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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Judge Michael G. Nettles

Appellant Case No. 2022-001462

Daryl Parker..... Appellant

v.

Orangeburg County..... Respondent.

RECORD OF APPEAL

June 5, 2023

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STATE OF SOUTH CAROLINA)
 COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
 FIRST JUDICIAL CIRCUIT
Case Number: 2021-CP-38-

Daryl Parker,)

Plaintiff,)

vs.)

Orangeburg County,)

Defendant.)

SUMMONS

(Jury Trial Demanded)

TO: THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscriber at his office as 1281 Russell Street, Post Office Box 1084, Orangeburg, South Carolina, 29115, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

February 2, 2021
 Orangeburg, South Carolina

/s/ Skyler Hutto #102741
 Skyler B. Hutto, Esquire
 WILLIAMS & WILLIAMS
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ATTORNEYS FOR PLAINTIFF

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG	)	FIRST JUDICIAL CIRCUIT
	)	Case Number: 2021-CP-38-
Daryl Parker,	)	
	)	
Plaintiff,	)	
	)	COMPLAINT
vs.	)	(Jury Trial Demanded)
	)	
Orangeburg County,	)	
Defendant.	)	

STATEMENT OF THE PARTIES

1. Plaintiff Daryl Parker is a citizen and resident of Orangeburg County, South Carolina.
2. Defendant Orangeburg County is a County in the State of South Carolina subject to the South Carolina Tort Claims Act, and it operates the Orangeburg Detention Center.

VENUE

3. Venue is proper in Orangeburg County, South Carolina, in that it is where a substantial part of the events and/or omissions giving rise to Plaintiff's claims in this lawsuit occurred and a location where all parties are located.

STATEMENT OF FACTS

4. Plaintiff reiterates and re-alleges the previous allegation as if fully set forth herein.
5. Plaintiff was sentenced in to pay a \$100 fine or serve 30 days in jail in July, 2012 for the crime of Receiving Stolen Goods, a 30-day misdemeanor.
6. In 2015, the fine was recorded as unpaid by the Orangeburg County Clerk of Court, and a bench warrant for Plaintiff was issued on warrant 2015B3800100171.

7. The bench warrant was served on Plaintiff on December 14, 2020 and he was arrested.

8. After Plaintiff had served the maximum penalty for his sentence, 21 days in jail, Orangeburg County, through its agents at the Orangeburg Detention Center, failed to release Plaintiff.

9. Orangeburg County, through its agents at the Orangeburg Detention Center, held Plaintiff against his will and without authority for nearly a month after Plaintiff had served the entirety of his sentence.

10. Orangeburg County, though its agents at the Orangeburg Detention Center, was made aware of this error on January 28, 2021 and failed to release Plaintiff for several days.

11. As a result of the reckless and/or grossly negligent actions and omissions of Orangeburg County, Plaintiff was imprisoned against his will, suffering from lost wages, anxiety, loss of enjoyment of life, and pain and suffering.

FOR A FIRST CAUSE OF ACTION
(Negligence/Gross Negligence as to Defendant Orangeburg County)

12. Plaintiff reiterates and re-alleges the previous allegations as if fully set forth herein.

13. Defendant Orangeburg County owed Plaintiff a duty of care to ensure that he was treated fairly, housed properly, and released after serving his sentence.

14. Plaintiff's injuries were a direct and proximate result of, and were occasioned by, the negligence, gross negligence, carelessness, recklessness, willfulness, and wantonness on the part of Defendant Orangeburg County through acts of agents, servants and/or employees, as follows:

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

15. Defendant Orangeburg County is liable for compensatory, consequential, and actual damages, as well as such other relief as the Court may deem appropriate.

FOR A SECOND CAUSE OF ACTION

(Wrongful Imprisonment as to Defendant Orangeburg County)

12. Plaintiff reiterates and re-alleges the previous allegations as if fully set forth herein.

13. Defendant Orangeburg County engaged in a willful detention of Plaintiff;

14. Plaintiff did not consent to his unlawful detention;

15. Defendant Orangeburg County's failure to timely release Plaintiff was in fact unlawful;

16. Defendant Orangeburg County is liable for compensatory, consequential, and actual damages, as well as such other relief as the Court may deem appropriate.

WHEREFORE, having fully set forth their complaint above, Plaintiff prays for judgment against the Defendants as set forth herein.

Respectfully submitted on this 1st day of February, 2021

February 2, 2021
Orangeburg, South Carolina

s/ Skyler Hutto #102741
Skyler B. Hutto, Esquire
WILLIAMS & WILLIAMS
Post Office Box 1084
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ATTORNEYS FOR PLAINTIFF

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ORANGEBURG	)	FIRST JUDICIAL CIRCUIT
DARYL LAMONT PARKER,	)	Case Number: 2021-CP-38-00106
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Answer
ORANGEBURG COUNTY,	)	(Jury Trial Demanded)
	)	
Defendant.	)	
_____	)	

Now comes Defendant, Orangeburg County, which responding specifically to the allegations of the Complaint, answers as follows:

FOR A FIRST DEFEENSE

1. Any allegation of the Complaint not hereinafter expressly admitted, modified, or explained is hereby denied.
2. Defendant lacks sufficient information upon which to form a belief as to the allegations of Paragraph 1 and therefore denies same and demands strict proof thereof.
3. Defendant admits the allegations of Paragraphs 2 and 3.
4. In response to Paragraphs 4, FIRST 12 and SECOND 12, Defendant denies any allegations that are not consistent with the substance and tenor of this Answer.
5. With respect to the allegations of Paragraphs 5 and 6, Defendant craves reference to the documentation concerning the criminal charges and the sentencing associated

with Bench Warrant 2015B3800100171. Defendant denies any allegations inconsistent with those records.

6. In response to Paragraph 7, Defendant craves reference to the warrant that was served, along with the additional warrants that appear to have been served on December 14, 2020. Defendant denies any allegations inconsistent with those records.
7. In response to Paragraphs 8, 9, 10, and 11, Defendant craves reference to the Order lifting the bench warrant, which was entered February 2, 2021, at which time Defendant was released. Defendant denies ever holding Plaintiff without a lawful Order of Commitment and demands strict proof thereof.
8. FIRST Paragraph 13 states a legal conclusion to which no response is warranted. To the extent a response is warranted, Defendant denies same and demands strict proof thereof.
9. Defendant denies the allegations FIRST Paragraph 14, including subparts a-h and demands strict proof thereof.
10. Defendant denies the allegations of FIRST Paragraph 15 and demands strict proof thereof.
11. Defendant denies the allegations of SECOND Paragraph 13 and demands strict proof thereof.
12. Defendant lacks sufficient information upon which to form a response as to the allegations of SECOND Paragraph 14 and therefore denies same and demands strict proof thereof.

13. Defendant denies the allegations of SECOND Paragraph 15 and demands strict proof thereof.
14. Defendant denies the allegations of Paragraph 16 and demands strict proof thereof.
15. Defendant denies the allegations of the unnumbered WHEREFORE paragraph and demands strict proof thereof.

FOR A SECOND DEFENSE

16. Defendant asserts it is entitled to an Order dismissing this action for failure to state facts sufficient to constitute a claim, as the facts do not state cause of action for which this Defendant can be liable.

FOR A THIRD DEFENSE

(South Carolina Tort Claims Act)

17. This Defendant asserts it is entitled to all applicable and relevant defenses, privileges, immunities, limitations (on damages, liability, and otherwise), and reservations or restrictions of liability set forth in the *South Carolina Tort Claims Act, S.C. Code §15-78-10*, et seq., whether or not specifically pleaded elsewhere herein.

FOR A FOURTH DEFENSE

18. Defendant asserts it is immune from liability in this action for any loss resulting from “legislative, judicial, or quasi-judicial action or inaction,” “administrative action or inaction of a legislative, judicial, or quasi-judicial nature,” “execution, enforcement, or implementation of the orders of any court or execution, enforcement, or lawful

implementation of any process,” or 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,” pursuant to S. C. Code §15-78-60(1), (2), (3), and (4).

FOR A FIFTH DEFENSE

19. Defendant asserts it is immune from suit for any conduct which constitutes “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,” pursuant to S. C. Code §15-78-60(5).

FOR A SIXTH DEFENSE

20. Defendant asserts it is immune from suit for “the failure to provide or the method of providing police or fire protection,” pursuant to S. C. Code §15-78-60(6).

FOR A SEVENTH DEFENSE

21. Defendant asserts that it is immune from suit for “employee conduct outside the scope of his official duties or which constitutes actual fraud, actual malice, intent to harm, or a crime involving moral turpitude,” pursuant to S. C. Code §15-78-60(17).

FOR AN EIGHTH DEFENSE

22. Defendant asserts it is immune from suit for any loss resulting from an act or omission of a person other than an employee of this defendant, including acts of the plaintiff(s) or third parties, pursuant to *S. C. Code §15-78-60(20)*.

FOR A NINTH DEFENSE

23. This Defendant asserts that, even if this defendant is shown to be negligent (which negligence is specifically denied), the acts or omissions of other persons not within the control of this defendant superceded and intervened to such an extent as to negate any affect the negligence of this defendant may have had on plaintiff.

FOR AN TENTH DEFENSE

24. This Defendant asserts that, if plaintiff(s) sustained any injuries or damages as set forth in the Complaint, the same were due to the willful, wanton, reckless, careless and negligent acts and conduct of plaintiff(s), which combined with, concurred with and exceeded any willful, wanton, reckless or negligent acts and conduct on the part of this Defendant, which is specifically and emphatically denied, to bring about the said injuries and damages, if any, as the proximate cause thereof and without which the same would not have occurred, and which bars any recovery by plaintiff(s); and, if this Defendant is equally negligent as plaintiff, or greater, which is specifically and emphatically denied, the amount of recovery of damages, if any must be reduced in proportion to the amount of plaintiff(s)'s negligence.

FOR AN ELEVENTH DEFENSE

25. This Defendant asserts the injuries and losses, if any, of the plaintiff(s) were proximately caused solely by the negligence of another person not within the control of this Defendant.

FOR A TWELFTH DEFENSE

26. This Defendant asserts that any harm experienced by the plaintiff(s) was not proximately caused by any tort for which this Defendant may be held liable.

FOR A THIRTEENTH DEFENSE

27. To the extent that the complaint contains a negligence cause of action founded upon the alleged breach of a statutory duty, Defendant denies such acts and omissions and affirmatively asserts that said negligence claim against Defendant is barred by the “public duty rule.”

FOR A SEVENTEENTH DEFENSE

28. To the extent the Complaint alleges the negligent issuance of a bench warrant, Defendant asserts judicial immunity as a total bar to recovery in this action.

FOR A SEVENTEENTH DEFENSE

29. Defendant is immune from suit for any judicial or quasi-judicial action or inaction, pursuant to §15-78-60(1), S.C. Code of Laws.

FOR AN EIGHTEENTH DEFENSE

30. Defendant is immune from suit for any administrative action or inaction of a judicial or quasi-judicial nature, pursuant to §15-78-60(2), S.C. Code of Laws.

FOR A NINETEENTH DEFENSE

31. Defendant is immune from suit for the execution, enforcement, or implementation of the orders of any court or execution, enforcement, or lawful implementation of any process, pursuant to §15-78-60(3), S.C. Code of Laws.

FOR A TWENTIETH DEFENSE

32. Defendant is immune from suit for any responsibility or duty including but not limited to supervision, protection, control, confinement, or custody of any prisoner or inmate of any governmental entity, pursuant to §15-78-60(25), S. C. Code of Laws.

WHEREFORE, having fully responded to the Complaint, these Defendant prays the Court to issue its Order dismissing the Complaint with prejudice.

Respectfully submitted,

February 19, 2021

Bamberg, SC

By: NESS & JETT, LLC
s/Alison Dennis Hood
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STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

DARYL LAMONT PARKER,

PLAINTIFF,

VS.

ORANGEBURG COUNTY,

DEFENDANT.

) IN THE COURT OF COMMON PLEAS

) CASE NO. 2021-CP-38-00106

) DEPOSITION

) OF

) DARYL LAMONT PARKER

THE DEPOSITION OF DARYL LAMONT PARKER WAS TAKEN
BEFORE SUESAN L. RICHARDSON, A NOTARY PUBLIC IN AND FOR THE
STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF 10:06
A.M., FRIDAY, MAY 28, 2021, AT THE LAW OFFICE OF WILLIAMS &
WILLIAMS, 1281 RUSSELL STREET, ORANGEBURG, SOUTH CAROLINA.

REPORTED BY
SUESAN L. RICHARDSON

APPEARANCES

FOR THE PLAINTIFF:

**Skyler B. Hutto, Esquire
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Post Office Box 1084
Orangeburg, South Carolina 29115**

FOR THE DEFENDANT:

**Alison D. Hood, Esquire
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EXHIBITS

NO EXHIBITS WERE MARKED FOR THIS DEPOSITION.

***DIGITALLY RECORDED AUDIO RETAINED FOR TWELVE (12) MONTHS
FROM DATE OF CERTIFICATION.**

STIPULATIONS

The deposition of DARYL LAMONT PARKER is taken in accordance with provisions of the circuit court rules for the purpose of discovery or for use as evidence, or for both purposes, and all questions as notice are waived.

It is stipulated that all objections will be reserved until the time of trial, with the exception of objections as to the form of the question.

It is stipulated that the witness WAIVES the reading and the signing of the deposition.

- - - -

DARYL LAMONT PARKER, having first been duly sworn, was examined, and testified as follows:

DIRECT EXAMINATION

BY MS. HOOD:

Q Good morning, Mr. Parker. Thank you for being here. My name is Alison Hood. I'm an attorney with Ness & Jett law firm over in Bamberg.

A Uh-huh (affirmative).

Q Like I told you a little bit ago, I'm representing Orangeburg County in a lawsuit that's been filed by you against the county concerning an incarceration that took place earlier this year in January. So if I say, "that time," or "that arrest", or "that detention," I'm

1 talking about that time; those 21 days I think started
2 in December of 2020 that ended on January 28, 2021.

3 A Yes, ma'am.

4 Q Is that your recollection?

5 A Yes, ma'am.

6 Q Okay. Have you ever given a deposition before?

7 A No, ma'am.

8 Q Okay. So I'm going to ask you a series of questions.
9 This is my opportunity on behalf of the county to ask
10 you anything, really anything I can think of, that I
11 might need to know to understand your case. Our court
12 reporter here is going to be taking down everything
13 that we say. She'll type it up in the end and it'll
14 become a transcript, which kind of looks like a play;
15 you know, where it'll say --

16 A Uh-huh (affirmative).

17 Q -- what you say, and what I say, back and forth?

18 A Yes, ma'am.

19 Q If we talk at the same time, she can't write it down.
20 So we have to be careful to let me finish my questions,
21 and then, likewise, let you finish your answers so we
22 don't talk at the same time.

23 MS. HOOD: [Clears throat.] Sorry.

24 Q So if I ask you to hold on, let me finish my question,
25 you know, it's not me trying to be rude. I'm just

1 trying to make sure our record is clean, okay?

2 A Okay.

3 Q You're doing a good job of speaking verbal responses,
4 but that's also a big thing to take care to do. You
5 know, when we're just looking at each other, you might
6 shrug your shoulders or nod your head, and I know what
7 you're communicating to me, but she can't write
8 anything down. So we actually have to say yes or no or
9 I don't know. You have to say it out loud. So, again,
10 if I ask you to clarify a head nod, if that's a yes or
11 a no, that's just for purposes of keeping our record
12 clean, okay?

13 A Okay.

14 Q If you don't understand something that I ask you,
15 please ask me to rephrase the question and will. If I
16 use a word you don't understand what I mean, or if I
17 just say something that doesn't make sense to you, and
18 sometimes I might do that, but ask me to rephrase or
19 clarify, and I will do so, okay?

20 A Okay.

21 Q I don't think you'll be here a real long time today, so
22 we'll try to move as quickly as we can through what we
23 need to accomplish, all right?

24 A Okay.

25 Q Have you ever been a party to a civil lawsuit before?

1 A No, ma'am.

2 Q You have never sued anybody before?

3 A No, ma'am.

4 Q And you haven't been sued?

5 A No, ma'am.

6 Q Okay. All right. Before we get started, just as a
7 preliminary matter, I ask everybody, are you under the
8 influence of any drugs or alcohol or prescription
9 medication today that would make it difficult for you
10 to understand my questions or give responses?

11 A No, ma'am.

12 Q Okay. All right. And can you please state your full
13 name for the record?

14 A My full name is Daryl Lamont Parker.

15 Q Can you spell Lamont for us, please?

16 A L-A-M-O-N-T.

17 Q Thank you. Are you from Orangeburg?

18 A Yes, ma'am.

19 Q Were you born here?

20 A Yes, ma'am.

21 Q Okay. What part of Orangeburg have you -- what parts
22 of Orangeburg have you lived in?

23 A The Edisto Garden area. I've lived there for most of
24 my life.

25 Q Okay. Is that in the City of Orangeburg?

1 A Yes, ma'am.

2 Q All right. What's your birthday?

3 A My birthday is January 30th, 1979.

4 Q Have you ever lived in any county besides Orangeburg

5 County?

6 A No, ma'am.

7 Q Where'd you go to high school?

8 A Orangeburg-Wilkinson High School.

9 Q Did you finish?

10 A Yes, ma'am.

11 Q What year?

12 A 1997.

13 Q All right. After you left O-W did you have any other

14 schooling or job training?

15 A I went to OC Tech for six months. At OC Tech I studied

16 tool and dye for six months.

