

EX A

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO.: 2022-CP-23-03040

Randall D. Price)
Plaintiff,)

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

vs.)
Greenville Co. Sheriff)
Defendant.)

ENTERED COMPUTER

2022 NOV 7 10:22
Fall Creek Sheriff 20250150

Plaintiff's Attorney: <u>Randall D. Price</u> , Bar No. _____ Address: <u>1516 Old Billiard Rd.</u> <u>Ridgeway, SC 29472</u> Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Charles F. Turner</u> , Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____
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MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
 Nature of Motion: Motion to leave to amend and Amended Complaint
 Estimated Time Needed: 20 minutes Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type
 Written motion attached
 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 Plaintiff / Defendant _____ Date submitted _____, 20__

SECTION III: Motion Fee
 PAID - AMOUNT: \$ _____
 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 instructions
Name of Court Reporter: _____
<input type="checkbox"/> Other: _____

JUDGE'S SECTION
 Motion Fee to be paid upon filing of the attached order.
 Other: _____ JUDGE CODE _____
 Date: _____, 20__

CLERK'S VERIFICATION
 Collected by: _____ Date Filed: _____, 20__
 MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

Exhit A

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

#

2022-CP-23-03040

22 NOV 4 AM 10:22
PAUL W. GARDNER, JR. CLERK

Randall D. Price

Plaintiff

vs

Greenville Co. Sheriff's

Office et al

Defendants

NOTICE AND MOTION
TO

LEAVE TO AMEND

NOW COMES the above named Plaintiff who moves this Hon. court in the above entitled matter per, judge Perry H. Bravely order dated Sep 22 2022 which I rec'd Sep 20 2022

Please see attached Amended Complaint.

DATE: 10/6/2022

Sincerely

Randall D Price

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

#

2022-CP-23-03040

Randall D. Price

Plaintiff

vs

Greenville Co. Sheriff's
Office and Deputy
Compton

Defendants

AMENDED

COMPLAINT

jury trial demanded

NOW COMES the above named Plaintiff who moves this Hon. court in the above entitled matter per. judge Perry H. Gravely order dated Sep 22, 2022 which I rec'd Sep. 20 2022 And per. any other applicable S.C. R. Civil P. Rule 15 and laws. South Carolina Tort Claims Act **GROSS NEGLIGENCE**

PARAGRAPH (1)

Deputy Compton is sued in his individually and official capacity.

PARAGRAPH (2)

I argue against I & II of the judges

order. And further argue that Deputy Compton was GROSS NEGLIGENCE when he interacted with Dalton Tayler, his conduct failed out-side the scope of his MINISTERIAL duties. When Deputy Compton failed to ticket and or arrest Mr. Tayler, who was operating an unsafe moped in VIOLATION of S.C. Code Anny 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 lights on moped: 56-1-1760 Never displayed moped license Also see 56-2-3000 and 56-1-1720. And, with drugs on him and in his system.

PARAGRAPH (3)

I argue against III of the judges order. And further argue that since Deputy Compton acted out-side his ministerial

as argued above, Deputy Compton did not exercise any slight due care. Which caused the domino affect, resulting in my damages. In 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 my case SEE Ex A Inv. Simon interview of Michael Burns

Thus knowing the foreseeable danger GROSS NEGLIGENCE as in my case. This court failed to 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.

And, in my case there is more than one reasonable inference, as argued above.

And, 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 Spinx" Deputy Compton says "Man that is super unsafe dude and way too far"

this domino affect from Deputy Compton actions caused my damages. Where I only pled guilty because my counsel misinformed me, that if I plea, I would get **NO** more

than 3 years. He would put up my mitigating factors/witnesses, that I STOPPED, where I thought that I had hit a deer which I have a pending PCR on these matters # 2022CP4200741

Anyway, my own actions was not greater than that of the Defendants.

PARAGRAPH (4)

thus, I argue against IV of the judges order. And, further argue that the Defendants are not entitled to any form of immunity (ies) per 15.78-20 (a) '15 78-70 (b) And, whose Deputy Compton is also sued in his individually capacity, as argued above.

PARAGRAPH (5)

I further argue resulting in my damages

2020 Chevrolet Silverado 271 out of pocket
\$30,000.00; loss of job \$77,000. a year / 2020 made
\$250.00 and pain and suffering.

PRAYER FOR RELIEF

WHEREFORE: I respectfully prays that this
Hon. Court to fully rule upon all
issues in my amended complaint;
reverse its finding and grant me
a jury trial on all issues triable by
a jury. And, compensatory, punitive
damages in the amount per 15-78-20(a)
(1) And, any further relief this court
deems just and fair.

DATE: 10/16/2022

Respectfully submitted
Randall D Price

SEE: Attached verification

PROOF OF SERVICE

I ⁽¹⁾ MANDALL D. PRICE do hereby certify that I have served the below persons my motion to leave to amend and my amended complaint.

By placing the above said into the MacDougal C.I. mail room on this 6th day of ~~SEPT~~ OCT to be placed in the U.S. mail w/ postage prepaid

The Hon. Greenville
Clerk of Court
305 E North St
Greenville, SC
29601

Wilson, Jones, Carter &
Braxley
325 Rocky Steps Rd
Suite 201
Greenville, SC
29601

SWORN to before me

Lauren Nole
Notary Public

this 6th day of October 2022

Lauren Nole
Notary Public

my Commission Expires 04-12-2031

Resubmitted October 25, 2022

Per Clerk of Courts Hon. Wickensimer

Ex B

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

EXB

ELECTRONICALLY FILED - 2022 Nov 22 12:34 PM - GREENVILLE - COMMON PLEAS - CASE#2022CP2303040



Greenville Common Pleas

Case Caption: Randall D Price vs. Greenville Co Sheriff Office , defendant, et al
Case Number: 2022CP2303040
Type: Order/Electronic Form 4

So Ordered

s/Brian M. Gibbons #2168 Circuit Judge

Electronically signed on 2022-11-22 12:10:41 page 3 of 3

Exc

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO.: 2022-CP-23-03040

Randall D. Price)
Plaintiff,)

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

vs.)
Greenville Co. Sheriff's Office et al)
Defendant.)

