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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville Co.
Court of Common Pleas
The Hon. Brian M. Bibbons, Cir Court Judge

No. 2023-000061

Randall D. Price

Appellant

vs

Greenville Co. Sheriff's Office
and Deputy Compton

Respondent

FINAL BRIEF OF APPELLANT

Other counsel of record
Charles F Turner, Sr
325 Rocky Slope Rd. #201
Greenville, SC 29607

Randall D. Price
MacDougall C.I.
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STATEMENT OF ISSUES ON APPEAL

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

STATEMENT OF THE CASE

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

ARGUMENT

Judge Gibbons order of dismissal was in error when it failed to address my AMENDED complaint / issue SEE: Ex A (1.)

Which showed "FACTS" sufficient to constitute a cause of action. But here his dismissal / order failed to make specific of findings of facts and conclusions of law to my AMENDED Complaint / issues SEE Ex. B Thus

I filed a timely 59 (a) cert motion SEE Ex C which judge Gibbons denied SEE: Ex D

Here on Aug 26, 22 I appeared via video before judge Gravely - per judge Gravely order (1.) The amended complaint was properly filed see Ex A.

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

Which on Nov. 18 2023 I appeared before judge
Gibbons upon my AMENDED complaint/issues
SEE Ex A and F tr

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

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

Here in my AMENDED complaint SEE Ex A

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

DATE: July 31, 2023

Respectfully submitted
Rendall D Rin

CERTIFICATE OF COUNSEL

I do hereby certify that my final brief
complies with rule 211(b) SCACR

DATE: July 31 2023

Sincerely
Randell
D
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