17 Q Okay. Did you get a degree or a certificate?

18 A Yes, ma'am.

19 Q Where are you working right now?

20 A Right now I'm currently working at UFP. That's

21 Universal Forest Products, Rowesville, South Carolina.

22 Q How long have you been with UFP?

23 A Off and on for about six years.

24 Q Is it seasonal work or --

25 A No, it's all year round.

1 Q Okay. And about how much -- or how are you paid there,
2 by the hour or salary?

3 A I'm paid by the hour. We get paid every two weeks.

4 Q All right. And what's your hourly rate right now?

5 A I'm at \$20 an hour.

6 Q What are your working hours or your shifts?

7 A My working hours are Monday through Thursday, ten
8 hours, from 6:00 o'clock till 4:45. On Fridays we'll
9 work eight hours, and on Saturdays we'll work eight
10 hours.

11 Q So they keep you busy.

12 A Yes, ma'am. Yes, ma'am they do.

13 Q All right. We can go off the record.

14 [Briefly off the record at 10:11 a.m.]

15 Q Do you currently have a South Carolina driver's
16 license?

17 A Yes, ma'am.

18 Q Has it ever been suspended for any reason?

19 A Yes, ma'am.

20 Q All right. What were those reasons and when?

21 A Driving under suspension in 2005.

22 Q But you got it back current now?

23 A Yes, ma'am.

24 Q All right. Why was your license suspended?

25 A My license was suspended because I had too many tickets

1 pertaining to driving under suspension. I got arrested
2 three times for driving under suspension so they took
3 my license.

4 Q Okay. Who lives with you? Well, let me ask you this.
5 What's your current address?

6 A My current address is 230 Jensen Court, Orangeburg,
7 South Carolina --

8 Q Okay.

9 A -- 29115.

10 Q How long have you lived there?

11 A Six years.

12 Q And who lives there with you?

13 A My fiancé, Leticia Goodwin.

14 Q And I'm going to ask you how to spell that so we can
15 make sure we get it right for the record.

16 A L-E-T-I-C-I-A.

17 Q It's Goodwin?

18 A Goodwin, G-O-O-D-W-I-N.

19 Q Okay. You know a lot of times when I'm deposing them
20 and I ask how to spell their girlfriend or fiancé or
21 wife's name they look at me like you're a terrorist so
22 you did a good job. You did a good job there. Who
23 lives there with you besides Ms. Leticia; anybody else?

24 A I have a four-year-old son. His name is Donshae
25 Parker.

1 Q Okay. And do you have any other children in Orangeburg
2 County that are over the age of 18?

3 A Yes.

4 Q Okay. What are their names, just the ones that are
5 over the age of 18?

6 A Alexis Brown.

7 Q Is that a girl or a boy?

8 A Girl.

9 Q A girl Alexis. What's her mom's name?

10 A Her mom's name is Amanda Brown.

11 Q Does Ms. Amanda Brown live in Orangeburg?

12 A No, ma'am, she lives in New York.

13 Q Okay. Any other kids that are over the age of 18?

14 A No, ma'am.

15 Q How about any that are close to 18? Sixteen or
16 seventeen?

17 A No, ma'am.

18 Q Okay. All right. Before you went to Jensen before
19 where did you stay?

20 A I stayed at 262 Broad Street, Orangeburg, South
21 Carolina.

22 Q And how long were you there?

23 A Three years.

24 Q Have you ever been married?

25 A No, ma'am, not yet.

1 Q You got a date set?

2 A Yes, ma'am, I got a date set.

3 Q Yeah? Okay. All right. Now I don't remember if I
4 asked you this or not. This is your first deposition,
5 right?

6 A Yes, ma'am.

7 Q Okay. Are you a member of a church in Orangeburg
8 County?

9 A St. Paul Baptist Church.

10 Q All right. Are your parents living?

11 A My -- no, ma'am. My father is passed and my mother's
12 passed.

13 Q Okay. What were their names?

14 A My mother's name was Janice Parker, and my father's
15 name was Bernard Conway.

16 Q Okay. All right, so I've got the family names Conway
17 and Parker, but do you have any cousins in Orangeburg
18 County? Can you tell me their family names?

19 A My grandmother, she's still living. That's Ms. Ethel
20 Mae Parker. And my cousins are Taurean, T-A-U-R-E-A-N,
21 and Donta Parker, that's D-O-N-T-A, last name is
22 Parker.

23 Q Any other cousins in Orangeburg County?

24 A That's about it.

25 Q Okay. Do you have, I'm sure you do, folks you work

1 with or hang around with that are close friends you
2 spend time with?

3 A No, ma'am, not really, not since the COVID-19.

4 Q Yeah. I know. That's true. That has changed
5 everything. How about before COVID any --

6 A Before COVID I had some co-workers. Jim Applebee, my
7 supervisor. Curtis Robinson.

8 Q Robertson?

9 A Robinson. Terry Parker, and Ronald Brown.

10 Q Okay. Are you a member of any social groups or
11 political organizations in Orangeburg County?

12 A No, ma'am.

13 Q Are you registered to vote?

14 A Yes, ma'am.

15 Q In Orangeburg?

16 A Yes, ma'am.

17 Q After you left OC Tech did you have any other
18 schooling, anymore job training?

19 A No, ma'am.

20 Q Okay. Have you ever served in the military?

21 A No, ma'am.

22 Q Where did you work prior to being with UFP?

23 A North American Container.

24 Q Is that in Orangeburg?

25 A Rowesville, South Carolina.

1 Q Okay. And I didn't ask, what kind of work do you do
2 with UFP?

3 A Machine operator.

4 Q Okay. And what did you do with North American
5 Container?

6 A Machine operator.

7 Q Have you ever been fired from a job?

8 A No, ma'am.

9 Q Do you file tax returns annually?

10 A Yes, ma'am.

11 Q Do you do them yourself or do you have a tax preparer
12 help you?

13 A I let Jackson Hewitt do them for me every year.

14 Q Do you know which Jackson Hewitt office you use on one?

15 A The one on 301.

16 Q Okay. All right, you mentioned some tickets for
17 driving under suspension earlier. Other than those --
18 or traffic violations, have you ever been arrested?

19 A Yes, ma'am.

20 Q All right. Tell me about your most recent arrest, when
21 it was and what it was for?

22 A My most recent arrest was in December. That was the
23 receiving stolen goods, and I had some outstanding
24 tickets. They were bad checks.

25 Q And you're talking about when you were brought into

1 **Orangeburg Detention Center in December of 2020?**

2 **A Yes, ma'am.**

3 **Q Okay. All right. Prior to that, when was the last**
4 **time you were arrested, that you can recall?**

5 **A 2006. That was a driving too fast for condition.**

6 **Q Did you have a charge for receiving stolen goods in**
7 **July of 2012?**

8 **A I don't recall it.**

9 **Q Have you ever been charged with receiving stolen goods**
10 **in Orangeburg County?**

11 **A No, ma'am.**

12 **Q Okay. Have you ever had any arrests for any violent**
13 **crimes?**

14 **A No, ma'am.**

15 **Q Have you ever had any weapons charges?**

16 **A No, ma'am.**

17 **Q Any drug charges?**

18 **A Yes, ma'am.**

19 **Q All right. When was the drug charge?**

20 **A The drug charge was in 2001. It was a distribution of**
21 **crack cocaine.**

22 **Q And were you convicted on that charge?**

23 **A Yes, ma'am.**

24 **Q Have you ever spent any time in SCDC?**

25 **A Yes, ma'am.**

1 Q It was on that charge?

2 A Uh-huh (affirmative). Yes, ma'am.

3 Q How long ago you were in prison?

4 A Eighteen months.

5 Q Is that your only time in SCDC?

6 A Yes, ma'am.

7 Q But you haven't had any drug charges since then?

8 A No, ma'am.

9 Q Is the -- let me get her name. Is Ms. Leticia the
10 mother of the child that's living with you now?

11 A Yes, ma'am.

12 Q All right. All right. Apart from your job at UFP, do
13 you have any other sources of income? Any other work
14 you're doing?

15 A No, ma'am.

16 Q It does sound like they're keeping you pretty busy.

17 A Yes, ma'am.

18 Q All right, let's talk about this lawsuit. According to
19 the allegations of the Complaint there was a charge for
20 receiving stolen goods in July of 2012. But you just
21 testified you don't have any recollection of that?

22 A Yes, ma'am.

23 Q Okay. All right, so tell me on December 14th, 2020,
24 which I understand from the Complaint to be the day
25 that you were served with this bench warrant, what was

1 going on that day? What were you doing?

2 A On that day, I went to went to the sheriff advocate
3 over there on the Chestnut area/road, and I went to get
4 another carpenter license. At that time, the lady ran
5 my name through the computer, and she told me that,
6 "Mr. Parker, you have some warrants for your arrest."
7 At that time I didn't understand what she was talking
8 about, so a sheriff from the back came, and he put me
9 in handcuffs. He read me my rights. He asked me did I
10 knew anything about the bad checks and I told him no at
11 that time. He asked me about the receiving stolen
12 goods at that time. I told him no. I asked him could
13 I see those warrants. He let me saw the three bad
14 checks, but he never let me see the receiving stolen
15 goods. So they transferred me to the detention center,
16 and that was basically it after that.

17 Q Okay. Tell me what happened after that, after you were
18 put in the jail. What happened?

19 A I went up for a bond. I got it -- I did get a bond,
20 but I couldn't get out because I didn't have any
21 information on receiving stolen goods. They refused to
22 give me any information on it and they had me sent --
23 served me my papers for that warrant. So, I had no
24 choice but to sit in there and try to figure out what
25 the receiving stolen -- receiving stolen goods is and

1 what is it about, and how can I get out of this
2 situation?

3 Q All right. What Judge -- or do you recall what Judge
4 you went before on the bond for the bad checks charges?

5 A I want to say Judge Brown?

6 Q Okay. And what were the terms of the bond on those
7 charges?

8 A On the -- on the bad checks he gave me a PR bond. And
9 on the receiving stolen goods he didn't give me a bond
10 because I don't -- I guess -- I don't know why he
11 didn't give me a bond for that, so. That's -- I guess
12 that's the reason why I was in the detention center for
13 so long because I didn't have a bond on the receiving
14 stolen goods.

15 Q Did you have an attorney assigned to you, a public
16 defender on the bad check charges?

17 A I did have one, yeah.

18 Q Who was that?

19 A I can't recall his name, but I know somebody referred
20 me to Skyler Hutto.

21 Q Okay. Did you have -- when you were in the jail did
22 you have the ability to make a phone call?

23 A After a certain period of time, yes, ma'am.

24 Q Do you recall how long it was before you were allowed
25 to use the phone?

1 A It tooks about maybe four days. Because I was in a
2 quarantine. You know, once you get in Orangeburg
3 County there's a quarantine unit that you go into. And
4 you're -- you're in there for the period of time until,
5 I guess you're clean or they think you're clean, or
6 safe to go around people in the population.

7 Q When you were getting that carpenter's license and they
8 found out you had these outstanding warrants did you
9 have an opportunity to contact anybody in your family
10 and let them know what was going on?

11 A Yes, ma'am.

12 Q Okay. And who did you contact?

13 A I contact my grandmother first, Ms. Ethel Mae Parker.

14 Q Okay. And what information were you able to tell her
15 at that time?

16 A I was -- I was trying to explain to her that I have
17 this receiving stolen goods and I don't really know
18 anything about the receiving stolen goods. She said,
19 "Well, I'm going to call your girlfriend. Let your
20 girlfriend look into it and see if she can help you
21 out." And I was -- at that time, I was very limited on
22 the phone, and I was trying to get one of the
23 correctional officers to explain it to my grandmother a
24 little bit better because, you know, she's 89-years-old
25 and she can't quite understand, you know, what's going

1 on. So the sergeant was very rude. The sergeant told
2 me to hang up the phone, and the sergeant told me to go
3 back to my room.

4 Q And that was somebody with the jail staff?

5 A Yes, ma'am.

6 Q Have you ever seen the warrant for the receiving stolen
7 goods, the bench warrant?

8 A I seen it when I got out of jail.

9 Q Okay. After you had a chance to look at it, did it jog
10 your memory at all?

11 A Still -- still -- till this day I still don't remember
12 that warrant, that receiving stolen goods.

13 Q Do you have any idea about what the warrant's about?

14 A At that time, I was staying at 262 Broad Street. I was
15 living with my father at the time, and he does -- he --
16 well, he used to do mechanic work, so I honestly
17 couldn't tell you where it came from.

18 Q So you don't know anything about what prompted the
19 initial charges back in 2012?

20 A No, ma'am.

21 Q Did you recall anybody doing any investigation at that
22 time?

23 A No, ma'am.

24 Q Do you recall being interviewed or have any discussions
25 with anybody with the sheriff's office?

1 A No, ma'am.

2 Q All right. Tell me, after you had your bond hearing,
3 but you were sent back to the jail, tell me what
4 happened next.

5 A I stayed in my cell 23 hours a day. We all -- we were
6 only allowed to come out one hour a day where we get an
7 opportunity to wash, and supposedly get an opportunity
8 to use the phone. Now, if you have any other inmates
9 in that facility or in that area that's being
10 disrespectful, then the officers, they will lock the
11 whole area down, and the people who didn't have showers
12 can't take showers. You have to wait till the next day
13 to take a shower. They also don't give you masks when
14 you're incarcerated. So I guess you have to figure out
15 the best possible to protect yourself and keep yourself
16 clean from germs.

17 Q Did you have a cellmate?

18 A Yes, ma'am.

19 Q Just one?

20 A Just one.

21 Q Did either of the two of you come down with COVID while
22 you were in there?

23 A No, ma'am. By the grace of God, No, ma'am.

24 Q All right. About how long did you stay in the jail?

25 A About 63 days --

1 Q Sixty-three?

2 A -- total.

3 Q When did you get out; do you remember?

4 A I got out February the 2nd, 2021.

5 Q Okay. Do you know what happened -- when you got out,
6 do you know what happened and how you were able to get
7 out?

8 A Well, I was able to get out -- get out through my
9 lawyer. He managed to get some things done for me that
10 I couldn't do when I was incarcerated. And, when I got
11 out I called the lawyer's office and I explained to him
12 that, "Hey, I'm home. I'm getting out," you know?

13 And he was like, "That's good," you know? He was
14 like, "We'll keep in contact with you," you know?
15 "Stay safe" --

16 Q Yeah.

17 A -- so.

18 Q Okay. What happened with those bad check charges?

19 A They were thrown out.

20 Q Do you know how they were blown out?

21 A I paid them. I paid all three of them. When I got
22 out, I did have some money so I went on ahead and paid
23 them, so I can get that issue resolved.

24 Q Were those bad check charges with the county or the
25 city; do you know?

1 A I want to say city?

2 Q Do you know where the bad checks were allegedly
3 written, or passed?

4 A I can't remember.

5 Q Okay. Do you know when that was, when the events were
6 that gave rise to those charges?

7 A 2000 -- my lost -- my -- my mother passed in 2014, so
8 it had to have been 2014 where those three bad checks
9 came from.

10 Q Okay. All right. You've told me a little bit about
11 your time in the jail. And I understand being there
12 during COVID was probably, you know, even more
13 difficult than normally being in jail. But kind of
14 tell me anything remarkable that happened while you
15 were in the jail, anything out of the ordinary you had
16 to endure?

17 A They -- like they said earlier they don't give you
18 masks to protect yourself when you get incarcerated.
19 So you have to use your imagination. I basically took
20 my shirt and tore it to the bottom so that I can make
21 like a cloth so I can use that as a mask. Hygiene, you
22 have to like -- basically, you have to beg -- beg to
23 get soap. You have to beg the officers in Orangeburg
24 County for soap. The supplies are limited, so they
25 say, and it's like you -- like you have to hold onto

1 your soap pretty basically. Your wash rag, you have to
2 hold onto your wash rag. They come by once a week to
3 do -- to clean your uniforms. The officers in there,
4 they are rude. There have been times where I had --
5 wanted to use the telephone, and they just told me to
6 go and stand by my bed. The food is terrible. It's
7 been times where I didn't eat because I didn't know
8 what was that on my plate. I got incarcerated December
9 the 14th and I came home February the 2nd. Between
10 that time period I didn't took a haircut. My hair was
11 basically so long in my face till I could like bite my
12 moustache. I kept asking the COs, "Do y'all give
13 haircuts?" And, "When can I get a haircut?"

14 They said, "You can go and stand by your bed."

15 Like "Okay." It's been periods of time where the
16 officers -- I guess, they're aggravated all day long
17 by, you know, inmates that go there, and I guess
18 aggravate them and stuff like that. So, when people
19 actually do have questions that they can go and ask
20 them, they don't answer them.

21 Like, "Okay, I'll do this for you, I'll do that
22 for you," and you never see them again. Next time you
23 see a correctional officer, the shift has changed.

24 Q Did you ever have any trouble communicating with your
25 attorney while you were in jail?

1 A No, ma'am.

2 Q So when your attorney needed to speak with you you were
3 given access?

4 A Yes, ma'am.

5 Q All right. Did you miss -- I know that that time
6 period includes the holidays. Did you miss anything
7 significant while you were in jail that was going on
8 with your family?

9 A I missed my first Christmas with my 4-year-old. And,
10 let's see. My -- my fiancé's mother, her birthday is
11 on Christmas Day. Her name is Lisa Goodwin. And I
12 missed New Year's with my son. And I missed my
13 birthday. My birthday is January the 30th, 1979.

14 Q Were you able to talk with your work and let them know
15 what was going on?

16 A Yes, ma'am. When I -- when I talked to my fiancé over
17 the phone, prior to me being incarcerated, she called
18 the job and let the job know where I was because they
19 was calling me wanting to know where I was at and can I
20 come back to work.

21 Q Uh-huh (affirmative).

22 A So she explained the situation to them, and what was
23 going on with me, and why I was unable to go back to
24 work. So my job told me like, "Well, once you get out,
25 Mr. Parker, give us a call because we'd love to have

1 you back." So when I got out, I gave them a phone
2 call, they called me in, they gave me a sit-down talk,
3 and said, "We will start you back at \$20 an hour.
4 Nothing has changed. We just need you to go and
5 perform like you've been performing here. We'd love to
6 have you."