Plaintiff's Attorney: <u>Randall D Price</u> , Bar No. <u>N/A</u> Address: <u>1516 Old Gilliland Rd Ridgeville SC</u> Phone: _____ Fax <u>294-72</u> E-mail: _____ Other: _____	Defendant's Attorney: <u>Charles F Turner</u> , Bar No. _____ Address: <u>325 Rocky Slope Road</u> <u>Suite 201 Greenville SC 29607</u> Phone: <u>864 213-4146</u> Fax <u>864-373-7058</u> E-mail: <u>jnozmin@wjcb.com</u>
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MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: 59 (a) (c) motion

Estimated Time Needed: 10 min's Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Randall D Price _____ Dec 1, 2022
 Signature of Attorney for Plaintiff / Defendant Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$ _____
 EXEMPT: (check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status State Agency v. Indigent Party
- Sexually Violent Predator Act Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication Motion for Execution (Rule 69, SCRPC)
- Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____

JUDGE CODE _____

Date: _____, 20____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____, 20____

MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

EXC

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

2022-CP-23-03040

Randall D. Price

vs
Plaintiff

NOTICE AND MOTION
FOR A

Greenville County Sheriff's
Office and Deputy Compton

59(a) (e)

Defendants

NOW COMES the above named Plaintiff who moves
this Hon court in the above entitled matter. On
Nov 29, 22 The Plaintiff received the Hon. Brian
M. Gibbons order in the above case dated
Nov 22, 22.

This motion will be based upon the following:
Here, the Hon. Judge Gibbons order did not
make specific findings of fact(s) and conclusions
of law to my AMENDED Complaint SEE:

attached per S.C. Code Ann § 59 (a). Exc

Nor did Judge Gravely prior order address
my Tort Claims; **GROSS NEGLIGENCE.**

Deputy Compton's ministerial duties; Tort
Claims/law per 15-78-20 (a); 15-78-70 (b)
or my damages,

WHEREFORE: I respectfully request that this
Hon. court to reconsider, alter and amend
its finding per Tort Claims Act and
S.C. Code Ann § 59 (a) (e)

DATE: Dec 1, 22

Respectfully submitted
Rendall B Price

PROOF OF SERVICE
2022 CP-23-03040

I Randall D Price do hereby certify that I
~~have served the below persons my motion for 59 (a)~~
(e). By placing the above said into the MacDougall
C.I. mail room on this 1st day of December to be
placed in the U.S. mail w/ postage pre paid

The Hon. Greenville
Clerk of Ct.
305 E. North St.
Greenville, SC 29601

The Hon. Judge Brian M. Gibbons
P.O. Box 580
Chester, SC 29706

Wilson, Jones, Carter
325 Rocky Slope Rd. Ste 201
Greenville, SC 29607

SWORN to before me
this 1st day of December 2022

Randall D Price

LD Lauren NDR
Notary Public

my Commission Expires 04-12-2031

EXP

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP2303040

Randall D Price
PLAINTIFF(S)

Deputy Compton et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

After careful review of the public index and further deliberation, the court respectfully denies the Plaintiff's Motion to Reconsider.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/14/2022 .

Randall D Price for Randall D Price
Randall D Price for Randall D Price

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

EXD
//

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

EX B

a pick-up truck, struck a moped being driven by Dalton Taylor, killing Taylor. Investigation further revealed that Plaintiff fled the scene only to be arrested later. On December 8, 2021, Plaintiff pled guilty to Hit and Run with Death.

STANDARD OF REVIEW

“Under Rule 12(b)(6), SCRCPP, a defendant may move to dismiss based on a failure to state facts sufficient to constitute a cause of action.” *Doe v. Marion*, 361 S.C. 463, 468, 605 S.E.2d 556, 559 (Ct. App. 2004) (citing *Flateau v. Harrelson*, 355 S.C. 197, 201, 584 S.E.2d 413, 415 (Ct. App. 2003)). “A trial judge in the civil setting may dismiss a claim when the defendant demonstrates the plaintiff has failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court.” *Marion*, 361 S.C. at 469. “Generally, in considering a 12(b)(6) motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint.” *Id.* The Court would note that Defendants have submitted additional information outside the four corners of the complaint, primarily – the transcript from Plaintiff’s guilty plea. The Court cannot consider this additional information.

FINDINGS

The Court summarizes Plaintiff’s allegations, as pleaded in his Complaint, as follows. Plaintiff alleges in the present suit that, on the night of the accident, Deputy Compton conducted a traffic stop of Taylor, who was driving his moped at the time. Plaintiff alleges that Taylor did not have his wallet on him and that his headlights did not work at the time of the traffic stop. Plaintiff further alleges that Deputy Compton advised Taylor it was not safe to drive to the Sphinx as Taylor had planned, and that Taylor’s family was not willing to pick him up where he was. Finally, Plaintiff alleges that Deputy Compton terminated the traffic stop, allowing Taylor to continue travelling on his moped with drugs on his person and in his system. Plaintiff alleges that,

EX B

as a result of this, he hit and killed Taylor and has suffered damages including his twelve-year prison sentence, the loss of his truck, and the loss of his yearly salary. For the purpose of this Order, this Court takes those allegations as true.

Plaintiff brings the present suit praying for nominal, compensatory, punitive damages, and costs under the theory that Deputy Compton's actions on the night of Plaintiff's accident "caused" Plaintiff "to hit and kill Mr. Taylor." Plaintiff does not state with any clarity under which theory of liability he pursues the present action, citing only the South Carolina Tort Claims Act. Reading Plaintiff's Complaint liberally, however, in light of Plaintiff's invocation of causation and damages, it appears that Plaintiff brings suit for negligence.

This Court finds that Plaintiff's Complaint fails to state a claim against the Greenville County Sheriff's Office or Deputy Compton. Taking Plaintiff's Complaint as true, the Court finds that the Defendants did not owe a duty to the Plaintiff, such that any negligence could have occurred. Even assuming such a duty existed, Plaintiff has alleged no fact tending to show any breach of that duty. Plaintiff has also failed to allege that any alleged breach of the Defendants' duties caused the damages Plaintiff claims, where Plaintiff's damages stemmed not from the accident with Mr. Taylor, but from Plaintiff's own illegal actions in the moments after the accident and his subsequent plea thereto. Finally, even assuming any such liability for negligence could be established by the Plaintiff, Defendants are clearly entitled to immunity under the South Carolina Tort Claims Act where Plaintiff has alleged no facts tending to show that the Defendants were acting outside the scope of their employment.

I. The Public Duty Rule Insulates The Defendants From Liability.

Defendants are entitled to dismissal, where Plaintiff has failed to plead any theory under which Defendants owed him a duty. In *Doe v. Marion*, the South Carolina Supreme Court affirmed

EX B

the common-law elements of negligence, stating, “[i]n order to prove negligence, a plaintiff must show: (1) defendant owes a duty of care to the plaintiff; (2) defendant breached the duty by a negligent act or omission; (3) defendant’s breach was the actual and proximate cause of the plaintiff’s injury; and (4) plaintiff suffered an injury or damages.” *Doe v. Marion*, 373 S.C. 390, 400 (2007) (citing *Steinke v. S.C. Dep’t of Labor, Licensing and Regulation*, 336 S.C. 373, 387 (1999), stating “The court must determine as a matter of law, whether the law recognizes a particular duty. If there is no duty, then the defendant in a negligence action is entitled to a directed verdict”).

