DATE: May 16 2023. Respectfully submitted
Randall D Price

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Randall D. Price

Appellant

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Respondent

CERTIFICATE OF COUNSEL OF RECORD

I Randall D Price do hereby declare under penalty of perjury that I am the Appellant / Counsel of record.

DATE, May 16 2023

Randall D Price

CERTIFICATE OF COUNSEL

I do hereby certify that my Initial brief
complies with rule 211(b) SCAER

DATE: May 16, 2023

Sincerely

Randall D. Pin

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Randall D. Price

Appellant

vs

Greenville Co. Sheriff's Office
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Respondent

CERTIFICATE OF SERVICE

I, Randall D Price do hereby certify that I have served the below person my certificate of counsel of record By placing the above said into the Maed P. C. I. mail room on this 7 day of May 23 to be placed in the U.S. mail w/ postage prepaid

SC Court of Appeals
1015 Sumter St (Po Box 11629)
Columbia SC, 29211

Charles F. Turner
325 Rocky Slope Rd
Suite 201
Greenville SC 29607

SWORN to before me
this 7 day of May 2023

[Signature]
Notary Public

my Commission Expires 04-12-2023



[Signature]
Randall D Price

LT

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Ap. 2023-000061

2022-CP-23-03040

Randall D. Price

Appellant

vs

Greenville, Co. Sheriff Office
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Respondent

CERTIFICATE OF SERVICE

I RANDALL D PRICE do hereby certify that I have served the below persons my Initial brief. By placing the above said into the MacDCI mail room on this 17 day of May 23 to be placed in the U.S. mail w/postage prepaid S.C Court of Appeals

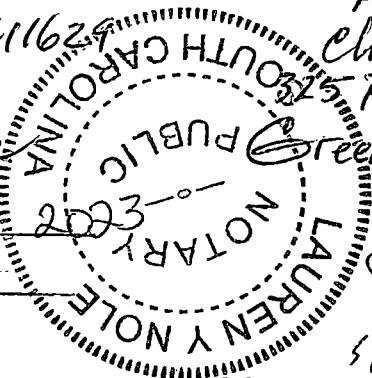
1015 Swater St. PO BOX 11629
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Atty At Law
Charles F. Turner
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Greenville, SC 29607

Sworn to before me
this 17 day of May 2023

[Signature]
Notary Public

My Commission Expires 04-12-2031



[Signature]
Randall D Price

South Carolina Court of Appeal
1015 Sumter St
Columbia S.C.
29211

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Case # 2023-00006
SC Court of Appeals

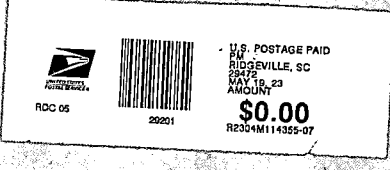
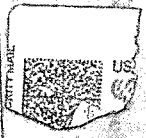
Date May 16 2023

Dear Hon Clerk

Please find enclosed two copys of my
Initial Brief of Appeal and required Transcript.
I ask that you time stamp one copy and return
for my record.

Sincerely
Dorrell D Price

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Ridgeville SC 29472



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