7 Q And that was at UFP?

8 A UFP.

9 Q But obviously, you weren't paid for the time you were
10 in jail, right?

11 A Right.

12 Q All right. Did you ever file any formal complaints
13 with any of the administration at the jail about your
14 time there?

15 A No, ma'am.

16 Q Did you ever have any --

17 A Most of the complaints that -- I'm sorry. Most of the
18 -- the complaints that the inmates do have, the
19 complaint paper, it never gets to, I guess the front
20 desk. I assume they just throw them in the trash. Hot
21 water, not working. Cold water, not working. The
22 light's too bright. At night, they cut the air on.
23 Stuff like -- those complaints never reach back up
24 front because you come back in they -- when -- the next
25 day, it's cold again. The next day it's cold again.

1 Sometimes in the afternoon there's no hot water. So
2 you have to wash like basically in the noontime because
3 -- because if you wait in the evening once -- that
4 water is cold. You have to turn sideways in the shower
5 to take a shower. It's kind of like a birdbath.

6 Q That's what my grandma always called it. You were in
7 the new jail, right?

8 A Yes, ma'am.

9 Q All right. Did you ever formally write down any
10 grievance about that, those issues you were just
11 raising?

12 A No, ma'am, I was unable to.

13 Q Why?

14 A Because they don't give you pencils or ink pens in the
15 new jail. You have paper on the canteen, but you don't
16 have any writing utensils in Orangeburg County. I
17 guess that's because of the inmates writing on the
18 walls and doing other things with the pens and stuff,
19 so they don't give you pens or paper. Well, they don't
20 give you pens or pencils in the county.

21 Q When you were taken into custody, initially handcuffed
22 and transported to the jail, were you injured in any
23 way?

24 A No, ma'am.

25 Q During your time in the jail did you have any need for

1 medical treatment?

2 A No, ma'am.

3 Q And are you claiming any physical injury to your body
4 as a result of any of this time spent in the jail?

5 A No, ma'am.

6 Q Have you had to see a doctor for any reason at all
7 related to this incident?

8 A No, ma'am.

9 Q Have you had to seek any mental health treatment as a
10 result of this incident?

11 A No, ma'am. Other than getting Ex-Lax from the pharmacy
12 store because of the food, it keep you bound up. I
13 guess the food that they serve in Orangeburg County
14 it's -- it has the stomach bound up to the point where
15 you need Ex-Lax when you get out of there. You need
16 stuff to clean your system out.

17 Q Have you ever had any discussions with any of the
18 administration at the jail since you left the jail?

19 A No, ma'am.

20 Q Were there any officers, Cos, or administrative staff
21 at the jail that you remember in particular that you
22 had a hard time with?

23 A Captain Murdock. And that's -- that's the -- that's
24 the one. That's the one.

25 Q Do you recall, was she on day or night at the time?

1 A She on nightshift.

2 Q And can you tell me specifically what Ms. Murdock, what
3 her behavior was like that gave you problems?

4 A Ms. Murdock she -- you basically do what Ms. Murdock
5 tell you to do, regardless of what your situation.
6 Regardless. If you needed to make appoint -- phone
7 call or something like that, she would tell you,
8 "You're not going to make no phone call. Go back to
9 your room," you know? Stuff like that. Like, you
10 know, "If you don't go back to your room, I'm going to
11 lock you down for three days," you know? Just like
12 threats, you know?

13 Q Were you ever given any explanation about why you were
14 on 23 and 1?

15 A No, ma'am. I guess after -- that was the basic COVID-
16 19 policy. Once you get there, you're on 23 and 1.

17 Q When you went to your bond hearing, did you have an
18 opportunity to apply for a public defender at that
19 point in time on the bad checks?

20 A No, ma'am, not at that time.

21 Q All right. When did you get a chance to apply for a
22 public defender?

23 A When I -- when I went back -- when I left there and
24 went to my cell that's when I got my papers saying
25 that, hey, you can file for the -- this is how you do a

1 public defender form. This is how you do that.
2 Through the -- through the inmates in the jail, not the
3 correctional officers. Normally, a correctional
4 officer will say, hey, this is how you fill this and
5 that. No, it's the inmates. They can -- they can show
6 you the way to get the paper and show you how to fill
7 it out, but the correctional officer, they don't do
8 that there.

9 Q And how long passed before you actually had a chance to
10 speak with an attorney? And I'm not asking you what
11 you talked with your attorney about. I'm just asking,
12 when did you get a chance to speak with your attorney?

13 A It was around about almost about a month later. About
14 a good -- I'd say a good four weeks later.

15 Q Did you submit that paperwork for a public defender
16 that same day you filled it out, or do you know when it
17 was submitted?

18 A I think I submitted it that same day.

19 Q And then you got a response about a month later?

20 A Uh-huh (affirmative).

21 Q And do you know who that was that you got in touch
22 with?

23 A That was Skyler Hutto.

24 Q Okay.

25 A Because at that point -- at that time, I know my

1 impression that, you know, this COVID-19 is here,
2 there's a lot of people in front of you, and all the
3 lawyers are basically busy right now. So you -- it's a
4 -- it's a waiting period. Things just don't happen,
5 you know, overnight. Certain things you just have to
6 wait on. If you're not strong-minded then it's going
7 to break you, you know? If you've got faith in the
8 Lord, then, you know, you'll be all right.

9 Q Were there any other terms on your PR bond related to
10 those bad check charges?

11 A No, ma'am.

12 Q Apart from coming back for your scheduled appearances
13 obviously, but you --

14 A Uh-huh (affirmative).

15 Q -- you would've -- but for this outstanding bench
16 warrant issue you would have just gone home that day,
17 right --

18 A Yeah.

19 Q -- from bond court?

20 A Yes, ma'am.

21 Q Make sure I understood that. Would your work hours
22 have changed at all during the time you were in jail?
23 Was that going to be a overtime season for you or that
24 would have been basically --

25 A That's my regular --

1 Q -- the same --

2 A -- that's my regular hours.

3 Q The same schedule that you gave me the other day?

4 A Yes, ma'am.

5 Q The other day. A few minutes ago.

6 A Yes, ma'am.

7 Q Time's passing slow. All right. Let's see. Anything
8 else that you missed while you were in jail that I need
9 to understand?

10 A No. Basically, that's about it. That's about it.

11 Q All right. Anything else about your treatment and your
12 time in the jail that's important for me to understand?

13 A At that point in time it was rough because, like I
14 said, I'm never away from my 4-year-old. My -- that's
15 my first son, that's my first and only son, and, you
16 know, ever since he was born, I've been there every
17 Christmas. When I got home from jail, my fiancé showed
18 me his Christmas over the cellphone. She had recorded
19 him opening his presents and his toys and stuff like
20 that, so, that was kind of hard. It was hard for me
21 December the 24th, December 25th because I knew
22 Christmas Eve was coming. I could -- all I could think
23 about was being home with my family, you know? Getting
24 to see him open up his toys and stuff like that, you
25 know? Him setting cookies and milk out for Santa

1 Claus, you know? Typical, traditional, anybody that
2 has a family, so.

3 Q Sure. All right. Is there anything else about this
4 situation that we haven't talked about that's important
5 for me to understand?

6 A No, ma'am, that's it.

7 Q All right. Well, just give me one second. Run back
8 through this and cut you lose. You told me about your
9 supervisor --

10 A Yes, ma'am.

11 Q -- Mr. Applebee. Do you have any other people you're
12 on shift with that you work with regularly that are
13 residents of Orangeburg County?

14 A No, ma'am, everybody else is from Denmark and other
15 places. No, ma'am.

16 Q Okay. And apart from your 4-year-old and your daughter
17 that you told me about earlier, do you have any other
18 children?

19 A No, ma'am.

20 Q Okay. Do you recall the name of your cellmate while
21 you were in the jail?

22 A Say that again?

23 Q Yes, sir. Do you recall the name of your cellmate when
24 you were in the jail?

25 A What's his name? Stacey Clark.

1 Q And do you know what he was in for?

2 A Trespassing. Trespassing.

3 Q Have you ever gone by any other names besides Daryl
4 Lamont Parker?

5 A My initials DP.

6 Q Do you have any other nicknames people call you by?

7 A No, ma'am.

8 Q Do you recall the name of the sheriff's deputy that put
9 cuffs on you and transported you to the jail?

10 A I can't remember him.

11 Q Was it male or female? Black or white?

12 A It was two males. One guy was white, one guy was
13 black. They were very nice though. They tried to help
14 me out as much as they could, but once I got to
15 Orangeburg County, that was over with.

16 Q Well, tell me what you mean by they tried to help.
17 What did they do?

18 A Basically, they read me, you know -- they read me my
19 rights. They let me look at the paperwork that they
20 had at that time, and one of the -- I remember one of
21 the officers said, "Once you get to Orangeburg County,
22 talk to one of the captains or one of the sergeants
23 over there. See if they'll let you make a phone call.
24 See if they try to help you out because it looks like
25 you're not really in trouble. You just got some stuff

1 on your record. You need to get it off."

2 Q Okay. And when you got to the jail, did you try to
3 have that conversation with somebody?

4 A Yes, ma'am.

5 Q All right. Tell me about that.

6 A I went to the sergeant.

7 Q Do you recall which sergeant?

8 A Can't remember her name.

9 Q Can you tell me what she looked like; do you remember
10 at all?

11 A She's kind of -- she's -- she's short, got shoulder
12 length hair, she wears glasses. Can't remember her
13 name. I asked -- I asked her for an ink pen and a
14 piece of paper so I can, you know, write down some
15 names and numbers because they do have a list in there
16 where you can pick your lawyers and stuff out. She
17 gave me a pen, but the pen wasn't working. Pen didn't
18 have any ink in it. So I said, "Excuse me, ma'am, this
19 pen doesn't have any ink in it." So she took it from
20 me, and -- she snatched it from me actually.

21 She looked at me, she said, "You don't know where
22 you're at?"

23 Said, "I'm in jail."

24 She said, "You're right." And she just kind of
25 like went on about her business.

1 I was like standing there looking like, okay, what
2 I'm supposed to do now? So, I just say, "You know
3 what? I'm going to back to my cell." Went back to my
4 cell and I talked to my -- the inmates that was in
5 there, and they was like, "You know what? Don't pay
6 them no attention," you know? "They'll figure out some
7 kind of way, how that you can, you know, write down
8 some names and numbers," because once -- at that time I
9 didn't have any -- any paper any place. I didn't have
10 anybody number. I couldn't remember anybody number
11 because all the numbers was in my cellphone, so. I had
12 to calm myself down. I had to get out of my feelings,
13 think clearly on what my next step and what my next
14 move going to be. How can I get a -- a writing utensil
15 so I can write down these numbers on this paper. My
16 next step was, stay away from anybody who had COVID-19
17 because I got a 4-year-old at home and I'm not going
18 home with COVID-19 to my son. So if I had to tear my
19 pants leg off, my shirt -- I did what was necessary to
20 survive, so.

21 Q Do you have any underlying health issues?

22 A Never did. No, ma'am.

23 Q All right, Mr. Parker. Answer any questions Mr. Hutto
24 may have for you, okay?

25 A Yes, ma'am.

1 MR. HUTTO: I don't have any questions for you
2 today.

3 MS. HOOD: All right.

4 THE DEPONENT: Thank you, sir.

5 MS. HOOD: It's really nice to meet you, Mr.
6 Parker. Thank you for your time this morning.

7 WHEREUPON, THERE BEING NO FURTHER QUESTIONS, THE
8 DEPOSITION IS CONCLUDED 10:49 A.M.

9 THE DEPONENT WAIVES THE READING AND SIGNING OF THE
10 DEPOSITION.

11 (*This transcript may contain quoted material.
12 Such material is reproduced as read or quoted by the
13 speaker.)

STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)

CERTIFICATE

Be it known that I took the foregoing Zoom deposition of DARYL LAMONT PARKER;

That I was then and there a Notary Public in and
for the State of South Carolina-At-Large;

That by virtue thereof I was duly authorized to administer an oath;

That the witness was by me first duly sworn or affirmed to testify the truth, the whole truth, and nothing but the truth, concerning the matter in controversy aforesaid;

The foregoing transcript represents a true, accurate and complete transcript of the testimony given by said deponent after first being duly sworn, at the time and place aforesaid, to the best of my skill and ability; said deposition was reported by method of Stenomask utilizing speech recognition with digital backup. This transcript may contain quoted material; said material is transcribed as read or quoted by the speaker.

I further certify that I am neither employed by nor related to any of the parties in this matter nor their counsel; nor do I have any interest, financial or otherwise, in the outcome of this action.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 16th day of June, 2021.

Suesan L. Richardson
Professional Court Reporter

Notary in and for the State of South Carolina

My Commission Expires: August 24, 2027

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STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

DARYL LAMONT PARKER,

PLAINTIFF,

VS.

ORANGEBURG COUNTY,

DEFENDANT.

) IN THE COURT OF COMMON PLEAS

) CASE NO. 2021-CP-38-00106

) DEPOSITION

) OF

) VERNETIA DOZIER

THE DEPOSITION OF VERNETIA DOZIER WAS TAKEN BEFORE
SUESAN L. RICHARDSON, A NOTARY PUBLIC IN AND FOR THE STATE
OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF 10:59 A.M.,
FRIDAY, MAY 28, 2021, AT THE LAW OFFICE OF WILLIAMS &
WILLIAMS, 1281 RUSSELL STREET, ORANGEBURG, SOUTH CAROLINA.

REPORTED BY
SUESAN L. RICHARDSON

APPEARANCES

FOR THE PLAINTIFF:

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EXHIBITS

NO EXHIBITS WERE MARKED FOR THIS DEPOSITION.

***DIGITALLY RECORDED AUDIO RETAINED FOR TWELVE (12) MONTHS
FROM DATE OF CERTIFICATION.**

STIPULATIONS

The deposition of VERNETIA DOZIER is taken in accordance with provisions of the circuit court rules for the purpose of discovery or for use as evidence, or for both purposes, and all questions as notice are waived.

It is stipulated that all objections will be reserved until the time of trial, with the exception of objections as to the form of the question.

It is stipulated that the witness WAIVES the reading and the signing of the deposition.

- - - -

VERNETIA DOZIER, having first been duly sworn, was examined, and testified as follows:

DIRECT EXAMINATION

BY MR. HUTTO:

Q How are you, ma'am?

A Good morning.

Q Morning. Can you state and spell your name for the record?

A Vernetia Dozier, V-E-R-N-E-T-I-A D-O-Z-I-E-R.

Q And you've had a deposition taken before?

A I have.

Q I think you and I might have sat in these same seats before for a deposition.

1 A I think I've been in this room before.

2 Q Can -- is -- I'm going to go through some of the
3 general things about a deposition I know you've heard,
4 but I'm supposed to go through them anyway. You're not
5 stuck in this room. If you need a break, let me know.
6 I don't intend to -- for this to last very long at all.
7 But if you need water, go to the bathroom, take an
8 important phone call, just let me know and we'll stop,
9 come back five/ten minutes later.

10 A Okay.

11 Q Obviously, there's a court reporter here. I know
12 you've done a good job so far, but we need verbal
13 answers so that it can be recorded. If you have any --
14 if you need me to rephrase a question, I'll be happy
15 to. And, you're also doing a good job of this, but I
16 am always go to -- like in the -- I do get a little bad
17 about it sometimes, but I'm going to do my best to let
18 you finish all your answers before I ask you the next
19 question. If you could let me finish my questions
20 before you start answering, okay?

21 A Okay.

22 Q All right. If you have any questions about the process
23 of a deposition just direct them towards me until the
24 deposition is over. All right. Ma'am, how are you
25 employed?

1 A By Orangeburg County as a director of the Orangeburg
2 County Detention Center.

3 Q All right. And how long have you been in that
4 position?

5 A Approximately seven years.

6 Q All right. And, before that were you employed at the
7 detention center?

8 A I was.

9 Q How long have you been employed there?

10 A Over 35 years.

11 Q All right. In your time at the detention center,
12 besides director, what positions have you held?

13 A Correctional Officer, Sergeant, Lieutenant, Captain,
14 Chief of Security, Deputy Director and Director.

15 Q That's almost all of it, isn't it?

16 A I think it's all of them.

17 Q All right. And prior to that what were you doing?

18 A College student.

19 Q All right. Where did you get your education from?

20 A I attended Baptist College in Charleston, and then I
21 went to OC Tech.

22 Q All right. And what did you study?

23 A Criminal Justice.

24 Q All right. Did you have any other training that was --
25 became related to you working in a correctional

1 facility?

2 A I worked for the Calhoun County Sheriff's Department
3 for a short time. And then I also -- I've attended
4 several management classes pertaining to criminal
5 justice and I'm a Certified Criminal Justice
6 Correctional Officer through Criminal Justice Academy.

7 Q Okay. And how long did you go to the Criminal Justice
8 Academy?

9 A I think during that time we did two weeks to be a
10 certified correctional officer, and I've been back on
11 several occasions for jail management, taser training,
12 other management training.

13 Q Okay. Are those certificates that you keep up, or how
14 does that work?

15 A They are certificates that you have to keep up.

16 Q Okay. You mentioned jail management. Can you tell me
17 what kind of training that is?

18 A That is like a week-long training when I went through
19 where -- that you would go over how to manage a jail.
20 From learning minimum standards to basic jail
21 operations.

22 Q All right. Have you ever worked in the booking area of
23 a jail?

24 A I have in the past.

25 Q Okay. When somebody gets to the jail what process do

1 you undertake to get them from one side of the bars
2 into, you know, clothed, ready to enter into the jail?

3 A Well, the first thing we need is a charging document
4 that is signed by a magistrate or a circuit judge. Or
5 we can have a ticket that a trooper or an officer
6 write. But it has to be some type of charging
7 document.

8 Q All right. So once you verify that you have a charging
9 document what do you do next?

10 A We process that person in. That simply means taking
11 all their information: name, address, next of kin.
12 Then we do a medical screening on that person. We
13 inventory that person's property. We fingerprint. Now
14 we did -- do DNA on that person. We allow to make that
15 -- that inmate make a phone call, and then we dress
16 them out in jail uniform, and assign a housing area.