Gross negligence incorporates the elements negligence but with an added burden on the Plaintiff. The South Carolina Supreme Court has established that, “[g]ross negligence is the intentional conscious failure to do something which it is incumbent upon one to do or the doing of a thing intentionally that one ought not to do. It is the failure to exercise slight due care.” *Jinks v. Richland County*, 355 S.C. 341 (2003).

This Court finds that Plaintiff has failed to allege that either Defendant Compton or the Greenville County Sheriff’s Office owed him a duty of care, and thus no negligence may follow. “An affirmative legal duty to act may be created by statute, contract relationship, status, property interest, or some other special circumstance.” *Arthurs v. Aiken County*, 346 S.C. 97, 103 (2001). Accordingly, “a Plaintiff alleging negligence on the part of a governmental actor or entity may rely either upon a duty created by statute or one founded on the common law.” *Arthurs*, 346 S.C. at 104. Even if such a duty can be alleged, though, the Supreme Court has stated that,

The ‘public duty rule’ presumes statutes which create or define the duties of a public office have the essential purpose of providing for the structure and operation of government or for securing the general welfare and safety of the public. Such statutes create no duty of care towards individual members of the general public.” *Summers v. Harrison Constr.*, 298 S.C. 451, 455-56, 381 S.E.2d 493, 496 (Ct. App. 1989). The public duty rule is a negative

EX B

defense which denies an essential element of the plaintiffs cause of action: the existence of a duty of care to the individual plaintiff.

Arthurs v. Aiken County, 346 S.C. 97, 104 (2001).

Here, then, Defendants are shielded from Plaintiff's claims by virtue of the fact that they owed no duty to the Plaintiff. Plaintiff has alleged no statute or common law duty. However, even taking Plaintiff's Complaint as true, as the Court must in considering this matter, Plaintiff's Complaint, even if based on some statutory or common law duty, is nonetheless barred by the public duty rule. Nor, had Plaintiff pled some particular duty, is it clear that he could have shown that it was the sort of special duty that is excepted by the public duty rule. South Carolina Courts have been reluctant to find such special duties under statute, and have subjected the inquiry to a six-part test which includes requirements that: "(1) an essential purpose of the statute is to protect against a particular type of harm; (2) the statute, either directly or indirectly, imposes a specific public officer a duty to guard against or not cause that harm; (3) the class of persons the statute intends to protect is identifiable before the fact; (4) the plaintiff is a person within the protected class; (5) the public officer knows or has reason to know the likelihood of harm to members of the class if he fails to do his duty; and (6) the officer is given sufficient authority to act in the circumstances or he undertakes to act in the exercise of his office." *Arthurs*, 346 S.C. at 106. From the face of Plaintiff's Complaint, none of the above has been alleged with any factual specificity.

Accordingly, Defendant owed no duty to Plaintiff from which a claim for negligence could follow. Plaintiff has not pled any particular statute or common law principle creating any duty. Even had Plaintiff done so, the public duty rule means that Plaintiff must show that there existed a special duty, which Plaintiff has not pled and indeed cannot show, where the Plaintiff was a member of no protected class to which the laws the officer might have applied to the deceased would have provided protection.

EX B
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II. Plaintiff Has Alleged No Fact Tending To Show That Defendants Breached Any Duty.

Dismissal is warranted where, even assuming *arguendo* that this Court had found that some duty existed, the allegations raised by the Plaintiff in his Complaint, even presumed to be true, do not amount to any breach of duty. Plaintiff alleges, at most, the following: that Defendant Deputy Compton conducted a traffic stop involving the deceased, Dalton Taylor, on the night of the accident and advised Mr. Taylor that his moped was unsafe; that Defendant Deputy Compton had the deceased call his family to come and pick him; that Defendant Deputy Compton informed the deceased that it was unsafe to attempt to drive his moped to the Spinx without headlights; and that Defendant Deputy Compton terminated the traffic stop without arresting the deceased.

Here, Plaintiff has alleged no fact or theory under which Defendant Deputy Compton breached any duty owed to the Plaintiff. Even were there some duty to arrest under South Carolina statutory or common law, Plaintiff has not alleged that Defendant Deputy Compton had the requisite probable cause necessary to arrest the deceased. Accordingly, this Court finds that, as plead by the Plaintiff, no duty was breached by the Defendants.

III. Defendants Proximate Cause Argument.

Defendants argue that Plaintiff has failed to allege and show that any alleged breach of duty by Defendants proximately caused the Plaintiff's damages. To make that determination, the Court would have to consider facts outside the Complaint.

IV. Defendants Are Immune From Liability In This Suit Under The South Carolina Tort Claims Act.

Finally, Defendants are entitled to dismissal where, even could Plaintiff overcome these deficits and properly plead facts tending to show negligence, his claims fail under the South Carolina Tort Claims Act and are subject to its limitations, under which the Defendants are entitled

EX B

to immunity. S.C. Code Ann. § 15-78-20(b). According to the South Carolina Tort Claims Act, such governmental entities are not liable, “for a loss resulting from: [. . .] adoption, enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies,” or from “the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee.” S.C. Code Ann. §15-78-60(4); S.C. Code Ann. §15-78-60(5). Additionally, the South Carolina Tort Claims Act provides Immunity for the “execution, enforcement, or implementation of the orders of any court or execution, enforcement, or lawful implementation of any process.” S.C. Code Ann. §15-78-60(3).

As plead in Plaintiff’s Complaint, the conduct complained of by Plaintiff falls squarely within these exceptions to the South Carolina Tort Claims Act’s waiver of immunity. Reading Plaintiff’s Complaint in the most generous light, Defendant Deputy Compton exercised his discretion by choosing not to arrest the deceased. No allegation of the Plaintiff places either Defendant outside the scope of their official duties; indeed, to do as Plaintiff appears to wish, to have arrested the deceased, would require an exercise of just those duties and authorities. Accordingly, this Court finds that the Defendants are entitled to immunity under the South Carolina Tort Claims Act.

CONCLUSION

It is the Order of the Court that Plaintiff’s Complaint, therefore, is **DISMISSED**. Upon receipt of this Order, Plaintiff is granted leave of twenty (20) days, during which he may file an Amended Complaint curing the deficiencies detailed above. If Plaintiff fails to file such an

EX B

Amended Complaint within twenty (20) days, then this **DISMISSAL OF THE COMPLAINT SHALL BE WITH PREJUDICE.**

IT IS SO ORDERED.

