



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
DEPUTY CLERK

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June 01, 2023

Randall D. Price #386694  
MacDougall Correctional Institute  
1516 Old Gilliard Road  
Ridgeville SC 29472

Re: Randall Price v. Greenville County Sheriff's Office  
Appellate Case No. 2023-000061

Dear Mr. Price:

The Court received your designation of matter dated May 16, 2023. Enclosed are the documents attached to the designation of matter. Pursuant to Rule 209 of the South Carolina Appellate Court Rules (SCACR), items only need to be listed in the designation of matter. Rule 210, SCACR, will require everything listed from each parties' designation of matters to be placed in the record on appeal. Accordingly, your documents are being returned to you.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings". The signature is fluid and cursive.

CLERK

cc: Charles Franklin Turner, Jr., Esquire

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: _____
--	---

- 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)  
 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, SCRCP)  
 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: \$ \_\_\_\_\_

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. 202 692 130

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 Arng 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 <sup>(1)</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> day of October 2022

Lauren Nole  
Notary Public

my Commission Expires 04-12-2031

Resubmitted October 25, 2022

Per Clerk of Courts Hon. Wickensimer

EXB

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:

This matter came before the court by way of Defendant's Motion to Dismiss the Amended Complaint. After further review and deliberation, the court respectfully grants the Motion to Dismiss. The amended complaint suffers the same defects ruled upon by Judge Gravely previously and the court reiterates the rationale set forth in his Order.

**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 11/22/2022 .

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

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

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

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.

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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>
---	---

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 Signature of Attorney for  Plaintiff /  Defendant

Dec 1, 2022 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  
made 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 1<sup>st</sup> 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 1<sup>st</sup> 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.

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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), SCRCF, 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  
M

**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, S.C.

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 28<sup>th</sup> 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.

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF GREENVILLE ) COURT OF COMMON PLEAS NONJURY

3  
4 RANDALL D. PRICE, ) TRANSCRIPT  
5 PLAINTIFF, ) OF  
6 vs. ) RECORD

7 GREENVILLE COUNTY SHERIFF'S OFFICE )  
8 AND DEPUTY COMPTON, ) 2022-CP-23-3040  
9 DEFENDANTS. )

10 November 18<sup>th</sup>, 2022  
11  
12

13 B E F O R E :

14 THE HONORABLE BRIAN M. GIBBONS, Judge.  
15

16 A P P E A R A N C E S :

17 RANDALL D. PRICE  
18 Pro Se

19 J. NATHAN OZMINT  
20 ESQ.  
21 Attorney for the Defendants  
22

23 Transcribed by Pamela E. Green, from  
24 DCRP, Digital Courtroom Recorder Project  
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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 26<sup>th</sup> 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 26<sup>th</sup>, Your  
21 Honor. His order was filed on September 22<sup>nd</sup>.

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 22<sup>nd</sup>. 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 22<sup>nd</sup> 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 26<sup>th</sup>, 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 Gravely's order?

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

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 Gravely'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 Gravely'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 6<sup>th</sup>. 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 22<sup>nd</sup> --

6 THE COURT: 22<sup>nd</sup>.

7 MR. OZMINT: -- and mailed out to him on  
8 September 22<sup>nd</sup>. I think it's reasonable to say he  
9 probably didn't get it until the 5<sup>th</sup> or the -- or until the  
10 25<sup>th</sup> or the 26<sup>th</sup> 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 2<sup>nd</sup>, 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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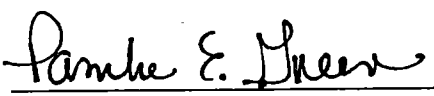
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C E R T I F I C A T E

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 8<sup>th</sup> day of November, 2022.

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

May 8<sup>th</sup>, 2023



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PAMELA E. GREEN, Court Reporter