17 Q Okay. How do you determine somebody's housing area?

18 A By the nature of the charges. And we also have a form
19 that says, you know, whether you're violent, non-
20 violent, whether you'll pray on another inmate. We do
21 go through several screenings.

22 Q Okay. Are you ever personally involved with that
23 process now in your current role?

24 A No.

25 Q Okay. Who does that now at the jail?

1 A We have a booking captain. Captain Leola McCutchin.

2 Q Okay. After you receive a charging document do you
3 have a computer system that you utilize? What do you
4 do to keep track of the inmates?

5 A Well, once they come in, you know, they're
6 automatically in the system. We do daily headcount,
7 daily rosters on, you know, the entire jail population.

8 Q Can you tell me -- you said, "people are in the
9 system." What system is that?

10 A The JMS system. The Jail Management Booking System.

11 Q Is that computerized?

12 A It's computerized.

13 Q Okay. And, when somebody comes in, you said you sort
14 them by potentially the type of charges that they have?

15 A Uh-huh (affirmative).

16 Q So people with high level felonies go together, people
17 with low level misdemeanors go together, that kind of
18 thing?

19 A Normally.

20 Q Okay. Does that mean that certain units are going to
21 have higher turnover than others because people are not
22 going to be there as long?

23 A Certain units.

24 Q Right. I mean, the people with the lower-level
25 offenses are likely to be out faster.

1 A That's true.

2 Q Okay. When somebody comes in and you're entering them
3 into the system, is their charge included in that
4 system?

5 A It is.

6 Q All right. For most misdemeanors people have to serve
7 65 percent of the time that they are sentenced to; is
8 that correct?

9 A That's correct.

10 Q All right. I know, but just for the record, can you
11 say why it's 65 percent as opposed to 100 percent?

12 A There's a system that the State of South Carolina allow
13 us to use to calculate people time, and so, inmates get
14 good time and work time. And so if they give in the
15 jail with 30 days, without any work credit, do not
16 cause any trouble, they're normally out in about 21
17 days because of good time.

18 Q All right. Now, something like trespassing, that's a
19 30-day charge where somebody would max out after 21
20 days, right?

21 A Normally.

22 Q As long as they only had one charge?

23 A Normally.

24 Q All right. Same with shoplifting?

25 A Normally.

1 Q All right. And receiving stolen goods less than \$2,000
2 that would fall in that category as well?

3 A All depends on if it's a magistrate case or a general
4 session case.

5 Q Okay. That charge though carries a maximum of 30 days
6 under the statute, right?

7 A I'm not sure.

8 Q Okay. Do you have anything in your system that shows
9 you what the maximum amount of time that somebody can
10 serve on a particular charge is?

11 A We don't.

12 Q Okay. Do you have any handwritten notebook or anything
13 like that that shows what the maximum amount of time
14 somebody can serve as?

15 A We don't. What we do have is, when I get a commitment,
16 and that commitment says 30 days, then I have a way to
17 put the sentence date in, and the JMS System computes
18 those days. So if I have nothing that says this person
19 has 30 days on a charge, there's no way that the
20 computer will compute it.

21 Q Okay. Besides the computer, is there any fail safe
22 that you use to make sure that you track the amount of
23 time that people have been in the jail?

24 A We do with a daily roster, and that roster actually
25 gives us the amount of days a person has been

1 incarcerated.

2 Q Okay. Are you familiar with the website SCCourts.org?

3 A I am.

4 Q Okay. Do y'all ever use that at the detention center
5 to look anyone up?

6 A Only if there's a reason for them to use it. We don't
7 do it on everybody.

8 Q What would be a reason why you might utilize that
9 website?

10 A Normally, they're getting shipped to another agency and
11 they want to know the time or say somebody been in jail
12 say seven/eight years ago, and those records may be
13 stored at the county ware - warehouse, and so we'll go
14 back and look and see when this person probably was
15 incarcerated and when they got released.

16 Q And so, in that instance you need to use it to know
17 where you look for a physical body?

18 A We're using it to make sure. If we can't put our hands
19 on a physical file to make sure.

20 Q With respect to this train --

21 MR. HUTTO: Scratch that. I'm going to ask
22 another question.

23 Q How are the standard correctional officers that you
24 hire trained?

25 A First of all, each -- they go through in-service

1 training, which is about a week. Then we put them with
2 a field training officer for another about three weeks
3 before we put them on shift. And within a year of
4 being hired, we send them to the Criminal Justice
5 Academy. So it's a lot of on-the-job training.

6 Q So you could potentially be there a year before
7 actually going to the Criminal Justice Academy if the
8 dates work out like that?

9 A You could.

10 Q Okay. What about continuing education, how do you
11 handle that at the jail?

12 A We have what we call pre-service training, every other
13 Friday. And so, we go over different topics pertaining
14 to corrections and the operation of the jail.

15 Q How is -- how are people at the jail familiarized with
16 the Jail Management System that you mentioned?

17 A They're trained on it.

18 Q Who does that training?

19 A The booking captain, the training officer, and other --
20 other officers.

21 Q Okay. What about SC courts, do they have -- who -- how
22 would they receive training on how to use that?

23 A The only person that probably would be using that is
24 the booking captain and the records clerks.

25 Q Okay. Does the average CO use it for any other daily

1 duties?

2 A No.

3 Q Do you know if they would know how to use it?

4 A I don't think they would.

5 Q Okay. How are -- how is the standard CO trained to
6 deal with a concern or complaint from an inmate?

7 A An inmate, they can get a grievance form that they fill
8 out, and it goes to whoever they write the grievance
9 to. So if they write it to a captain or a lieutenant,
10 then that person is normally do the grievance. If it's
11 something they can't handle, they bring it to me.

12 Q Okay. Do you personally oversee how the grievance
13 forms get doled out or made available to people?

14 A We have captains that do that.

15 Q Okay. Who would have -- who would be in charge of
16 making sure that somebody got a form if they wanted
17 one?

18 A The shift supervisor.

19 Q So that would change potentially every shift?

20 A That would change just about every shift.

21 Q Okay. How many shift supervisors are there?

22 A We have four lieutenants, six sergeants.

23 Q Okay. Are they -- are any of them associated with
24 particular areas of the jail or just shifts?

25 A Shifts.

1 Q Okay. Do you know if pens and pencils are made
2 available to people when they have a grievance form?

3 A They are.

4 Q Okay. Who's in -- would there be anybody besides the
5 shift supervisor who physically handles getting that
6 form to somebody along with the writing instrument?

7 A It would be the -- the pod officer, or the correction
8 officer.

9 Q Okay. How are they trained on the process of handling
10 that complaint?

11 A During one of our training we let them know that during
12 your rounds, if anybody wants a grievance form you give
13 it to them. Once they come out of the room, then you
14 can give them one of the flex pens to complete that
15 form. And when they fill it out, you get it back and
16 you give it to that lieutenant.

17 Q Have you ever received complaints or notice that people
18 were not able to make complaints or fill out grievance
19 forms?

20 A I have in the past.

21 Q What do you -- how do you handle that situation?

22 A I go talk to that person and find out the person they
23 spoke to and why it didn't happen.

24 Q All right. What -- how --

25 MR. HUTTO: Let me strike the question.

1 Q If somebody has a question about their sentence or
2 commitment, who do they talk to?

3 A They would talk to their -- initially, they would talk
4 to their pod officer. Then that pod officer would
5 probably inform the lieutenant, and the lieutenant
6 would get in touch with the booking captain.

7 Q Okay. And, are each of those people trained at some
8 point on that process?

9 A Yes.

10 Q Okay. So, if somebody comes to a correction's officer
11 and says, "I don't understand why I'm here. I've never
12 seen a charging document," for example, what's supposed
13 to happen?

14 A They need to inform the lieutenant so we can find out,
15 you know, why they didn't receive a copy of their --
16 their warrant. Because everybody that comes in should
17 receive a copy of their warrant. Not necessarily a
18 commitment, but the warrant, why they're in jail.

19 Q So, if somebody was not able to receive a copy of their
20 warrant would that be a violation of your standards?

21 A Not necessarily because it's normally given to them by
22 the arresting officer.

23 Q Okay. Does the jail require to have copies of the
24 charging documents that are used to keep somebody in
25 the detention center?

1 A Yes, we are.

2 Q So a warrant or something should be available through
3 y'all to the inmate; is that correct?

4 A If they request it.

5 Q Okay. So, if they request one and do not receive one,
6 is that a violation of your protocols and standards?

7 A We don't have any written anything, but I don't see why
8 they wouldn't be given. It's nothing written saying if
9 we don't give it, this is what it's going to -- and
10 because we're not responsible for giving the warrants.
11 When the officer, arresting officer serves the warrant,
12 that is his duty to make sure that that inmate or that
13 person has a copy of that warrant.

14 Q Okay.

15 A And to provide the jail with a copy.

16 Q All right. Is there any part of the jail's goals or
17 missions that would encourage it to release inmates?

18 A Can you rephrase the question?

19 Q Sure. That is a bad question. The jail doesn't have a
20 goal to keep inmates for longer than they're supposed
21 to be there, correct?

22 A Our mission is to release everybody in a timely manner.
23 So we don't -- not -- we normally don't try to keep
24 anybody, but we have to have the right documents to
25 release people.

1 Q All right. Okay. Let's -- let me ask you about this
2 gentleman specifically. I see you got a file there in
3 front of you. Do you have any personal connection to
4 Mr. Daryl Parker?

5 A I don't even know Mr. Parker.

6 Q Okay. You don't recall ever seeing him while he was in
7 the detention center or anything like that?

8 A No.

9 Q Okay. Are you familiar with his case or situation at
10 all?

11 A I'm familiar with what is being said about him, yes.

12 Q Okay. It's your understanding that he was picked up on
13 an old bench warrant for receiving stolen goods along
14 with a couple new charge -- well, not new charges, but
15 previously unserved charges of fraudulent check?

16 A I know he was picked up on fraudulent check and a
17 active bench warrant.

18 Q Okay. Are you familiar with that bench warrant being
19 for receiving stolen goods valued under \$2,000?

20 A I am.

21 Q Okay. You're aware that -- or are you aware that he
22 received a PR bond on all of the fraudulent check
23 charges?

24 A I am.

25 Q Okay. And the fact that he received a PR bond on all

1 of the fraudulent check charges would mean that there
2 was -- that those were not keeping him in the detention
3 center at all?

4 A That's correct.

5 Q So the thing keeping him in the detention center after
6 his bond hearing was the fact that there was those
7 receiving stolen goods charge out there?

8 A Yes.

9 Q Okay. Now, receiving stolen goods, I think we
10 mentioned before, carries a maximum of 21 days; is that
11 correct?

12 A I'm not aware of that.

13 Q Okay. When receiving stolen goods, when it is valued
14 less than \$2,000, carries, well, a maximum of 30 days
15 which practically means 21 days; is that correct?

16 A If it's a misdemeanor and it has a 30-day charge, he
17 would do 21 days.

18 Q Okay. And you were aware that Mr. Parker was not
19 released after 21 days?

20 A That's correct.

21 Q Okay. Did the jail -- what system does the jail have
22 to prevent people from serving longer than their
23 maximum date on a particular charge?

24 A We send the courts every morning a jail roster with
25 every inmate that's incarcerated in the jail. It goes

1 to the public defender's office, it goes to the clerk's
2 office, it goes to the sheriff's office. The
3 magistrates gets one, and we got several other agencies
4 that gets this list. And, if they go through this list
5 and they see that somebody's in jail, you know, they
6 need to notify us. As long as that warrant or a bench
7 warrant is active and have not been lifted or exposed
8 of a jail, I can't release that person, even if I know
9 that that person shouldn't be there, you know? And I
10 tell them, if you don't feel you need to be there,
11 contact your family, let us know, and we'll try to
12 contact the courts.

13 Q Okay. Do you know if the size of the jail list, if
14 anyone from the jail made an effort to contact anybody
15 on Mr. Parker's behalf?

16 A I'm not aware because I didn't do it because Mr. Parker
17 never contacted me about, I'm sitting here on this
18 warrant.

19 Q Okay. Do you have any record of anyone else making any
20 type of contact to anyone on Mr. Parker's behalf from
21 the jail?

22 A Not that I know of.

23 Q Okay. Would that normally be recorded if that contact
24 had been made?

25 A No. And it's normally not required. If Mr. Parker had

1 requested that we did this on his behalf, or if he had
2 notified me, or, you know, a family would have called
3 and said, I don't think, you know -- then we -- I
4 personally would have looked into it. But none of that
5 happened.

6 Q Okay. Do you know if any of your corrections officers
7 looked up Mr. Parker through SCcourts.org?

8 A Not that I know of.

9 Q All right. You mentioned you're familiar with the
10 website; is that right?

11 A Yeah.

12 Q So if I wanted to find out about a particular charge,
13 if I had the warrant number I could look it up through
14 SCcourts?

15 A If you had the warrant number, or you know -- but you
16 have the original, or, you know, warrants or whatever
17 on Mr. Parker.

18 Q Okay. I want to show you something and ask you some
19 questions about it. For the record, I'm showing the
20 witness a document labeled, "Bench Warrant." It says,
21 "State versus Daryl L. Parker." There are two pages to
22 it. Have you ever seen that before?

23 A I have.

24 Q Okay. What is it?

25 A It's a copy of a bench warrant.

1 Q Okay. And, on that document there is a general
2 session's indictment number; is that right?

3 A Right here. Yes. Uh-huh (affirmative).

4 Q Okay. If I had that indictment number I could use
5 SCcourts.org to find Mr. Parker's case, correct?

6 A Yes.

7 Q You could also use his name; is that right?

8 A You could find his name.

9 Q Okay. So, anybody with access to this document or his
10 name could have looked up this charge, is that correct,
11 on SCcourts.org?

12 A They could.

13 Q And, using the case record search, if I found that
14 charge, I could click the sentencing tab and see what
15 he had been sentenced to?

16 A Yes.

17 Q All right. And, do you know if anybody ever did that
18 for Mr. Parker's case?

19 A I don't know if Mr. Parker ever requested that to
20 happen.

21 Q Okay. Is there any -- is there any system that the
22 jail whereby you would check somebody's sentence after
23 they'd been sentenced to make sure they don't serve
24 longer than their sentence?

25 A Only if we have like a commitment or something, but we

1 don't normally go into SCcourts. Only if we
2 transferring somebody to prison or another agency, we
3 want to make sure that they got the correct jail time
4 so that they don't serve additional time going
5 somewhere else. But no, not in-house.

6 Q Okay. It would have -- it would not be difficult for a
7 person to do that though, would it?

8 A It wouldn't be difficult.

9 Q Okay.

10 MR. HUTTO: Alison, if you got -- I wasn't going
11 to enter that into --

12 MS. HOOD: That's fine.

13 MR. HUTTO: Okay.

14 Q Well, let me ask you more question about it. But for
15 the record we're speaking about the same document.
16 Looks like it has -- well, same document labeled bench
17 warrant and it has State versus Daryl Parker listed on
18 it. The charge listed here is receiving stolen goods
19 value less than \$2,000; is that correct?

20 A That's what it says.

21 Q And, this warrant associated with that general sessions
22 indictment number, it's your understanding that this is
23 what was used in the arrest of Mr. Parker; is that
24 correct?

25 A Yes.

1 Q Okay. Do you know how long Mr. Parker was in the
2 detention center?

3 A From December 2020 until February 2021.

4 Q All right. Longer than 21 days; is that correct?

5 A Longer than 21 days.

6 Q And longer than 30 days as well?

7 A And longer than 30 days.

8 Q All right. So, he was in there longer than the
9 statutory written time and the practical amount of time
10 that somebody could serve for receiving stolen goods
11 value less than \$2,000?

12 A He was actually in there on that general session bench
13 warrant, which was issued because he didn't comply with
14 the Judge's order.

15 Q And, the general sessions case had a sentence
16 associated with it, correct?

17 A It probably did, but we're not holding him on whatever
18 the sentence was. He was brought in on that bench
19 warrant.

20 Q And there was no system to ensure that he would not
21 serve longer than what the sentence was on that
22 particular general sessions indictment?

23 A The bench warrant says for us to hold him until his --
24 the case is exposed by a -- by a Judge.

25 Q Okay.

1 A So it had to be exposed by a Judge.

2 Q And you said that your mission is to release everybody
3 in a timely fashion; is that right?

4 A We do.

5 Q Okay. And your estimation is the fact that Mr. Parker
6 was there longer than the maximum possible sentence in
7 accordance with your mission to release people in a
8 timely fashion?

9 A I'm saying that the court's that issued the warrant on
10 Mr. Parker was aware he was there. It was their duty
11 to expose of that warrant.

12 Q And the detention center was also aware that he was
13 there?

14 A And, we being sure that the courts, public defenders,
15 solicitor's office, knew he was there. And by we doing
16 that, we sent his name every morning to those three
17 places.

18 Q Do you have a copy of what one of those documents would
19 look like? I know I saw you had something with you
20 earlier.

21 A Oh, yeah. In fact, I have the one from this morning
22 that was sent. [Whispers to self.]

23 Q I think it might be in -- right there?

24 A [Crosstalk. Inaudible.]

25 Q All right.

1 A That goes every morning. On the -- on Monday morning
2 we send the warrants for the weekend also.

3 Q Okay. So this lists the --

4 A The inmate's name, the charge, the amount of days they
5 have been there.

6 Q Okay. Is it always -- this list -- okay, Lieutenant or
7 Captain Murdock. Does that -- is it always printed
8 through her?