E-Signature of Judge Gravely to follow.

Greenville, SC

EXG

4/9/22

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

2022-CP-23-03040

22 JUN 9 PM 1:34
730 Wickensher, COV, SC, 29

Randall D. Price
Plaintiff

COMPLAINT

jury trial demanded

vs
Greenville Co. Sheriff's
Office
§ Dept. Compton
Defendants

NOW COMES the above named Plaintiff who
moves this Hon. court in the above entitled
matter per the South Carolina Tort Claims
Act, NEGLIGENCE AND OR GROSS
NEGLIGENCE.

PARAGRAPH (1)

[Deputy Compton is sued in his individually
and official capacity.

PARAGRAPH (2)

On Oct 2, 2020 at approximate 8:15 pm Defendant Deputy Compton stopped Dalton Taylor at Fews Chapel and S.C 14 in Greenville, Co. for operating an unsafe moped. (which Defendant Compton telling MR. Taylor, that you ain't got no lights bad, you gonna wind up getting hurt. MR. Taylor stated, I know, although MR. Taylor could not find his wallet, telling Defendant, Compton I got this freaking flashlight man, I can't get the button to work. MR. Taylor asking Defendant, Compton if he can make it to the Spinx. Defendant Compton says, man that is super unsafe dude and way too far. Then Defendant, Compton calls

Mr. Taylor's brother/woman. He asks them to come get him, that he does not have headlights. Mr. Taylor tells his family where they are. Although his family says that they are about to be leaving. They didn't sound ready and willing to come pick Mr. Taylor up. Then Mr. Taylor says hey i will make it there. Defendant Compton then leaves the scene, allowing Mr. Taylor to continue on his way operating an unsafe vehicle, plus with drugs on him and in his system.

PARAGRAPH (3)

As argued above in paragraph (2) I re-argue and further argue, that

Since Defendant Compton conduct was NOT within the scope of his official duties, his conduct caused me to hit and kill Mr. Taylor on Hwy 11 with my truck. Which the Defendants are not entitled to any form of immunity SEE: S.C. Code Ann § 15-78-20(a) and 15-78-70(b)

PARAGRAPH (4)

I argue resulting in my damages:

→ Freedom, 12 years for hit & run; 2020 Chevrolet Silverado 291 out of pocket \$30,000. and loss of job \$77,000. a year / 2020 made \$250,000

PRAYER FOR RELIEF

WHEREFORE: I respectfully prays that

This court enter judgment granting me

- (1) NOMINAL DAMAGES - pain & suffering in the amount of \$100,000. against each defendant, jointly and severally
- (2) COMPENSATORY DAMAGES - in the amount of \$100,000. against each defendant, jointly and severally
- (3) PUNITIVE DAMAGES - in the amount of \$100,000 against each defendant, jointly and severally
- (4) A jury trial on all issues triable by jury
- (5) Plaintiff's costs in this action
- (6) Leave to amend to any part

EX G

4/9

of my complaint

(7) And, any additional relief this court deems just, proper and equitable.

DATE: April 28, 2022 Respectfully submitted
Randall D Price

VERIFICATION


I RANDALL D. PRICE have read the foregoing complaint and hereby verify that the matters alleged therein are true to my understanding and belief. And, as to those I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct

SWORN to before me
this 28th day of April 2022

Randall D Price

LDJ
Notary Public

my Commission Expires 04-12-2031

Exhibit 

EXH

Michael Burns Interview

This is an independent witness. He saw the Greenville County Deputy stopped at 8:15 pm with the moped. This was the above mentioned interaction.

Witness picked his family member up. And came back going about 55-60 mph. there was no traffic in front of him. He says he came up on a moped with no marking, no tail lights, nothing. If he did not have his family member with her he would have never seen him and hit him right there. Witness says he swerved to the left to miss hitting the moped.

Witness says that the moped driver never swerved to the right to get away from the vehicle. Witness says it scared him it was so close. He sees in his rearview a very dim lit headlight. Mother in law said "if he doesn't get off the road he will be dead tonight."

Witness said I know without a doubt that was the moped Greenville County had pulled over.

Witness even says "**why would they have left that guy. If you are going to leave him on the road at least follow him where he was going.**"

Witness says that if the man who hit the gentleman is saying he did not see him, that is the truth. Now if this guy got out, looked at this person, and drove off... that's a different story. But if this guy says he did not see him.. that would be true.

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I N D E X

(WHEREUPON, there were no exhibits marked or testimony taken during this hearing.)

1 P R O C E E D I N G S

2
3 THE COURT: All right. Randall Price.

4 Yep, the next case -- cases are motions 22-CP-23-3040,
5 Randall Price versus the Greenville County Sheriff's Office
6 and others.

7 (Pause.)

8 THE COURT: All right. For the record, this is
9 22-CP-23-3040, Randall Price versus Greenville County
10 Sheriff's Office and others.

11 Mr. Price, give me just a moment. I'm looking at the
12 public index to look through everything prior to the hearing
13 being commenced.

14 For -- on the, on the roster this morning -- I'm Judge
15 Gibbons. On the roster this morning are two motions, the
16 defendant's motion to dismiss your -- I guess your amended
17 complaint and then your motion to be allowed to amend your
18 complaint.

19 Is that what it is?

20 MR. OZMINT: Yes, Your Honor. That's correct, and, and
21 I can---

22 THE COURT: Who, who are you?

23 MR. OZMINT: Your Honor, my name is Nathan Ozmint and
24 I'm here on behalf of Chuck Turner and the Greenville County
25 Sheriff's Office.

1 THE COURT: Nathan Ozmint?

2 MR. OZMINT: Yes, sir.

3 THE COURT: A -- O-S-M---

4 MR. OZMINT: O-Z-M-I-N-t.

5 THE COURT: Okay. O-Z.

6 Okay. All right. Go ahead. I'm listening to you
7 briefly before I look through things.

8 MR. OZMINT: Sure.

9 And, and that -- I, I just wanted to give you a little
10 context for kind of how we are in this strange situation.

11 THE COURT: Okay.

12 MR. OZMINT: Your Honor, on August 26th in this case
13 Judge Gravely heard our motion to dismiss. He granted our
14 motion and he granted plaintiff 20 days from receipt of his
15 filed order to amend his complaint basically to cure the
16 defects that he found in his order. And, Your Honor, I have
17 a copy of that order if you would like it.

18 THE COURT: I'm looking it up right now.

19 when, when was that hearing?

20 MR. OZMINT: That hearing was on August 26th, Your
21 Honor. His order was filed on September 22nd.

22 THE COURT: All right. Let me look. Order of
23 dismissal.

24 All right. And, Mr. Price, do you dispute that --

25 MR. PRICE: Your Honor?

1 THE COURT: -- that Judge Gravely ruled the way he did?
2 I'm just -- that's, that's all I'm asking---

3 MR. PRICE: Yes, I'm---

4 THE COURT: ---at this point.

5 MR. PRICE: I'm aware of that --

6 THE COURT: Okay.

7 MR. PRICE: -- and I was -- as you should be aware of,
8 and you don't apparently cause we're talking about it, I was
9 allowed 20 days leave to amend, which my amended complaint
10 has and will not prejudice the defense in any way because my
11 amended complaint took away from my original damages and
12 only highlighted my original complaint point -- points where
13 the defendant replied to my amended complaint was just like
14 the original reply other than their argument of insufficient
15 service. This insufficient of the service will not
16 prejudice the defense, Your Honor.

17 Also, Your Honor, the defendant can waive service in
18 this case since they will not be prejudiced in any way.

19 THE COURT: All right. Hang on, hang on to that a
20 moment. Hang on.

21 I understand what you're saying. I'm just looking at
22 Judge Gravely's order real quick.

23 MR. PRICE: Yes, Your Honor.

24 THE COURT: And I, I want to make sure, from a
25 procedural standpoint, everything's appropriate right now.

1 That order was entered September 22nd. He said in his
2 order, Judge Gravely said, that's the law of the case. It
3 hadn't been appealed. Said that, upon receipt of the filed
4 order, that means as soon as you get it, you, Mr. Price,
5 have 20 days to submit an amended complaint.

6 So I -- just let me look from there.

7 Okay?

8 (Pause.)

9 THE COURT: Conclusion. It is the order of the Court
10 that plaintiff's complaint, therefore, is dismissed. Upon
11 receipt of this order, plaintiff is granted leave of 20 days
12 during which he may file an amended complaint curing the
13 deficiencies that were detailed in Judge Gravely's offer --
14 in his order. If he fails to file such an amended complaint
15 within 20 days, then everything's over with. It's
16 dismissed.

17 All right. So let me see what's happened since
18 September 22nd on the public index before I hear any
19 argument and stuff.

20 (Pause.)

21 THE COURT: All right. The next thing of note that
22 happened was on October 26th, which would of been 34 days
23 after Judge Gravely's order was filed, this motion to
24 dismiss was filed by Mr. Ozmint's firm. I don't --.

25 Okay.

1 MR. PRICE: Your Honor, my understanding of the 20 days
2 is it didn't start until I was, was issued the order. Not
3 the---

4 THE COURT: Yeah.

5 MR. PRICE: ---proposed order.

6 THE COURT: When did you get it?

7 That's what I'm asking.

8 when did you get it?

9 MR. PRICE: Let's see.

10 THE COURT: When did you get Judge Gravelly's order?

11 MR. PRICE: Let's see here. I got the proposed order
12 on the 30th.

13 Let's see here. I'm having some difficulty here with
14 these shackles on being able to go through my material.

15 I don't have that right here in front of me. I may
16 have it in my file.

17 THE COURT: What do you think, Mr. Ozmint?

18 When do you -- when does your file, if in -- if you
19 have one, show that he got receipt or written notice of
20 Judge Gravelly's order?

21 MR. OZMINT: Your Honor, unfortunately, him being in
22 SCDC, we don't know when he---

23 THE COURT: See that's the whole problem here.

24 MR. OZMINT: ---when he received Judge Gravelly's order.

25 THE COURT: That's the whole problem.

1 Have you seen an amended complaint?

2 MR. OZMINT: I have, Your Honor.

3 THE COURT: All right. And---

4 MR. OZMINT: I have and that's, that's sort of what I
5 wanted to, wanted to get to a little bit. It, it---

6 THE COURT: All right. And so you filed -- and you
7 filed an answer to the amended complaint?

8 MR. OZMINT: Exactly, Your Honor.

9 Your Honor, on -- and, and his proof of service says
10 October 6th. I don't have a reason to doubt that's when
11 he mailed us his amended complaint. We received that---

12 THE COURT: All right. Do you think it complies with
13 Judge Gravely's order?

14 MR. OZMINT: Your Honor, I'm not sure. I, I think it's
15 very possible that it -- that he sent it to us within the 20
16 days.

17 THE COURT: Okay.

18 MR. OZMINT: Now, Your Honor, he didn't file it or he,
19 he -- his proof of service says he filed it. But, of
20 course, it never showed up on the public index. We've had
21 multiple conversations.

22 THE COURT: He's pro se. He's in jail.

23 MR. OZMINT: Exactly, Your Honor. Exactly.

24 We're not, we're not moving to dismiss based simply on
25 him filing his amended complaint late.

1 THE COURT: Okay.

2 MR. OZMINT: Your Honor, the dates are -- him being in
3 prison, it just makes it, I, I believe, in my opinion, too
4 hard to work out I think. Judge, Judge Gravelly's order was
5 filed on September 22nd --

6 THE COURT: 22nd.

7 MR. OZMINT: -- and mailed out to him on
8 September 22nd. I think it's reasonable to say he
9 probably didn't get it until the 5th or the -- or until the
10 25th or the 26th in which case, in all likelihood, if --
11 he did mail this out when he says he did.

12 THE COURT: All right. So let's -- putting aside the
13 procedural stuff --

14 MR. OZMINT: Yes, Your Honor.

15 THE COURT: -- is your motion to dismiss his amended
16 complaint on the merits, is that before the Court or --?

17 MR. OZMINT: It is, Your Honor.

18 THE COURT: Okay.

19 MR. OZMINT: It is, Your Honor.

20 THE COURT: I don't even have the amended complaint in
21 here.

22 Is there---

23 MR. OZMINT: And, Your Honor, may I approach?

24 THE COURT: Yes, sir.

25 MR. OZMINT: I can provide it to you.

1 THE COURT: Do you have it?

2 MR. OZMINT: I can provide you a copy.

3 THE COURT: All right.

4 MR. PRICE: I have a copy that I was given this
5 morning.

6 THE COURT: Yeah, I -- yeah, I'll tell -- I'll look at
7 whatever y'all want me to look at.

8 MR. PRICE: I had to ask for one this morning because I
9 never received it back from the, from the Clerk of Courts.

10 THE COURT: And I, and I don't see it on the index, the
11 public index.

12 MR. PRICE: I apologize. I didn't mean to blurt out
13 there but---

14 THE COURT: No, you're fine, sir.

15 MR. PRICE: I---

16 THE COURT: That's not a problem.

17 MR. PRICE: I had to ask for it when I got here this
18 morning and, and had it brought to me.

19 THE COURT: All right. You know, things fall through
20 the cracks. Everybody's human, you know.

21 MR. PRICE: Yeah. And everybody's busy.

22 THE COURT: All right. Well, his motion's first and
23 then it -- you know, I guess your motion -- here's the
24 thing. It's really just one motion.