9 A Or whichever Lieutenant is working.

10 Q Okay.

11 A But the records clerk is the one that emails them every
12 morning.

13 Q Okay.

14 A That's just the person that runs it in the morning.

15 Q Okay. How often do you get a response to this document
16 being sent?

17 A If they don't get it, they'll call. So as long as
18 they're receiving it, they're fine. If for some
19 reason, you know, we're having problems with the email
20 or something, they'll call and say, we didn't receive
21 our --

22 Q Okay.

23 A -- our list.

24 Q Besides the fact that somebody didn't receive it, how
25 often do you get a response to this document?

1 A I can't answer that because I don't know.

2 Q Okay. Besides this document, is there anything in your
3 computer system or any other system that signals you
4 when somebody's been there longer than the maximum date
5 of their sentence?

6 A Only if their sentence has been placed in the system,
7 then a alert will come up and say, you know, this
8 person needs to be released this day, or this person
9 have extended. So it will generate everybody that
10 needed to be released today.

11 Q Okay. Do you have a record of -- well, thank you. I
12 don't -- I'm through with that. Do you have a record
13 of receiving communication from this office about Mr.
14 Parker's incarceration?

15 A I did receive something. I think Captain McCutchin
16 brought it, where you had wrote stating that he had
17 extended his days. And I told her, I said to contact
18 the courts to make sure that that bench warrant was
19 active. And it was. And then I think Captain
20 McCutchin wrote you a letter saying that the warrant
21 was active. And then you got with the Judge and the
22 bench warrant was lifted and Mr. Parker was immediately
23 released.

24 Q Okay. Besides sending a letter to me and checking that
25 the warrant was active, did -- do you know if anybody

1 from the jail at that point contacted the clerk's
2 office or anyone else to notify them that he had been
3 there longer than his maximum sentence?

4 A I don't know what the discussion was between Captain
5 McCutchin and the clerk's office.

6 Q Okay.

7 A Because I -- I -- she had to let him know, you know,
8 from time he was there.

9 Q All right. Let me ask you this as well. I asked you
10 about a few charges earlier: trespassing, shoplifting,
11 receiving stolen goods --

12 A Uh-huh (affirmative).

13 Q -- right? Do you -- is there any system at the jail
14 where you see the maximum amount of time for any
15 charge, regardless of what it is, when somebody comes
16 in?

17 A We don't have that I don't think on that system that
18 says, you know, for shoplifting you get 30 days or for
19 trespassing you get 30 days. You know, we depends on
20 the courts to sentence people to the appropriate time
21 and we put in the sentence.

22 Q Okay. How do you determine if the court has a non-
23 conforming sentence?

24 A I would think that the Judges would be qualified to do
25 -- do their jobs. I don't normally get in the tendency

1 of questioning a Judge, you know?

2 Q But just --

3 A I -- I just hope that these inmates have family
4 members, friends that could advocate for them if they
5 don't think that something's right.

6 Q Okay.

7 A And we tell them, hey, you don't think something right?
8 Get on the phone. Let your family make noise because
9 we're the holding facility.

10 Q But there's nothing in your system that alerts you when
11 a non-conforming sentence exists?

12 A We don't have that as far as I know. No.

13 Q Okay.

14 MR. HUTTO: We can go off the record for one
15 moment?

16 [Briefly off the record from 11:34 a.m. to 11:37 a.m.]

17 Q Ma'am, what's a release report?

18 A Oh, you're talking about a discharged?

19 Q The documents y'all provided, there are two release
20 reports. I'll show you one. For the record, I'm
21 looking at document Bates Stamped OCDC024 titled
22 Orangeburg/Calhoun Regional Detention Center Release
23 Report. What is this document?

24 A Oh, that's the document where they sign that they're
25 being released from jail, where they got the property

1 on the time, the date. The officers just sign it.

2 Q Okay. And, you've used the -- and I've used the term
3 discharge. What's a discharge?

4 A It's a -- a release either from general session or
5 sentence sheet or a discharge from the magistrate
6 court, or somebody gets out on time served.

7 Q Okay. If you're missing a discharge for somebody, who
8 do you contact?

9 A If we don't have the discharge paperwork, we either
10 call the magistrate or we call the clerk's office.

11 Q Do you know if anybody ever called for a discharge for
12 Mr. Parker?

13 A We would have to have a reason to call for a discharge.
14 Either one was sent and we misplaced it, or -- and
15 that's the only reason we would call, but -- because
16 normally the court's would fax them over. Some time
17 doing the shuffle, you know, they may attach it to the
18 wrong person, but the officer at the desk know it was
19 there. And they call and said, look, I can't put my
20 hand on it. You sent it. I just need another copy.
21 So there would not be a reason for us to notify
22 somebody to send over a discharge.

23 Q Okay. You would not have requested a discharge because
24 somebody had served the maximum amount of time that
25 they could serve?

1 A If on that bench warrant that would have said sentenced
2 to 30 days, and Mr. Parker did his 30 days, he would
3 have gotten out on time served, and there would be no
4 reason to request a discharge.

5 Q But --

6 A It would have already been stated on that bench
7 warrant.

8 Q All right. But there was nothing that prompted y'all
9 at any point to request a discharge for Mr. Parker?

10 A Because the bench warrant was active.

11 Q And that -- and despite the fact that he had served the
12 maximum possible time, there was nothing that prompted
13 y'all to request a discharge for him?

14 A Because he got picked up on the bench warrant because
15 he failed to complete whatever requirement from that
16 circuit Judge.

17 Q Okay. The -- again, your stated admission was to
18 release people in a timely fashion, correct?

19 A We always try, but we have to have the proper documents
20 to do so.

21 Q Okay. Was there any effort to obtain any other
22 document so that Mr. Parker could be released after he
23 had served the maximum amount of time on this sentence?

24 A We go by the bench warrant.

25 Q Okay.

1 MR. HUTTO: All right. I don't have anything
2 else.

3 MS. HOOD: All right. I don't have any questions.
4 Thank you, Ms. Dozier.

5 WHEREUPON, THERE BEING NO FURTHER QUESTIONS, THE
6 DEPOSITION IS CONCLUDED 11:31 A.M.

7 THE DEPONENT WAIVES THE READING AND SIGNING OF THE
8 DEPOSITION.

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11 speaker.)
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CERTIFICATE

My Commission Expires: August 24, 2027

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) IN THE COURT OF COMMON PLEAS

) FIRST JUDICIAL CIRCUIT

) NO. 2021-CP-38-00106

) TRANSCRIPT OF RECORD

) Motion/Summary Judgment

B E F O R E:

The Honorable Diane S. Goodstein, Judge
Orangeburg, South Carolina

DATE: Tuesday, July 19, 2022
10:59 a.m.

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INDEX TO WITNESSES

(No witnesses called.)

INDEX TO EXHIBITS

(No exhibits marked.)

- - - - -

COURT REPORTER LEGEND:

dash -- intentional/purposeful interruption; change in thought
ellipses ... trailing off
[ph] phonetically written
[sic] written as said
[indiscernible] unable to be understood due to low volume or
quality of audio

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

THE COURT: And the next matter is Daryl Parker versus Orangeburg County. It is a motion for summary judgment.

ATTORNEY HUTTO: Thank you, Your Honor.

THE COURT: Yes. Yes, ma'am.

ATTORNEY HOOD: Good morning, Judge Goodstein. I'm Alison Hood from Ness & Jett over in Bamberg. And our firm is representing Orangeburg County in this case. And we're here today on our motion for summary judgment.

THE COURT: Yes.

ATTORNEY HOOD: We submitted a brief and a couple of exhibits last week. Has the Court received those?

THE COURT: Yes.

ATTORNEY HOOD: You got those? Great. Okay. So the facts in this case are pretty simple. Mr. Daryl Parker was arrested on some outstanding warrants December the 14th of 2020. At that time he was served with an outstanding bench warrant that stemmed from some charges back in 2012 for receiving stolen goods. Those details are not particularly important. There was a report of unpaid fines that resulted in the issuance of a bench warrant on September 25th, 2015, and that bench warrant is related to the issue in this case.

So Mr. Parker went to the detention center. He was given a PR bond on the fraudulent check charges, but the bench warrant wasn't attended to. So Mr. Parker has testified that he applied

1 for and was given an indigent defender. He stayed in the jail
2 for a number of weeks. January 29th of 2021, following, you
3 know, detention from December 14th forward, a letter was sent to
4 the jail notifying the jail that Mr. Parker had been held, you
5 know this, length of time and that -- you know, kind of demanding
6 his release from the jail.

7 The administration in the jail at that time called over to
8 the Clerk of Court's Office to confirm that the bench warrant was
9 still outstanding, still valid, received that confirmation, and
10 February 1st wrote a letter back confirming that the warrant was
11 still active in the Clerk of Court's system.

12 So a few days later Mr. Hutto, on behalf of Mr. Parker,
13 brought that to the attention of Judge Dickson, who issued an
14 order rescinding the bench warrant, and then at that time
15 Mr. Parker was released.

16 So this action has been brought against Orangeburg County,
17 which owns and operates the detention center. The two causes of
18 action are for false arrest, false detention, and for
19 negligence/gross negligence regarding the length of the
20 detention.

21 Mr. Parker did plead guilty to the receiving stolen goods
22 charges back in 2012, and his sentence was for 30 days. And he
23 did end up spending more than 30 days on this outstanding bench
24 warrant for failure to pay fines.

25 So the issue arises, you know, that the inequity there, that

1 Mr. Parker spent longer than he would have had his initial
2 sentence not been suspended. So that's where the issue is.

3 The argument today is that the bench warrant issued by the
4 Clerk of Court, served on Mr. Parker, delivered to the detention
5 center at the time that he was booked into the facility, renders
6 any argument for false arrest certainly inappropriate. He has a
7 bench warrant. The jail doesn't have discretion to turn you away
8 when you're presented for incarceration with a warrant.

9 Mr. Parker didn't approach the Court to lift the warrant
10 until early in February, at which time the warrant was lifted and
11 he was released. He didn't make an effort to pay the outstanding
12 fine, which would have also resulted in the lifting of the
13 warrant and his release.

14 It's unfortunate this gentleman spent that long in the
15 detention center, but there's no cause of action available for
16 false arrest when there is a valid warrant that's supporting that
17 detention.

18 And then regarding negligence, the jail doesn't have the
19 authority, the discretion, or even really the ability to check
20 the actions of the Court. When the Court issues a warrant -- and
21 the Clerk of Court in this case is the one that issued the bench
22 warrant -- the jail isn't in the business of following up or
23 questioning that authority.

24 In this case, upon request, the jail did confirm with the
25 Clerk of Court's Office in January of 2021 that the warrant was

1 still active and notified the attorney for Mr. Parker that the
2 warrant was still out there and needed to be attended to, at
3 which time it was finally brought to the Court's attention and
4 lifted, and Mr. Parker was released.

5 So while there may be some cause of action available to
6 Mr. Parker, it is not an action for gross negligence given the
7 fact that the jail did do what it could to confirm the validity
8 of the warrant, received notice that it was still active, and
9 doesn't have any discretion to terminate warrants or investigate
10 warrants. That's just not -- I don't think that's what the Court
11 wants the jail to do. The Court makes the orders. The jail
12 accepts people with, essentially, a valid warrant, and in this
13 case that's what we have.

14 Whether or not that warrant should have issued, whether or
15 not that warrant should have been rescinded, whether or not that
16 warrant was appropriate given, you know, some things happened in
17 the meantime, you know, from our Supreme Court, those are all
18 different questions that aren't appropriate under the Tort Claims
19 Act and aren't appropriate to be levied against Orangeburg County
20 for its operation and management of the jail.

21 THE COURT: Got it. Thank you so much. Yes, sir.

22 ATTORNEY HUTTO: Thank you, Your Honor. If I may, I was
23 going to screen-share these, the one that says virtual, but if I
24 can hand up some copies of the jailer's deposition. I've got a
25 copy here marked with a couple of lines I'm giving to opposing

1 counsel and the Court. And I have an extra copy for your law
2 clerk, but it's not marked. I apologize.

3 THE COURT: We will share.

4 ATTORNEY HUTTO: The initial factual recitation from the
5 county is correct. There was a 2015 receiving stolen goods, less
6 than \$2,000, a case that Mr. Parker pled guilty to, and he was
7 sentenced to \$100 fine or 30 days, and he had so much time to pay
8 it. Now, what is important about that particular charge,
9 receiving stolen goods, less than \$2,000, is it's not that he
10 received a -- it's not just that he received a 30-day sentence;
11 it's that a 30-day sentence is the maximum possible sentence for
12 that charge under any circumstances.

13 And I went through that with the detention center employee,
14 Mrs. Dozier [ph], a few times in her deposition, that she is
15 aware that charges like shoplifting, this offense, trespassing,
16 et cetera, are charges that max out after 30 days, and that
17 actually because, when you're given credit for 65 percent time
18 served, for almost everyone, they max out after 21 days.

19 So our concern is not that there was a valid warrant to
20 arrest Mr. Parker for his failure to pay that fine. That's not
21 what we brought -- that's not what we, at least, intended to
22 bring as a cause of action. We understand there's a valid
23 warrant, so he's arrested on that. Understand.

24 The question is, after 21 days, or leading up to 21 days,
25 what did the jail do, if anything, to ensure that Mr. Parker

1 would not serve over the maximum possible amount of time for this
2 offense? And the answer, Your Honor, we would contend, is
3 nothing.

4 And I understand the county's statement that the jail
5 doesn't question the judge's warrant -- of course not -- when the
6 person arrives, but there comes a time after the passage of time
7 where that can no longer be true, or the result would be an
8 absurdity where somebody could be in jail for years, and if their
9 family and nobody picked up on this, that the person would just
10 wait on that warrant.

11 And, Your Honor, that actually is contemplated by a part of
12 the questions that were asked to the jailer. If you go to page
13 28, we asked, What do you do to prevent a situation like this
14 where somebody's being held and they don't have any access to
15 somebody to figure out what's going on? And their response is,
16 Well, we told the family to start making some noise. Well, while
17 in this case, that did work after over the double maximum amount
18 of time that Mr. Parker should have been in jail, that is not a
19 type of management of the jail that we think avoids gross
20 negligence.

21 The jailer testified that what they do when somebody's
22 processed in the jail is they enter their sentences into their
23 jail management system. I also asked them whether they knew how
24 to use SCCourts you look up people's sentences, and they said
25 they didn't typically do that but that they know how to do it.

1 And in this instance, because Mr. Parker's sentence was not
2 entered into the jail management system, there was nothing that
3 came up after 21 days to alert the jail that he should be
4 released.

5 Your Honor, we think that all of that, combined, shows gross
6 negligence in terms of the way that the jail is managing these
7 situations and sentences. Again, this is not just that he was --
8 the question is not whether he was arrested. The question is how
9 long was he held, and what is incumbent upon the jail after 21 or
10 30 days to alert the clerk or somebody else that this situation
11 is occurring, and they did nothing.

12 So, Your Honor, we believe that's gross negligence. And
13 again, this practice could lead to sort of legal absurdity where
14 somebody spends an infinite amount of time in jail because the
15 jail is never checking on the situation.

16 THE COURT: Yes, ma'am.

17 ATTORNEY HOOD: Briefly, Your Honor. The text of the bench
18 warrant orders the jail to hold Mr. Parker until -- and keeping
19 him safely until -- he be discharged by due course of law.
20 There's no mention in the bench warrant regarding his sentence,
21 time served, and those particularities. It just says hold.

22 Your Honor, Mr. Parker did have a public defender appointed
23 to him during the course of this time that he was in jail. And,
24 Your Honor, I do have, just printed off from the public index, if
25 I may approach.

1 THE COURT: Sure.

2 ATTORNEY HOOD: -- a copy of the list of fines beyond the
3 \$100, which was the victim's conviction surcharge of \$100. There
4 are a number other court fines that were associated with the
5 issuance of the bench warrant as well, so the amount that
6 Mr. Parker needed to pay to relieve himself of the bench warrant
7 includes a little bit beyond the amount that was, as I stated,
8 with the actual sentencing.

9 Your Honor, the argument here today is that the bench
10 warrant itself does not contain any of those particularities that
11 Mr. Hutto referred to. The jail doesn't really have any other
12 option but to hold Mr. Parker under that bench warrant. And,
13 upon request, the jail did contact the clerk, which was the
14 office that issued the bench warrant, to confirm his validity
15 between January 29th and February 1st of 2021, which is the tail
16 end of the incarceration. And then Judge Dickson did issue an
17 order rescinding the bench warrant, all of which confirms that it
18 was still valid, it was still out there, and it needed to be
19 tended to.

20 The jail doesn't have any discretion and authority to refuse
21 someone who presents at the jail with a warrant.

22 THE COURT: And is it correct that there were, even at the
23 time that the bench warrant was lifted, there were still fines
24 that were due?

25 ATTORNEY HUTTO: Your Honor, no fines were due because he

1 had maxed out his sentence. He paid a fine or do 30 days. I did
2 the 30 days, which is really 21 days. And again, no effort was
3 made by the jail to contact anyone to alert the Clerk or anything
4 that this was an outstanding situation, something that they
5 testified that they're well aware of, these max-out dates for
6 certain types of crimes.

7 THE COURT: And is it correct that he did have appointed
8 counsel at that time?

9 ATTORNEY HUTTO: Not immediately. I was actually appointed
10 to him and was the one that figured this out as I was appointed.
11 So there was counsel appointed, yes, but the appointment was not
12 made for the bench warrant. Appointment was made for the charges
13 of the arrest, which he was given a PR bond for, so there's no
14 alert on that that there's an issue; there's just simply a court
15 date issued.

16 Upon trying to find Mr. Parker, I realized he was in jail,
17 and his family began to contact our office when we realized he
18 was there and why he was there, I initially was -- I mean, I
19 don't need to give my personal experience, but that's separate
20 from the legal argument. Yes. Counsel was appointed on charges
21 he was given a PR bond and a court date for, not for this.

22 ORDER

23 THE COURT: Got it. Got it. All right. I'm going to ask
24 that you prepare an order for me as I continue to look at this
25 matter, because my concern is that the issuance of a bench

1 warrant orders certain things, and based upon this bench warrant
2 it is ordered that the gentleman be held, and held safely, until
3 the matter could be addressed by the Court.