25 I mean -- let me go ahead -- you've complied with Judge

1 Gravely's order.

2 MR. PRICE: Yes, sir.

3 THE COURT: You filed an amended complaint within 20
4 days.

5 MR. PRICE: Yes, sir.

6 THE COURT: I -- you know, the way the order reads, I
7 mean there's no proof of service in the file saying when you
8 got served with Judge Gravely's order. Plus you're in
9 prison, it's, it's impossible. I mean it can't, it can't
10 happen. And so --.

11 MR. PRICE: The 20 days, Your Honor, for my amendment
12 to make it from Charleston -- I did a tracking on it this
13 morning or yesterday and it took 20 days for it to leave
14 Charleston to even head up the road to come to the, the
15 Clerk of Courts.

16 THE COURT: All right. Well, I mean you, you complied
17 with the spirit and intent of Judge Gravely's order.

18 MR. PRICE: Right.

19 THE COURT: Okay.

20 MR. PRICE: Yes, sir.

21 THE COURT: So I -- I'm, I'm granting, to the extent
22 that that's before the Court on Item Number 7, which is your
23 motion to be allowed to, to amend your complaint, that's
24 granted.

25 Okay?

1 MR. PRICE: Right.

2 THE COURT: Now, the issue now is whether or not your
3 amended complaint, which I have just found to be compliant
4 with Judge Gravely's order, allows this lawsuit to proceed.
5 So now -- do you understand?

6 MR. PRICE: Yes, sir.

7 THE COURT: So he's, he's asking me to dismiss this
8 amended complaint. I'm cleaning up the procedure here.
9 Okay?

10 MR. OZMINT: Thank you, Your Honor.

11 THE COURT: All right. Mr. Ozmint, let me hear from
12 you on your motion to dismiss this case.

13 MR. OZMINT: Your Honor, we move, and, and in moving,
14 we would crave reference to two documents. We would crave
15 reference primarily to Judge Gravely's order and we would
16 crave reference to our previously filed memorandum in
17 support of our previous motion to dismiss.

18 Your Honor, Judge Gravely's order held a few things.
19 It held that Mr. Price had not alleged a cause of action
20 against the Greenville County Sheriff's Office or Deputy
21 Compton on the ruling that *Arthurs v. Aiken*, the Public Duty
22 Rule, applies in this case and that neither Greenville
23 County Sheriff's Office nor Deputy Compton owed any duty to
24 Mr. Price on that night.

25 He also ruled that the def -- that the plaintiff has

1 alleged no breach of any duty and, finally, Your Honor, he
2 alleged that plaintiff has not pled himself past the South
3 Carolina Tort Claims Act and the immunity to which Deputy
4 Compton and the Greenville County, County Sheriff's Office
5 are clearly entitled.

6 In his order, and it's certainly on the record, he
7 informed Mr. Price, you know, I -- I'm not seeing where
8 you're alleging any facts that would tend to cut against
9 that, and, in his ruling, he's very clear. He only looks at
10 the four corners of the complaint as is appropriate in a
11 motion to dismiss.

12 The facts of this case alone, Your Honor, and I'll take
13 a step back, are a bit odd. On October 2nd, 2020, on
14 Highway 11 near Harvey Gosnell Road in Spartanburg County,
15 there was an accident. The Highway Patrol responded. They
16 found a moped that had been drug some yards on the ground
17 and---

18 THE COURT: Hang on. I heard this PCR.

19 Am I right?

20 MR. PRICE: Yes, sir.

21 THE COURT: I thought you looked familiar to me.

22 MR. OZMINT: well, Your Honor, you're aware of the
23 facts.

24 THE COURT: I know the whole thing.

25 MR. OZMINT: You're aware of the facts. There's---

1 THE COURT: Yeah, I mean and Judge Verdin I think --
2 was it Verdin?

3 MR. OZMINT: Yes, Your Honor.

4 MR. PRICE: Yes, sir.

5 THE COURT: Sentenced him to 10 years or 20 years?

6 MR. OZMINT: Twelve years.

7 MR. PRICE: Twelve years.

8 THE COURT: Twelve years?

9 MR. PRICE: Yes, sir.

10 THE COURT: Have I ruled on the PCR yet?

11 I don't know if I did or not. I, I think I have. I
12 think I sent emails out to all the lawyers.

13 Your lawyer was --?

14 MR. PRICE: Rodney---

15 THE COURT: Rodney Richey.

16 MR. PRICE: Right.

17 THE COURT: Yeah.

18 Okay. All right. Well --.

19 MR. OZMINT: Well --.

20 THE COURT: I'll let you hear from your lawyer about
21 that, yeah. But anyway -- but -- all right. So, yeah, I
22 know the facts.

23 MR. OZMINT: You know the facts.

24 THE COURT: I got it, yeah.

25 MR. OZMINT: Your Honor, two hours before that accident

1 happened, the, the Greenville County Sheriff's Office,
2 namely Deputy Compton, encountered the deceased in that hit
3 and run, Dalton Greer.

4 THE COURT: Okay.

5 MR. OZMINT: This was about two hours before the
6 accident, a few miles away. They encountered him. He was
7 driving a moped and, and just -- and I'll, I'll --
8 plaintiff's allegations are this.

9 THE COURT: Sure.

10 MR. OZMINT: Dalton was driving a moped. He
11 encounter -- the -- this officer initiated an encounter with
12 him and he informed Mr. Greer this moped is not safe. You
13 don't have lights. You, you do not need to keep driving.

14 He had Mr. Greer call his family to see if they could
15 come pick him up. Mr. Greer -- and, and basically the
16 officer said let your family pick you up. It's not safe to
17 proceed. The officer did not arrest Mr. Greer. He did not
18 ticket Mr. Greer and the officer left.

19 Two hours later is when the plaintiff hit and ran
20 Mr. Greer. And plaintiff alleges, based on that, that he is
21 entitled to damages that result from his guilty plea. He
22 lost his job. He lost his car. He's entitled to all these
23 back wages.

24 THE COURT: Because Greenville County Sheriff's
25 Department allowed an unsafe motor vehicle situation to

1 continue on the road when they could of just said no, you
2 can't drive, it's inoperable, stop now.

3 MR. OZMINT: Well -- and, and he did tell him to stop.
4 He simply didn't arrest him and, and I believe that's,
5 that's the only way in which, you know, this could have,
6 could have definitely been---

7 THE COURT: And the officer used his discretion in
8 deciding whether or not to arrest somebody.

9 MR. OZMINT: Yes, Your Honor. There's no statutory
10 duty to arrest.

11 THE COURT: And that, upon that, is what you rely on
12 your motion to dismiss?

13 MR. OZMINT: Well, that's, that's one, one, one part,
14 Your Honor. There -- there's no, there's no duty here.

15 There's also no duty to Mr. Price in particular. The
16 Public Duty Rule states an officer's duty is not even to the
17 people they encounter unless they're some law creating that
18 duty. It's certainly no duty that he had when contacting
19 Mr. Dalton Taylor Greer, no duty to Mr. Price, another
20 motorist on the road.

21 THE COURT: Okay.

22 MR. OZMINT: And, and then, additionally, Your Honor,
23 the Tort Claims Act is clear. Methods of police protection
24 is, is exempted from the waiver of immunity.

25 THE COURT: All right. Well, let, let me ask you this

1 and, of course, I'm gonna come to you, sir, in a second.

2 So, what is different from the original complaint that
3 Mr. Price filed than the amended complaint that he filed
4 pursuant to Judge Gravely's order?

5 MR. OZMINT: And, Your Honor, that's why we crave,
6 crave reference to Judge Gravely's order --

7 THE COURT: Okay.

8 MR. OZMINT: -- because essentially nothing has
9 changed. He's alleged no additional facts.

10 THE COURT: So, you're saying it's essentially the same
11 complaint with just a word amended on it?

12 MR. OZMINT: And, and totemically recited words.

13 THE COURT: Okay.

14 MR. OZMINT: He totemically recites gross negligence.
15 He totemically says the officer was not in the course and
16 scope of his employment whereas, during the hearing we had
17 in front of Judge Gravely, Judge Gravely was very clear you
18 just said he wasn't in the scope and course of, course of
19 his employment doesn't mean he wasn't. In fact, all the
20 evidence shows that he was. He was just---

21 THE COURT: So, essentially, just asking me to
22 regurgitate Judge Gravely's order?

23 He's -- you believe he's already ruled on this and
24 meritoriously has dismissed this action and the complaint as
25 amended, which I ruled Mr. Price can submit, that he did

1 comply with Judge Gravely's order, is not sufficient because
2 it's still basically the same complaint, same theory of
3 liability---

4 MR. OZMINT: I don't.

5 THE COURT: ---therefore it should be dismissed?

6 MR. OZMINT: Yes, Your Honor.

7 I don't believe it addresses the deficiencies that
8 Judge Gravely noted in his order.

9 THE COURT: Gotcha.

10 Mr. Price, you understand what's going on?

11 MR. PRICE: Yes, sir.

12 THE COURT: All right. Let me hear from you.

13 MR. PRICE: First of all, the counselor's timeline is,
14 is not correct.

15 There was not two hours lapsed in-between the time that
16 the interaction -- the interaction with the officer was
17 about eight minutes and he left there and drove directly
18 soon as the officer pulled away. And during the time -- I
19 have a, a disk that I wanted to present from the officer's
20 body vic -- thing. But they've lost it down at the
21 Department of Corrections.

22 I called 12 people yesterday to make sure it was up in
23 my evidence this morning to bring with me. But, again, it
24 wasn't there.

25 But I, I -- but based on the facts, the fixed and

1 designated facts, he should of ticketed or arrested Dalton
2 Taylor for the operation of an unsafe moped in violation of
3 56-2-3070 and part E states that a person can not operate a
4 moped on a highway with the -- with speed limits greater
5 than 55 miles per hour. And top H states that -- F states
6 that no lights on the moped, that's actually classified as a
7 misdemeanor in the laws.

8 56-1-1760 states never displayed a moped license. Also
9 56-3-3000 and 56-1-1720 regarding the moped license, which
10 Mr. Taylor did not have a license or a moped license. As a
11 matter of fact, Mr. Taylor alleges that he didn't even have
12 a wallet. But one was later found on him with two forms of
13 IDs after Mr. Taylor had, had drugs on and also had drugs on
14 him and in his system.

15 And I have a, a, a coroner's report, Your Honor, I'd
16 like to put up to the Court to review that -- that's
17 evidence that the, the, the deceased had drugs and alcohol
18 on him and in him and---

19 THE COURT: I think that could be stipulated to, right?

20 MR. OZMINT: Your Honor, I, I, I haven't seen that
21 coroner's report. But if, if that's in the report, I'll---

22 THE COURT: well, I think it came up---

23 MR. OZMINT: ---I'll stipulate to that.

24 THE COURT: ---in the PCR if I'm not mistaken---

25 MR. OZMINT: Yes, sir.

1 THE COURT: ---and I think the State stipulated that --
2 I mean that's a, that's a---

3 MR. OZMINT: I believe that---

4 THE COURT: ---a stipulated fact.

5 MR. OZMINT: I believe that's correct.

6 THE COURT: Okay.

7 MR. PRICE: Right.

8 And, you know, also in -- the, the video, and I know
9 I'm talking about a video I don't have, but I -- it's not to
10 my -- by my choice because I planned on submitting it to you
11 to -- for your review and -- but it -- it's very obvious,
12 from when the officer approaches Mr. Taylor, his vehicle was
13 not visible whatsoever until he cut the blue lights on and
14 you could see just a slight reflection because of him being
15 dressed in dark clothes and you know this from the PCR. But
16 dressed in dark clothes, no lights, no reflectors, nothing.
17 And then he turns to pull lights on him, and you can visibly
18 see, from 40 feet or 30 feet, ever how far the car was away
19 from him in the video, his eyes are glassy and the motor's
20 sitting there running.

21 So, Officer Compton should of had a reasonable, you
22 know, reason to think that there was further investigation
23 needed with his, with his interaction with Mr. Taylor and if
24 it's interaction -- let's see here. I've lost my spot.
25 It's hard to operate here with these things on.

1 So, I argue that -- I mean I argue that Deputy Compton
2 was gross negligent when he failed to exercise due and
3 slight care, which was incumbent upon him. He only
4 cautioned Mr. Taylor about driving his moped under unsafe
5 conditions, which was clear -- clearly foreseeable that Mr.
6 Taylor could not only injure himself and anybody on the
7 highway with Mr. Taylor.

8 I submitted, in my amended complaint, where my
9 investigator, and the MAIT team, interviewed a Michael Burns
10 that had an interaction with -- I don't know if you're
11 familiar with it or not. But he had an interaction with Mr.
12 Taylor earlier and he even made a statement -- and let's
13 see. I got it right here if you want me to read it just for
14 the record. I'll be glad to --.