4 I am concerned greatly about the jail -- the jail doesn't
5 have discretion to disregard the order of a Circuit Court Judge
6 out of hand, and the issuance of a bench warrant is a separate
7 matter. Even under the circumstances of a limited amount of time
8 in jail, the duty, I think -- and I'll look, I continue to study,
9 but I do believe -- that the duty does lie to the defendant and
10 the defendant's counsel, not to the jail, to ascertain whether or
11 not the matter needs to return to the court for court
12 disposition, which it did, and, in fact, were returned to the
13 Court for disposition. So I do not believe that the jail has the
14 discretion to disregard the Court's order, which is what a bench
15 warrant is. So I will continue to study and look, but if you'll
16 prepare an order for me.

17 ATTORNEY HOOD: Yes, Your Honor. Thank you.

18 THE COURT: Thank you.

19 ATTORNEY HUTTO: Thank you.

20 (End of Transcript of Record.)
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Cathy J. Provost, Official Court Reporter for the Fourteenth Judicial Circuit of 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/proceedings of the captioned case in the Court of Common Pleas for Orangeburg County, South Carolina, on the 19th day of July, 2022.

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

Date: February 8, 2023

\s\ Cathy J. Provost
Cathy J. Provost, RMR
Official Circuit Reporter

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG) IN THE COURT OF COMMON PLEAS

FIRST JUDICIAL CIRCUIT

DARYL LAMONT PARKER,) Case Number: 2021-CP-38-00106
)
Plaintiff,)
)
v.)
)
) **Motion for Summary Judgment**
ORANGEBURG COUNTY,)
)
Defendant.)
)
_____)

TO: Skyler B. Hutto, Williams and Williams, Attorneys at Law:

YOU WILL PLEASE TAKE NOTICE the defendant, Orangeburg County hereby moves the Court for an Order granting it summary judgment in this action, pursuant to SCRCP 56, on the ground there is no genuine issue of material fact which would preclude judgment for this defendant, and this defendant is entitled to judgment as a matter of law, on the further following grounds:

1. The Complaint fails to state facts sufficient to constitute a cause of action against this Defendant;

2. This defendant is immune from suit in this action pursuant to §15-78-60(2), (3), (4), (20), and (25), S. C. Code of Laws;

3. Any duty of Orangeburg County at issue in this action is a duty owed to the public, not to the individual plaintiff and such duty does not give rise to any private cause of action;

4. Plaintiff has failed to allege or present any evidence of gross negligence in this action that would prevent the issuance of an order dismissing the action in its entirety;

5. Defendant Orangeburg County is not and cannot be liable for the negligence of the Clerk of Court, an elected official, or a deputy clerk of court, whose authority proceeds from the Clerk of Court; and

6. During the entire term of his time in Orangeburg County Detention Center, Plaintiff was held pursuant to a bench warrant, Warrant Number: 2015B380010071, attached as Exhibit A. On the date the warrant was revoked, September 15, 2017, Plaintiff was released from the jail. A copy of the Order extinguishing the Bench Warrant is attached as Exhibit B. As a matter of law, Defendant cannot be liable for Plaintiff's lost time, the only damages alleged in this case.

This Motion is supported by the attached Exhibits, the depositions taken previously and the case law and statutes of the State of South Carolina. This motion will be further supported by a forthcoming memorandum of law.

Respectfully submitted,

June 7, 2022

Bamberg, SC

By: NESS & JETT, LLC
s/Alison Dennis Hood
Norma A. T. Jett, Bar #12995
Alison Dennis Hood, Bar # 77128
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normajett@gmail.com
alisondhood@gmail.com
Attorney for Defendant

THE STATE OF SOUTH CAROLINA

BENCH WARRANT
FAILURE TO COMPLY-
UNPAID COURT ORDERD
FINE

THE STATE

VS.

Daryl L Parker

COUNTY OF ORANGEBURG

2012GS3800353

J698100

RSG / Receiving stolen goods, value \$2,000
or less

To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace Officers of the said State Greeting:

WHEREAS, at the Term of Court of General Sessions County Court for the County aforesaid, it was among other things Ordained
that a Bench Warrant should be issued for the arrest of Daryl L Parker

THESE ARE, THEREFORE, to command you and every one of you to make diligent search after the said above named and him
to take and safely keep until he be delivered to the keeper of the Common Jail of the County or discharged by due course of law. And
this shall be a good and sufficient warrant for you doing so, and for the keeper of said Jail receiving said above named from you and
keeping him safely until he be discharged by due course of law.

WITNESS, Winnifa Clark, Clerk of Court of General Sessions and Common Pleas for the County of Orangeburg,

September 25, 2015.



Clerk of Court of General Sessions and Common Pleas

COUNTY OF Orangeburg
STATE OF SOUTH CAROLINA

12-GO-353

BENCH WARRANT

THE STATE 1-15-00 5653

VS.

Daryl L Parker

[Redacted Address]

(Last known address)

Bench Warrant No. 2015B3800100171

Case No. 2012GS3800353
J698100
RSG / Receiving stolen goods, value \$2,000
or less

Date Issued September 25, 2015

[Redacted Signature]

Eyes _____ Hair _____
Date Served 12-14-2010 Served by SLICK
DL No. [Redacted] DL State SC

ATTEST: TRUE COPY
W. King B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

RECEIVED

SEP 30 2015

WARRANT DIVISION

23
RQA 113

EXHIBIT 1

STATE OF SOUTH CAROLINA
 COUNTY OF ORANGEBURG
 State of South Carolina

v.

Daryl Parker,

Defendant.

IN THE COURT OF GENERAL SESSIONS
 2012GS3800353

ORDER TO
 LIFT BENCH WARRANT

CLERK OF COURT
 ORANGEBURG, SC

7/21 FEB - 2 AM 8:55

FILED FOR RECORD
 WINNIE B. CLARK

This matter came before me on Motion of Skyler B. Hutto of the law firm Williams & Williams, attorney for Defendant requesting that this Court lift a bench warrant issued on Defendant for failure to pay court fines in 2015 on the above charges. Defendant has served far more than the maximum sentence for this charge in the Orangeburg-Calhoun Detention Center.

I am hereby ordering the bench warrant to be lifted for Defendant and that Defendant has served the totality of his sentence.

IT IS SO ORDERED.



PRESIDING CIRCUIT COURT JUDGE
 FIRST JUDICIAL CIRCUIT

2/1, 2021
Orangeburg, South Carolina

ATTEST: TRUE COPY
 Winnie B. Clark
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ORANGEBURG	)	FIRST JUDICIAL CIRCUIT
DARYL LAMONT PARKER,	)	Case Number: 2021-CP-38-00106
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ORANGEBURG COUNTY,	)	Memorandum of Law in Support
	)	of Defendant's Motion for Summary
	)	Judgment
Defendant.	)	
_____	)	

This motion comes before the Court upon the motion of Defendant Orangeburg County for summary judgment, pursuant to Rule 56, SCRPC. There are no material facts in dispute that would prevent the Court granting a motion dismissing this case, with prejudice.

STANDARD OF REVIEW

Summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRPC. To determine if any genuine issue of material fact exists, the evidence and all inferences that can reasonably be drawn therefrom must be viewed in the light most favorable to the nonmoving party. *Id.*

“When opposing a summary judgment motion, the nonmoving party must do more than ‘simply show there is a metaphysical doubt as to the material facts but must come forward with specific facts showing that there is a genuine issue for trial.’” *Dunes West Golf Club, LLC v. Town of Mt. Pleasant*, 401 S.C. 280, 293, 737 S.E.2d 601, 607-608 (2013). *See also Russell v. Wachovia Bank, N.A.*, 353 S.C. 208, 220, 578 S.E.2d 329, 335 (2003) and *Baughman v. AT&T*, 306 S.C. 101, 107, 410 S.E.2d 537, 545 (1991).

“Summary judgment should be granted only where it is perfectly clear that no genuine issue of material fact exists and inquiry into facts is not desirable to clarify application of the law.” *Wortman v. Spartanburg*, 310 S.C. 1, 4, 425 S.E. 2d 18, 20 (1992). “The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Rule 56(c), SCRPC. “[A]n adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.” Rule 56(e), SCRPC.

UNDISPUTED MATERIAL FACTS

On December 14, 2020, Plaintiff was brought into the Orangeburg County Detention Center on three counts of violating §34-11-60, S. C. Code of Laws (fraudulent checks). At that time, Plaintiff was served with an outstanding Bench Warrant (#2015B3800100171), in Case Number: 2012GS3800353. (Exhibit 1). The Bench Warrant states that it was issued following the failure to comply with a court order / failure to pay fees in a prior case, where Plaintiff was charged with receiving stolen goods. On January 29, 2021, Plaintiff’s criminal defense attorney Skyler Hutto sent a letter to the jail, inquiring about Plaintiff’s continued incarceration. (Exhibit 2). On February 1, 2021, the jail responded, notifying Mr. Hutto that the outstanding warrant was still active. (Exhibit 2). On February 2, 2021, Plaintiff sought an Order to lift the Bench Warrant, which was granted by Judge Dickson. (Exhibit 3). At the time the Bench Warrant was lifted, Plaintiff was released from the jail. (Exhibit 2).

Plaintiff has sued only Orangeburg County, for two causes of action: Negligence / Gross Negligence and Wrongful Imprisonment. *See Complaint*. Plaintiff did not name Orangeburg County Clerk of Court, who issued the Bench Warrant, as a party. Rather, all causes of action were leveled at the County, which operates Orangeburg County Detention Center.

Plaintiff alleges damages stemming from the detention between December 14, 2020 and February 2, 2021.

LEGAL ARGUMENT

I. NO FACTS ALLEGED TO SUPPORT A CAUSE OF ACTION FOR FALSE ARREST OR FALSE IMPRISONMENT AGAINST THIS DEFENDANT

Plaintiff asserts a cause of action for false imprisonment against Orangeburg County, which owns and operates Orangeburg County Detention Center. In order to recover under a theory of false imprisonment, the complainant must establish (1) the defendant restrained him; (2) the restraint was intentional; and (3) the restraint was unlawful. *Andrews v. Piedmont Air Lines*, 297 S.C. 367, 377 S.E.2d 127 (Ct.App.1989). *See also Jones v. City of Columbia*, 301 S.C. 62, 64, 389 S.E.2d 662, 663 (1990)(holding an action for false imprisonment cannot be maintained where one is arrested by lawful authority); *Jones by Robinson v. Winn-Dixie Greenville, Inc.*, 318 S.C. 171, 175, 456 S.E.2d 429, 432 (Ct. App. 1995); Patrick Hubbard & Robert L. Felix, *The South Carolina Law of Torts* 455 (4th ed. 2011); *see also Wallace v. Kato*, 549 U.S. 384, 388, 127 S.Ct. 1091, 166 L.Ed.2d 973 (2007)(“False arrest and false imprisonment overlap; the former is a species of the latter.”) This case turns on the third prong of the test. Defendant Orangeburg County asserts that the detention of Plaintiff was entirely lawful and in fact required by South Carolina law.

“It has long been the law that one arrested pursuant to a facially valid warrant has no cause of

action for false arrest.” *Bushardt v. United Inv. Co.*, 121 S.C. 324, 330, 113 S.E. 637, 639 (1922), cited affirmatively in *Carter v. Bryant*, 429 S.C. 298, 306, 838 S.E.2d 523, 528 (Ct. App. 2020), *reh’g denied* (Feb. 20, 2020), *cert. denied* (Oct. 19, 2020). “[A] facially valid warrant that proves to lack probable cause does not make the initial arrest unlawful for the purposes of the tort of false arrest.” *Carter*, 429 S.C. at 307, 838 at 528. “If a plaintiff suing for false arrest ‘has shown that the arrest and imprisonment of which he complains was made under legal process, regular in form, and lawfully issued and executed, then he has proved himself out of court.” *McConnell v. Kennedy*, 29 S.C. 180, 186-87, 7 S.E. 76, 78 (1888). This case involves a facially valid bench warrant for arrest, which was served on Plaintiff on December 14, 2020.

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

Pursuant to Rule 30(b), S. C. Rules of Criminal Procedure, Bench warrants require “either the signature of the trial judge or the signature of the respective clerk of court at the direction of the trial judge.” In this case, the Clerk of Court, issued a bench warrant. Therefore, the detention in this case is lawful. There is no liability on the part of this Defendant for booking

Plaintiff into the jail in compliance with the bench warrant. In fact, this detention was required by law. Pursuant to Rule 30(c), SCRCrimP, “It is the continuing duty of the Sheriff, and of other appropriate law enforcement agencies in the County, to make every reasonable effort to serve bench warrants.”

Significantly, the Clerk of Court is not a party to this action. Even if she were, the issuance of the bench warrant is protected by judicial immunity, which is an absolute bar to liability for the judicial officers in this case, concerning judicial acts within their jurisdiction. *See, O’Laughlin v. Windham*, 330 S.C. 379, 498 S.E.2d 689 (Ct. App. 1998). However, no such cause of action is alleged.

The cause of action for false imprisonment should be dismissed with prejudice, in light of the bench warrant.

II. DEFENDANT IS NOT LIABLE FOR THE NEGLIGENCE, IF ANY, OF THE CLERK OF COURT

The Orangeburg County Clerk of Court, Winnifa Clark, is a State Constitutional Officer, under Article V, §24, of the South Carolina Constitution, whose deputy clerks serve at her pleasure and under her direction, pursuant to §14-17-60, S. C. Code of Laws. The Clerk and the Clerk’s office are not under the administration or supervision of Orangeburg County. The Orangeburg County Clerk of Court is not a party to this action. The South Carolina Constitution, South Carolina statutes, and South Carolina common law all clarify that Orangeburg County and the Orangeburg County Clerk of Court are distinct legal entities, which cannot be conflated, under South Carolina law. Pursuant to §15-78-60(20), S. C. Code of Laws, Orangeburg County cannot be held liable for the acts or omission of those it does employ, lacking both the right to control or terminate such employees. *See Faile v. South Carolina Department of Juvenile*

Justice, 350 S.C. 315, 566 S.E.2d 536, 543 (2002). *See also, for example, Poloschan v. Simon*, 2014WL1713562 (April 28, 2014).

The Clerk of Court is not an employee of Orangeburg County under §15-78-30(c), S. C. Code of Laws. For this reason, Orangeburg County cannot be held liable for any negligence in this case, if any may be proven.

III. DEFENDANT IS IMMUNE FROM SUIT PURSUANT TO §15-78-60(25), S. C. CODE OF LAWS

A governmental entity is not liable for a loss resulting from the “responsibility or duty including but not limited to supervision, protection, control, confinement, or custody of any inmate, except when the responsibility or duty is exercised in a grossly negligent manner.” §15-78-60(25), S. C. Code of Laws. “Gross 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.” *Clyburn v. Sumter County Sch. Dist. No. 17*, 317 S.C. 50, 53, 451 S.E.2d 885, 887 (1994). “It is the failure to exercise even the slightest care.” *Faile v. South Carolina Dep’t of Juvenile Justice*, 350 S.C. 315, 331-32, 566 S.E.2d 536, 544 (2002). “While gross negligence ordinarily is a mixed question of law and fact, when the evidence supports but one reasonable inference, the question becomes a matter of law for the court.” *Etheredge v. Richland Sch. Dist. One*, 341 S.C. 307, 310, 534 S.E.2d 275, 277 (2000).

The South Carolina Tort Claims Act provides immunity to Defendant in these circumstances, if the Defendant can demonstrate it used “slight care.” “The fact that the [governmental entity] might have done more does not negate the fact that it exercised, ‘slight care.’” *See Etheredge*, 341 S.C. at 312, 534 S.E.2d at 278. This means, Plaintiff has an

affirmative duty to present evidence of gross negligence. In this case, there is no such evidence.

On January 29, 2021, Plaintiff's attorney notified the jail, questioning his continued detention. On February 1, 2021, the jail responded that detention center staff had confirmed that the warrant was still active. On February 2, 2021, Plaintiff moved the Court for an Order setting aside the bench warrant, which was granted. At that time, Plaintiff was released from the jail. The jail had no discretion to release Plaintiff upon request. The proper remedial measures, challenging the bench warrant (or paying the outstanding fine) were available, at all times relevant to this case, to the Plaintiff. Orangeburg County Detention Center has no duty, obligation, or ability to file motions or pay fines on behalf of inmates who are held pursuant to a bench warrant.

In this case, where the only reasonable inference that can be drawn from the facts is that Orangeburg County Detention Center exercised, as the very least, slight care, dismissal is appropriate, as a matter of law. *See Clyburn v. Sumter County School Dist. No. 17*, 317 S.C. 50, 451 S.E.2d 885 (1994); *see also Faile v. South Carolina Dept. of Juvenile Justice*, 350 S.C. 315, 566 S.E.2d 536 (2002).

IV: ANY DUTY OWED TO PLAINTIFF WAS A PUBLIC DUTY

To establish liability in this case, the 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. *See Steinke v. S.C. Dep't of Labor, Licensing & Regulation*, 336

S.C. 373, 387, 520 S.E.2d 142, 149 (1999). In this case, Plaintiff fails to allege any duty owed to Plaintiff cognizable under South Carolina law, either by statute or at common law.