15 THE COURT: You don't have to read that. I think I'm
16 familiar with it.

17 MR. PRICE: Yeah, he even stated himself, you know,
18 that he would of run over him if it hadn't of been for
19 somebody in the car with him and he -- they even made a
20 statement that this guy's not gonna live to see tomorrow if
21 he don't get the thing off the road.

22 Well, as he -- the officer -- I'm sorry. I'm nervous.

23 THE COURT: But you were -- you're fine.

24 But as I recall, you were charged and pled guilty to
25 leaving the scene of an accident involving death?

1 MR. PRICE: Right.

2 THE COURT: Right.

3 And that's -- which carries zero to 20 years I believe?

4 MR. PRICE: Twenty-five.

5 THE COURT: Twenty-five years.

6 And the, the trial judge or the plea judge sentenced
7 you to 12 years. Just under half -- right at half---

8 MR. PRICE: That's correct.

9 THE COURT: ---of what you could of gotten.

10 No prior record?

11 MR. PRICE: No prior record.

12 THE COURT: I -- and I remember you testifying that you
13 thought it was a deer you hit. But I remember somebody else
14 testifying that the, the moped had been drug a ways or
15 whatever and I -- there was some dispute about them all---

16 MR. PRICE: I had three witnesses that actually went
17 back to the scene of the accident, which one of them was my
18 wife, and she'd been -- you know, she'd taught for 30 years
19 and never missed a day of work. Never had as, as much of a
20 speeding ticket and, for some reason, the attorney found her
21 incredible and I -- you know, I don't understand that but
22 that's neither -- that doesn't have anything to do with this
23 I guess. But --.

24 THE COURT: I understand.

25 MR. PRICE: But the officer allowed Mr. Taylor to

1 continue on without any care to -- I'm sorry. I've lost my
2 place. I'm nervous like you say.

3 He failed to exercise any due or slight care, which was
4 incumbent upon him, upon him when he only cautioned the,
5 again, Mr. Taylor about driving the moped under the unsafe
6 conditions and at a -- and in a video even goes on to say
7 that that's super unsafe, dude. You -- and he continued to
8 let him go on.

9 Mr. Taylor could not only been injured and anybody
10 else, and, like I say, Mr. Burns testified that he seen the
11 officer when he had him pulled over, and, and even knowing
12 that the officer had him pulled over, when he came back
13 through, he almost hit him because he didn't -- ever hadn't
14 got -- he didn't see him.

15 I would like -- of course, I went over the body camera.
16 Okay. I'm sorry. I'm trying to catch up in my notes.

17 THE COURT: Sure.

18 MR. PRICE: Like I say, Mr. Taylor's glass -- eyes were
19 so glassy there's no reason for him not to have thought that
20 they would of been reason for him to further invest --
21 investigate Mr. Taylor. Especially when Mr. Taylor admitted
22 that he had also recently been involved with a pending drug
23 charge.

24 But here Deputy Compton never searched Mr. Taylor for
25 any drugs or any -- or his license nor did he ticket or

1 arrest Mr. Taylor in any violation. And this -- and if you
2 look in my amended complaint, this is where the domino
3 effect comes in.

4 I mean if he'd of done what he was suppose to do, you
5 know, I'm not saying that it's his duty, but the pics back
6 show that he may of should of done a little more
7 investigating, which was -- it was absolutely certain and
8 imperative, from the fixed and designated facts in this
9 case, although it was incumbent upon Deputy Compton to
10 search and/or ticket, and/or arrest Mr. Taylor. Deputy
11 Compton failed to exercise due or slight care in this case.

12 If he only -- deemed that Deputy Compton did not act
13 outside of his administered duties when he failed to ticket
14 or arrest Mr. Taylor for the violation, this is a simple
15 gross negligence case which is best determined by a jury.
16 Thus, the defendants are not entitled to any form of
17 immunity for 15-78-20(a).

18 15-78-70(b) also Mr. Compton is sued in his individual
19 capacity. I agree -- I argue resulting in my damages, a
20 2020 silverado Z-71 pickup, my -- I've had an out of my --
21 out-of-pocket cost of over \$30,000 in down payment and all
22 that stuff and loss of a job making \$77,000 a year in
23 salary, and, with bonuses last year, I made \$250,000.

24 Well, I respectfully pray, pray that the Court enter
25 judgment granting me normal damages, the pain and suffering

1 in the amount of \$100,000 against each defendant jointly and
2 severely (sic), compensating damages in the amount of
3 100,000 against each defendant jointly and severely (sic),
4 punitive damages in the amount of \$100,000 jointly and
5 severely (sic), a, a jury trial on all issues tried by, you
6 know, by jury, plaintiff cost in the action, leave to amend
7 in any part of the -- my complaint, and any additional
8 relief this Court deems proper and equitable.

9 THE COURT: All right. Thank you, sir, Mr. Price.
10 Anything further, Mr. Ozmint?

11 MR. OZMINT: Just briefly by way of reply, Your Honor.

12 THE COURT: Yes, sir.

13 MR. OZMINT: Judge Gravely's order is the law of this
14 case. We are constrained to the four corners of the
15 complaint.

16 Judge Gravely found that plaintiff's first complaint
17 did not allege facts sufficient to overcome the Public Duty
18 Rule, immunity, or even to create a -- allegations of gross
19 negligence or even negligence.

20 Your Honor, his amended complaint is no different other
21 than totemically reciting certain words like gross
22 negligence and outside the scope and course of his duties.
23 There's, there's no functional difference and, again, Your
24 Honor, we would reiterate, and Judge Gravely declined to
25 rule on this, but we would, we would reiterate our argument

1 that it is a perversion of the justice system for Mr. Price
2 to claim damages that stemmed not from this accident but
3 stemmed from his running from this accident. His damages he
4 occurred -- he incurred when he pled guilty.

5 THE COURT: All right. Gentlemen, I'm gonna take the
6 matter under advisement, finish reviewing the public index,
7 and considering all your arguments, think about it, and I'll
8 issue a decision, and we'll go from there.

9 Okay?

10 MR. OZMINT: Thank you, Your Honor.

11 THE COURT: Good seeing you, sir.

12 MR. PRICE: Thank you.

13 THE COURT: That concludes this hearing.

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15 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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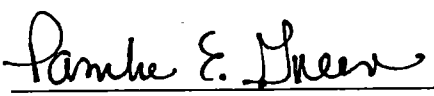
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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas Nonjury for Greenville County, South Carolina, on the 8th day of November, 2022.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

May 8th, 2023



PAMELA E. GREEN, Court Reporter