“The ‘Public Duty Rule’ insulates public officials, employees, and governmental entities from liability for the negligent performance of their official duties by negating the existence of a duty toward the plaintiff.” *Arthurs ex rel. Estate of Munn. v. Aiken County*, 346 S.C. 97, 104, 551 S.E.2d 579 (2001). *See also Platt v. CSX Transp., Inc.*, 388 S.C. 441, 446 697 S.E.2d 575, 577 (2010), overruled, in part, and affirmed, in part, by 388 S.C. 441, 697 S.E. 2d 575 (2010). “The Public Duty Rule holds that public officials are generally not liable to individuals for their negligence in discharging public duties because the duty is owed to the public at large rather than to anyone individually.” *Wells v. City of Lynchburg*, 331 S.C. 296, 306, 501 S.E.2d 746 (Ct. App. 1998). “Statutes which create or define the duties of a public office create no duty of care toward individual members of the general public.” *Arthurs*, 346 S.C. at 105-106, affirmatively citing *Summers v. Harrison Constr.*, 298 S.C. 451, 455-56, 381 S.E.2d 493, 496 (Ct. App. 1989). “Thus, where the duty is owed to the public in general, the official is not liable to an individual who may have been “incidentally injured” by the failure to perform the duty.” *Wells*, 331 S.C. at 307, quoting *Parker v. Brown*, 195 S.C. 35, 10 S.E.2d 625 (1940).

The Public Duty Rule functions in conjunction with statutes that have the “purpose of providing for the structure and operation of government or for securing the general welfare and safety of the public.” *Wells*, 331 S.C. at 308. In this case, any duty owed to Plaintiff by statute, is a public duty only and does not create a private right of action. Plaintiff’s incarceration was a direct consequence of the outstanding bench warrant, confirmed by the jail staff. The Defendant owes no additional duty to Plaintiff, as an inmate, and Plaintiff can cite no authority indicating otherwise.

V: DEFENDANT IS ENTITLED TO IMMUNITY UNDER THE SOUTH CAROLINA TORT CLAIMS ACT

Under the South Carolina Tort Claims Act, Defendant is immune from liability in this case.

Under §15-78-60(2), S. C. Code of Laws, Defendant is immune for a loss resulting from administrator action or inaction of a judicial or quasi-judicial nature. In this case, the issuance and service of a bench warrant for outstanding fees / failure to comply with a prior order of the court cannot create liability against the county-run detention center for honoring the facially-valid warrant.

Under §15-78-60(3), S. C. Code of Laws, Defendant is immune for a loss resulting from the execution, enforcement, or implementation of the orders of any court or execution, enforcement or lawful implementation of any process. In this case, Plaintiff cannot hold Defendant liable for detaining Plaintiff pursuant to a bench warrant. The case directly concerns the implementation of a court order. Plaintiff's alleged damages arise from the implementation of a bench warrant. Defendant cannot be liable for these losses.

Under §15-78-60(4), S. C. Code of Laws, Defendant is immune for any losses resulting from the adoption, enforcement, or compliance with any law. Pursuant to §24-5-10, S. C. Code of Laws, the Orangeburg County Detention Center is under the obligation to house any person delivered to the jail according to the law and does not have discretion to refuse to accept an individual so delivered. In the absence of discretion to refuse to house such individuals, Defendant cannot be held liable for detaining an inmate pursuant to a facially-valid, and in this case confirmed-active, bench warrant.

Defendant is similarly immune pursuant to §15-78-60(20) and (25), S. C. Code of Laws, as discussed elsewhere in this brief. Being in derogation of sovereign immunity, the provisions

of the South Carolina Tort Claims Act are to be strictly construed against liability, pursuant to §15-78-20(f), S. C. Code of Laws.

CONCLUSION

Defendant is entitled to an Order granting summary judgment on all causes of action. Orangeburg County requests that the Court enter its Order dismissing this case, with prejudice.

Respectfully submitted,

July 15, 2022

Bamberg, SC

By: NESS & JETT, LLC
s/Alison Dennis Hood
Norma A. T. Jett, #12995
Alison Dennis Hood, #77128
Post Office Box 909
Bamberg, SC 29003
(803) 245-5178
ATTORNEY FOR DEFENDANT

PARKER, DARYL LAMONT



Photo Date: 12/14/20

PARKER, DARYL LAMONT



DATE 2-2-2021 TIME 1022
NCIC OPERATOR # St. Malin
NCIC CLEARED YES ☒ NO ☐
INHOUSE CLEARED YES ☐ NO ☐
HOLD FOR _____

2-2-2021

Bench Warrant
lifted

w/General Sessions

St. Malin

BOOKING REPORT

Booking # 243173	*JM243173*		Status Active
Date/Time 12/14/2020 11:10	Cell Location OCDC, BOOKING, CELL 113, 03		
Booking Officer MURDAUGH, K. (J336)	Name ID 86916		
Fingerprint Officer MURDAUGH, K. (J336)	Prior Bookings None		
Search Officer MATHIS, A. (J53)			
Fingerprint N/A	Security MIN		
Property Bins BOARD, CLEAR			
INMATE INFORMATION			
Name PARKER, DARYL LAMONT		Local ID (Names) N/A	



186916*

Local ID (Jail) N/A	SID N/A	FBI # [REDACTED]
Juvenile Adult	Country of Birth United States	Citizenship United States
Employer N/A	Religion Baptist	
Employer Address N/A	Employer Phone # N/A	
Attorney Unk	Attorney Phone # N/A	
AKA None		
Jail Alerts None		

CHARGES

Warrant #	Date Arrested	Officer	Agency	Charge	Charge: UCR	Type	Status	Bond: Amount	Status	Type
2015B3800100	12/14/2020	Inv King	OCSO	GENERAL SESSION BENCH WARRANT	987	M	PRET		ACTI	

NOTES

44-38861-1000
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-14-2010 BY 60322
UCBAW

Personally appeared me the aforesaid _____
being duly sworn deposes and says that defendant Daryl Lamont Parker
is within this county and state of or about 12/18/2012 violate the criminal laws of the
State of South Carolina for violation of _____
in the following particulars _____
N County _____ Municipality of Orangeburg
_____)
DESCRIPTION OF OFFENSE (Check the punishment check, or stop payment \$500 or less - In offense _____
_____)

e on comm

The date the check was

COUNTY:

grounds to believe that

DEFENDANT COPY

ROA 127

County

Municipality of

Orangeburg

THE STATE

Dani Lamont Parker

Personally appeared before me the undersigned, Walt Turner,
being duly sworn, deposes and says that defendant Dani Lamont Parker
was born on the county and state of South Carolina on 12-29-2012
State of South Carolina for purposes of County Orangeburg
the following particulars:

DESCRIPTION OF OFFENSE (Check fraudulent check, or stop payment, \$500 or less - 1st offense)

Turner state that there is a charge to believe that the defendant named above did commit
the crime for which and that probable cause is based on the following facts:

that on December 29, 2012 in the county of (Orangeburg), one Dani Lamont Parker did draw and utter check # 834, drawn on CPY
Federal Credit Union, made payable to (Peggy Wigley) in the amount of \$124.68 and from such check did receive cash, merchandise
or other consideration. The check was deposited within 10 days and was returned from the bank marked insufficient funds, unable
to locate account or account closed. A certified letter was mailed to the Defendant but there has been no response and restitution
has not been made. This check was presented to the court for a warrant within 180 days of the date the check was written.

Signature of Affiant

STATE OF SOUTH CAROLINA

County

Municipality of

Orangeburg

Affiant's Address

P.O. Box 1525
Orangeburg, SC 29116

Affiant's Telephone

(803) 533-6252

ARREST WARRANT

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

RETURN

On or about 12-29-2012

at which time I saw the above affiant that they are responsible for delivering this

to County Orangeburg

as set forth herein

DESCRIPTION OF OFFENSE (Check fraudulent check, or stop payment, \$500 or less - 1st offense)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me, pursuant to the oath and according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as
soon thereafter as is practicable.
Sworn to and subscribed before me
on 5-28-2013

Judge's Address

Post Office Box 9000
Orangeburg, SC 29116

Judge's Telephone

(803) 533-5848

Judge Code

5909

Issuing Court

Magistrate

Municipality

Circuit

RETURN WARRANT TO

(Central Region Magistrate)

1540 Ellis Avenue

P.O. Box 9000

Orangeburg, SC 29116

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

County of Orangeburg
Municipality of Orangeburg

THE STATE

Daryl Lamont Parker

against

County of Orangeburg
Municipality of Orangeburg
Daryl Lamont Parker
12-13-2012
Orangeburg
DESCRIPTION OF OFFENSE: Checks - fraudulent check, or stop payment, \$500 or less - 1st offense

Prosecuting Agency: Orangeburg County Solicitors' Office
Prosecuting Officer: Walt Turner - 0001
Offense (Check): fraudulent check, or stop payment, \$500 or less - 1st offense
Offense Code: 00670
Criminal Offense Stat: 34-11-0060

The warrant is CERTIFIED FOR SERVICE in the County of Orangeburg

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

(L S)

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 12-19-2012

Signature of Defendant: Daryl Lamont Parker

RETURN WARRANT TO:

Central Region Magistrate
1540 Ellis Avenue
P. O. Box 9000
Orangeburg, SC 29116

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

I, the undersigned, being a peace officer in the County of Orangeburg, State of South Carolina, do hereby certify that the above named and common law set forth and that probable cause is based on the following facts:
That on December 13, 2012 in the County of Orangeburg, one Daryl Lamont Parker did draw and utter check # 836, drawn on CPM Federal Credit Union, made payable to Piggly Wiggly in the amount of \$149.27 and from such check did receive cash, merchandise or other consideration. The check was deposited within 10 days and was returned from the bank marked insufficient funds, unable to locate account or account closed. A certified letter was mailed to the Defendant but there has been no response and resolution has not been made. This check was presented to the court for a warrant within 180 days of the date the check was written.

Signature of Affiant

Walt Turner

STATE OF SOUTH CAROLINA
County of Orangeburg

Adams Address: P.O. Box 1525
Orangeburg, SC 29116
Adams Telephone: (803)533-0252

ARREST WARRANT

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

On or about 12-13-2012, I, the undersigned, being a peace officer in the County of Orangeburg, State of South Carolina, do hereby certify that the above named and common law set forth and that probable cause is based on the following facts:
That on December 13, 2012 in the County of Orangeburg, one Daryl Lamont Parker did draw and utter check # 836, drawn on CPM Federal Credit Union, made payable to Piggly Wiggly in the amount of \$149.27 and from such check did receive cash, merchandise or other consideration. The check was deposited within 10 days and was returned from the bank marked insufficient funds, unable to locate account or account closed. A certified letter was mailed to the Defendant but there has been no response and resolution has not been made. This check was presented to the court for a warrant within 180 days of the date the check was written.

DESCRIPTION OF OFFENSE: Checks - fraudulent check, or stop payment, \$500 or less - 1st offense
Having found probable cause and the above affiant having sworn before me you are empowered and directed to arrest the said defendant and bring him or her before the court to be dealt with according to law. A copy of this Arrest Warrant shall be served to the defendant at the time of its execution or as soon thereafter as is practicable.
Sworn to and subscribed before me on 12-13-2012

Signature of Affiant: Daryl Lamont Parker

Adams Address: Post Office Box 9000
Orangeburg, SC 29116
Adams Telephone: (803)533-5848

Judge Code: 5909

Issuing Court: X Magistrate

Municipal Court

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

DEFENDANT COPY

STATE OF SOUTH CAROLINA

County of Orangeburg

State of South Carolina

IN THE SUMMARY COURT

DISCHARGE

vs.

Daryl Lamont Parker

DEFENDANT(S)

DISCHARGE

By Derrick F. Dash, Judge in and for the County and state aforesaid,

To the Sheriff and Keeper of the Common Jail in the said County:

The Defendant, Daryl Lamont Parker, having been committed to your custody for the charge of:

Case number	Charge	Trial Court	Bond Type	Amount
2013A3810700638	Checks / Fraudulent check, or stop payment, \$500 or less - 1st offense	Central Region Magistrate	Personal Recogniza	\$200.00
2013A3810700639	Checks / Fraudulent check, or stop payment, \$500 or less - 1st offense	Central Region Magistrate	Personal Recogniza	\$200.00
2013A3810700689	Checks / Fraudulent check, or stop payment, \$500 or less - 1st offense	Central Region Magistrate	Personal Recogniza	\$200.00

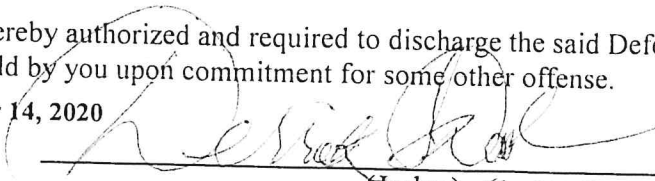
ag

has posted bond of type

Personal Recognizance in the amount of \$600.00

and having given bond as required by the Court, you are hereby authorized and required to discharge the said Defendant from your custody. Provided that said Defendant is not held by you upon commitment for some other offense.

GIVEN UNDER MY HAND AND SEAL THIS DAY December 14, 2020


(Judge) 2-14-22 (Seal)

Orangeburg County, SC

BENCH WARRANT

THE STATE 11500853

VS.

Daryl L Parker



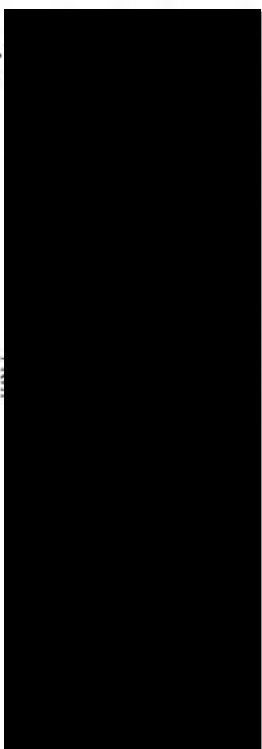
Bench Warrant No 2015B3800100171

Case No

2012683800353

J698100

RSCG Receiving stolen goods, value \$2,000
or less



Date Served 12-14-2022 Served by

DL No 090648204

DL State

SC

Shirley H

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG
State of South Carolina

v.

Daryl Parker,

Defendant.

IN THE COURT OF GENERAL SESSIONS
2012GS3800353

ORDER TO
LIFT BENCH WARRANT

CLERK OF COURT
ORANGEBURG, SC

201 FEB - 2 AM 8:55

WINNIE B. CLARK

This matter came before me on Motion of Skyler B. Hutto of the law firm Williams & Williams, attorney for Defendant requesting that this Court lift a bench warrant issued on Defendant for failure to pay court fines in 2015 on the above charges. Defendant has served far more than the maximum sentence for this charge in the Orangeburg-Calhoun Detention Center.

I am hereby ordering the bench warrant to be lifted for Defendant and that Defendant has served the totality of his sentence.

IT IS SO ORDERED.

PRESIDING CIRCUIT COURT JUDGE
FIRST JUDICIAL CIRCUIT

_____, 2021
_____, South Carolina

ATTEST: TRUE COPY
Winnifred B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

ORANGEBURG COUNTY DETENTION CENTER

PROPERTY RELEASE FORM

I, DARY PALMER give the following person permission
(Inmate Name)

to receive property other than clothing items (shirts, pants, skirt, dress and shoes) to the following individual:
Leticia Goodwin FIANCE
(Full Name) (Relationship)

The Orangeburg County Detention Center will no longer be responsible for the items released once I have signed it over to the person I have indicated. The property to be released is listed below:

my wallet

Dary Palmer
(Inmate Signature)

12-15-20
(Date)

Leticia Goodwin
(Signature of Person Receiving Property)

12/15/2020
(Date)

Lynette Ryan, Capt
(Signature of Witness)

12-15-20
(Date)

South Carolina SC USA **DRIVER'S LICENSE** **DL**

NOT FOR FEDERAL IDENTIFICATION

06/07/1982

17 Wgt: 150 18 Hgt: 5'-07"
9 Class: D 18 Eyes: BRO
12 Restrictions: A 9a End: None

5 DD 3800380102241928748

[Signature]
Governor

Picture ID is required from the person receiving the listed property and must be verified by the inmate listed prior to releasing ANY property.

ORANGEBURG COUNTY DETENTION CENTER
PROPERTY RELEASE FORM

I, DARYL PALMER give the following person permission
(Inmate Name)

to receive property other than clothing items (shirts, pants, skirt, dress and shoes) to the following individual:

Leticia Goodwin FRANCIE
(Full Name) (Relationship)

The Orangeburg County Detention Center will no longer be responsible for the items released once I have signed it over to the person I have indicated. The property to be released is listed below:

my wallet

Daryl Palmer 12-15-20
(Inmate Signature) (Date)

(Signature of Person Receiving Property) (Date)

(Signature of Witness) (Date)

Picture ID is required from the person receiving the listed property and must be verified by the inmate listed prior to releasing ANY property.

ORANGEBURG COUNTY DETENTION CENTER
INMATE MASK DISTRIBUTION SHEET

On today, January 14, 2021, Inmate Parker, Daryl received
two (2) washable face Masks.

Daryl Parker
Inmate's Signature

M. Wms.
Officer's Signature

January 29, 2021

BY MAIL AND HAND DELIVERY

Orangeburg-Calhoun Detention Center
1520 Ellis Avenue, Orangeburg, SC, 29115

RE: Wrongful Imprisonment of Daryl Parker

To Staff of the Orangeburg-Calhoun Detention Center -

I am writing to address the wrongful imprisonment of my client, Daryl Parker.

Mr. Parker is apparently being held on Bench Warrant number 2015B3800100171 in relation to indictment 2012GS3800353. On this indictment, Mr. Parker was sentenced to a \$100 fine or 30 days in jail. The maximum that this charge carries is 30 days in jail, which as you know would only require 21 days of service to complete under South Carolina statutes. He arrived at the detention center on December 14, 2020, so he has now been there 46 days.

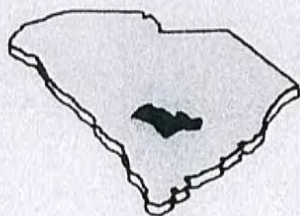
Mr. Parker has served more than double the maximum sentence allowed for this charge and under this bench warrant, and I hereby demand his immediate release. He cannot be punished further. His current imprisonment is cruel and unusual punishment and is a violation of his right to due process.

Every moment that Mr. Parker is in the detention center only increases the damages he is experiencing.

Kind Regards,



Skyler B. Hutto



ORANGEBURG COUNTY
DETENTION CENTER
P.O. DRAWER 9000
ORANGEBURG, S.C. 29116-9000
VERNETIA B. DOZIER, DIRECTOR
TELEPHONE: 803/539-2093
VDOZIER@ORANGEBURGCOUNTY.ORG



February 1, 2021

Skyler B. Hutto
1281 Russell Street
Post Office Box 1084
Orangeburg, SC 29116

RE: DARYL PARKER

Attorney Hutto:

I am writing about your letter dated January 29, 2021, about Inmate Parker, Daryl.

According to our records, Mr. Parker was booked into the Detention Center on three (3) fraudulent check charges and a General Sessions Bench Warrant. On 12-14-20, Mr. Parker went to court for fraudulent checks and received a personal recognizance bond from Judge Dash. The General Sessions Bench Warrant is still pending.

After receiving your letter, the Clerk's Office was contacted to see if Mr. Parker was issued a discharge, or if the Bench Warrant was lifted. I was informed that no discharge or lift was issued for the Bench Warrant. Currently, it is still active in their system.

Sincerely,

Leola McCutchen
Booking Captain

O.C.D.C BOOKING CARD

NAME Parker Daryl
(LAST) (FIRST) (MIDDLE)

[REDACTED]

AGE HEIGHT WEIGHT

SEARCHING OFFICER LT. Mathis Off. Pitman

12-14-2020
DATE ARRESTED

1040
TIME IN

I ALU King
ARRESTING OFFICER

OCSU
AGENCY

I ALU King
SIGNATURE OF ARRESTING OFFICER

SIGNATURE OF RECEIVING OFFICER

CHARGES

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

ASBW
CHECK FRAUD X 3

over

1. Is this inmate suicidal? Yes ___/No ☒
2. Did this inmate say he/she is suicidal or want to injure him/herself? Yes ___/No ☒
3. Do you have any knowledge of this inmate having mental problems? Yes ___/No ☒
4. Did this inmate threaten her/himself or others? Yes ___/No ☒
5. Did the inmate refuse medical treatment? Yes ☒/No ___
6. Did the inmate have a weapon? Yes ___/No ☒
7. What was the inmate's state on the scene? Normal
8. Was the inmate in an accident (car), etc.? no
9. Was the inmate hostile? Did the arresting Officer fight with the inmate? Yes ___/No ☒
10. Is the inmate under the influence of alcohol/drugs? Yes ___/No ☒

Remarks: _____

Arresting Officer's Signature: Irv King

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG) IN THE COURT OF COMMON PLEAS
)
) FIRST JUDICIAL CIRCUIT

DARYL LAMONT PARKER,)
)
 Plaintiff,)
)
 v.)
)
ORANGEBURG COUNTY,) **ORDER**
)
 Defendant.)

)

This matter came before me on July 19, 2022, upon the motion of Defendant Orangeburg County for Summary Judgment. Skyler B. Hutto appeared for the Plaintiff. Alison Dennis Hood appeared for the Defendant. Following a hearing on this matter, I make the following findings of fact and conclusions of law.

FINDINGS OF FACT

On December 14, 2020, Plaintiff was booked into the Orangeburg County Detention Center on three counts of violating §34-11-60, S. C. Code of Laws (fraudulent checks: Warrants #2013A3810700638, #2013A3810700639, #2013A3810700689). At that time, Plaintiff was served with an outstanding Bench Warrant (#2015B3800100171), in Case Number: 2012GS3800353. The Bench Warrant states that it was issued following the failure to comply with a court order / failure to pay fees following a guilty plea for receiving stolen goods (Case Number: 2012GS3800353). On January 29, 2021, Plaintiff's criminal defense attorney sent a letter to the jail, inquiring about Plaintiff's continued incarceration, which continued from December 14, 2020 forward. On February 1, 2021, the jail responded, in writing, notifying

Plaintiff's counsel that the outstanding warrant was still active. On February 2, 2021, Plaintiff sought an Order to lift the Bench Warrant, which was granted by Judge Dickson. Following the issuance of the February 2, 2021 Order, the Bench Warrant was lifted and Plaintiff was released from the jail.

According to the Complaint in this action, Plaintiff has sued Orangeburg County, for two causes of action: Negligence / Gross Negligence and Wrongful Imprisonment. All causes of action were leveled against the County, which owns and operates Orangeburg County Detention Center. Plaintiff alleges he is entitled to damages stemming from the continued detention between December 14, 2020 and February 2, 2021.

For the reasons contained herein, I find that Plaintiff is not entitled to recover damages from Defendant Orangeburg County, as a matter of law. Summary judgment is appropriate in this case.

STANDARD OF REVIEW

Summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRPC. To determine if any genuine issue of material fact exists, the evidence and all inferences that can reasonably be drawn therefrom must be viewed in the light most favorable to the nonmoving party. *Id.*

“Summary judgment should be granted only where it is perfectly clear that no genuine issue of material fact exists and inquiry into facts is not desirable to clarify application of the law.” *Wortman v. Spartanburg*, 310 S.C. 1, 4, 425 S.E. 2d 18, 20 (1992). “The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Rule

56(c), SCRCF. “[A]n adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.” Rule 56(e), SCRCF.

CONCLUSIONS OF LAW

Plaintiff asserts a first cause of action for false imprisonment against Defendant Orangeburg County, which owns and operates Orangeburg County Detention Center. In order to recover under a theory of false imprisonment, the complainant must establish (1) the defendant restrained him; (2) the restraint was intentional; and (3) the restraint was unlawful. *Andrews v. Piedmont Air Lines*, 297 S.C. 367, 377 S.E.2d 127 (Ct. App. 1989). *See also Jones v. City of Columbia*, 301 S.C. 62, 64, 389 S.E.2d 662, 663 (1990) (holding an action for false imprisonment cannot be maintained where one is arrested by lawful authority); *Jones by Robinson v. Winn-Dixie Greenville, Inc.*, 318 S.C. 171, 175, 456 S.E.2d 429, 432 (Ct. App. 1995); Patrick Hubbard & Robert L. Felix, *The South Carolina Law of Torts* 455 (4th ed. 2011); *see also Wallace v. Kato*, 549 U.S. 384, 388, 127 S. Ct. 1091, 166 L.Ed.2d 973 (2007) (“False arrest and false imprisonment overlap; the former is a species of the latter.”) This case turns on the third prong of the test. Plaintiff was admitted to the jail on December 14, 2020, lawfully, pursuant to outstanding warrants, including the Bench Warrant at issue in this case. Plaintiff’s continued detention was pursuant to a Bench Warrant, which required that continued detention, on its face.

“It has long been the law that one arrested pursuant to a facially valid warrant has no cause of action for false arrest.” *Bushardt v. United Inv. Co.*, 121 S.C. 324, 330, 113 S.E. 637, 639 (1922), cited affirmatively in *Carter v. Bryant*, 429 S.C. 298, 306, 838 S.E.2d 523, 528 (Ct. App. 2020),

reh'g denied (Feb. 20, 2020), *cert. denied* (Oct. 19, 2020). “If a plaintiff suing for false arrest ‘has shown that the arrest and imprisonment of which he complains was made under legal process, regular in form, and lawfully issued and executed, then he has proved himself out of court.” *McConnell v. Kennedy*, 29 S.C. 180, 186-87, 7 S.E. 76, 78 (1888). The Bench Warrant in this case provides lawful authority for Plaintiff’s detention from December 14, 2020, until his release on February 2, 2021, when the Bench Warrant was revoked.

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

Further, there can be no liability on the part of this Defendant for booking Plaintiff into the jail or detaining Plaintiff in compliance with the bench warrant under any theory of negligence or gross negligence. In fact, this detention, from December 14, 2020 until February 2, 2021, was required by law.

Pursuant to Rule 30(c), SCRCrimP, “It is the continuing duty of the Sheriff, and of other appropriate law enforcement agencies in the County, to make every reasonable effort to serve bench warrants.”

The Orangeburg County Clerk of Court, Winnifa Clark, is a State Constitutional Officer, under Article V, §24, of the South Carolina Constitution, whose deputy clerks serve at her

pleasure and under her direction, pursuant to §14-17-60, S. C. Code of Laws. The Clerk and the Clerk's office are not under the administration or supervision of Orangeburg County. The Orangeburg County Clerk of Court is not a party to this action. The South Carolina Constitution, South Carolina statutes, and South Carolina common law all clarify that Orangeburg County and the Orangeburg County Clerk of Court are distinct legal entities, which cannot be conflated, under South Carolina law. The Clerk of Court is not an employee of Orangeburg County under §15-78-30(c), S. C. Code of Laws. Pursuant to §15-78-60(20), S. C. Code of Laws, Orangeburg County cannot be held liable for the acts or omission of those it does employ, lacking both the right to control or terminate such employees. *See Faile v. South Carolina Department of Juvenile Justice*, 350 S.C. 315, 566 S.E.2d 536, 543 (2002). *See also, for example, Poloschan v. Simon*, 2014WL1713562 (April 28, 2014). Therefore, even if this Bench Warrant was issued or maintained improperly, Defendant Orangeburg County cannot be liable for the circumstances surrounding its issuance or persistence.

Further, under the South Carolina Tort Claims Act, a governmental entity is not liable for a loss resulting from the "responsibility or duty including but not limited to supervision, protection, control, confinement, or custody of any inmate, except when the responsibility or duty is exercised in a grossly negligent manner." §15-78-60(25), S. C. Code of Laws. "Gross 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." *Clyburn v. Sumter County Sch. Dist. No. 17*, 317 S.C. 50, 53, 451 S.E.2d 885, 887 (1994). "It is the failure to exercise even the slightest care." *Faile v. South Carolina Dep't of Juvenile Justice*, 350 S.C. 315, 331-32, 566 S.E.2d 536, 544 (2002). "While gross negligence ordinarily is a mixed question of law and fact, when the evidence supports but one reasonable inference, the question becomes a matter of law

for the court.” *Etheredge v. Richland Sch. Dist. One*, 341 S.C. 307, 310, 534 S.E.2d 275, 277 (2000).

The South Carolina Tort Claims Act provides immunity to Defendant in these circumstances, if the Defendant can demonstrate it used “slight care.” “The fact that the [governmental entity] might have done more does not negate the fact that it exercised, ‘slight care.’” *See Etheredge*, 341 S.C. at 312, 534 S.E.2d at 278. Defendant has presented evidence of ‘slight care’ in this case.

On January 29, 2021, Plaintiff’s attorney notified the jail, in writing, questioning Plaintiff’s continued detention. On February 1, 2021, the jail responded that detention center staff had confirmed that the warrant was still active. On February 2, 2021, Plaintiff moved the Court for an Order setting aside the bench warrant, which was granted. The necessity of having a Judge void the outstanding Bench Warrant is further evidence of its validity at the time of the detention. At the time of the Order lifting the Bench Warrant, Plaintiff was released from the jail. The jail had no discretion to release Plaintiff upon request. Orangeburg County Detention Center administration and staff do not have the authority or discretion to ignore, modify, or dismiss a Bench Warrant.

Orangeburg County Detention Center used, at minimum, slight care, to confirm the outstanding bench warrant. Under §15-78-60(25), S. C. Code of Laws, summary judgment is appropriate in this case. *See Clyburn v. Sumter County School Dist. No. 17*, 317 S.C. 50, 451 S.E.2d 885 (1994); *see also Faile v. South Carolina Dept. of Juvenile Justice*, 350 S.C. 315, 566 S.E.2d 536 (2002).

Defendant is further immune from suit under §15-78-60(2), S. C. Code of Laws, Defendant which provides that the Defendant is not liable for any loss resulting from

administrator action or inaction of a judicial or quasi-judicial nature. In this case, the issuance and service of a bench warrant for outstanding fees / failure to comply with a prior order of the court cannot create liability against the county-run detention center for honoring the facially valid warrant.

Under §15-78-60(3), S. C. Code of Laws, Defendant is further immune for a loss resulting from the execution, enforcement, or implementation of the orders of any court or execution, enforcement or lawful implementation of any process. In this case, Plaintiff cannot hold Defendant liable for detaining Plaintiff pursuant to a bench warrant. The case directly concerns the implementation of a court order. Plaintiff's alleged damages arise from the implementation of a bench warrant. Defendant County cannot be liable for these losses.

Under §15-78-60(4), S. C. Code of Laws, Defendant is immune for any losses resulting from the adoption, enforcement, or compliance with any law. Pursuant to §24-5-10, S. C. Code of Laws, the Orangeburg County Detention Center is under the obligation to house any person delivered to the jail pursuant to a facially valid bench warrant and does not have discretion to refuse to accept an individual so delivered. In the absence of discretion to refuse to house such individuals, Defendant cannot be held liable for detaining an inmate pursuant to a facially valid, and in this case confirmed-active, bench warrant.

Being in derogation of sovereign immunity, the provisions of the South Carolina Tort Claims Act are to be strictly construed against liability, pursuant to §15-78-20(f), S. C. Code of Laws.

NOW THEREFORE,

IT IS HEREBY ORDERED, the Defendant's Motion for Summary Judgment is GRANTED, thereby ending this case in its entirety, with prejudice.

AND IT IS SO ORDERED.

_____, 2022

_____, SC

Diane Schafer Goodstein
Chief Administrative Judge
First Judicial Circuit



Orangeburg Common Pleas

Case Caption: Daryl Parker VS Orangeburg County

Case Number: 2021CP3800106

Type: Order/Summary Judgment

It is so Ordered!

s/Diane S. Goodstein

Electronically signed on 2022-08-16 10:37:58 page 9 of 9

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS COUNTY
OF ORANGEBURG	)	FIRST JUDICIAL CIRCUIT
	)	Case Number: 2021-CP-38- 00106
	)	
Daryl Parker,	)	
	)	
Plaintiff,	)	
	)	MOTION TO RECONSIDER
vs.	)	
	)	
Orangeburg County,	)	
	)	
<u>Defendant.</u>	)	

COMES NOW, Plaintiff, Pursuant to the South Carolina Rules of Civil Procedure to petition this Court to Reconsider its Order Granting Summary Judgement in this matter. A hearing was held on this matter July 19, 2022. Present for Plaintiff was Skyler Hutto, and present for Defendant was Alison Hood.

Plaintiff has brought suit in this matter under the Tort Claims Act, claiming that he was housed and held against his will by the Orangeburg County Detention Center for longer than the maximum sentence possible under the warrant under which he was held. Plaintiff was held on a Bench Warrant on the charge of Receiving Stolen Goods, under \$2000. This charge carries a maximum of 30 days (21 days with good time credit) under South Carolina law. Plaintiff was held for over double this amount of time.

In its complaint, Plaintiff claims that Defendant was grossly negligent. Specifically, Plaintiff alleged the following failures:

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

- g. Failure to make any prosecuting agency of the fact that Plaintiff's sentence had expired.

While the Court's Order firmly addresses part A of the aforementioned failures, Plaintiff contends that the Order does not contemplate the remaining failures in full. Defendant's failure to adequately notify any Court, Clerk of Court, or other agency of the maximized sentence of the Defendant may amount to Gross Negligence.

There are questions of fact in this matter as to the duties that Defendant owed to Plaintiff. *See e.g., Wright v. PRG Real Est. Mgmt., Inc.*, 426 S.C. 202, 219, 826 S.E.2d 285, 294 (2019) ("We conclude there are questions of fact that a jury must resolve to ascertain whether a duty of care arose in this case"). There are also questions of fact as to whether the Defendant breached these duties to Plaintiff as contemplated by the exceptions to the Tort Claims Act. Plaintiff testified that he did not understand the reason for which he was held. Defendant testified that it was or could have been aware of the maximum sentence for Plaintiff's underlying charges. Whether or not these and other facts amounted to gross negligence on the part of Defendant in its failure to notify any other entities to Defendant's detention is a question of fact to be resolved by a jury.

PLAINTIFF SO MOVES,

August 22, 2022
Orangeburg, South Carolina

/s/ Skyler Hutto #102741
Skyler B. Hutto, Esquire
WILLIAMS & WILLIAMS
Post Office Box 1084
Orangeburg, South Carolina 29116
(803) 534-5218 phone
(803) 536-6544 fax
skyler@williamsattys.com

ATTORNEYS FOR PLAINTIFF

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP3800106

Daryl Parker
PLAINTIFF(S)

Orangeburg County
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:

The Court has reviewed the Rule 59 motion and there are no new issues and the Court's decision granting summary judgement is reaffirmed.

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 09/26/2022 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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.



Orangeburg Common Pleas

Case Caption: Daryl Parker VS Orangeburg County

Case Number: 2021CP3800106

Type: Order/Electronic Form 4

It is so Ordered!

s/Diane S. Goodstein

Electronically signed on 2022-09-26 14:23:10 page 3 of 3



Orangeburg County First Judicial Circuit Public Index



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Switch View

The State of South Carolina VS Daryl L Parker

Case Number:	J698100	Court Agency:	General Sessions	Filed Date:	01/05/2012
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Houser, Barney Medford	Disposition Judge:	Dickson, Edgar W.
Disposition:	Pled Guilty				
Disposition Date:	07/23/2012	Date Received:	01/04/2012	Arrest Date:	12/20/2011
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS3800353	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Summary

Fine/Costs:	\$347.63	Total Paid for fine/costs:	\$0.00	Balance Due:	\$347.63
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Costs

Description	Cost Code	Amount	Charge Action	Disbursed Amount
Victim Conviction Surcharge \$100 / \$25	CVSRCH	\$100.00		\$0.00
Law Enforcement Funding Surcharge \$25	LEFSUR	\$25.00		\$0.00
Collection Fee 3%	CFEE3%	\$10.13		\$0.00
SC Criminal Justice Academy Training	SCCJAT	\$5.00		\$0.00
Fine to State 44%	AFINES	\$91.30		\$0.00
State Assessment	STAASM	\$63.45		\$0.00
Fine to General Fund	AFNEGF	\$52.75		\$0.00

Payments

Payment Date	Receipt Number	Entered By	Transaction Type Code	Payment Amount
None				