

STATE OF SOUTH CAROLINA)
COUNTY OF MCCORMICK)

IN THE COURT OF COMMON PLEAS)
ELEVENTH JUDICIAL CIRCUIT)

Bryantavious K. Murray,)

C/A NO. 2018-CP-35-00074)

Plaintiff,)

vs.)

ORDER)

Lt. Geoffrey Rice, Lt. Ronald Cook, Lt.)
James Thompkins, Sgt. Jeremy McCary,)
Major Frank Mursier, Joseph Stevens,)
Leroy Cartledge, Vera Courson, and)
South Carolina Department of)
Corrections,)

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AUG 21 2023

SC Court of Appeals

Defendants.)

This matter is before me on Defendant South Carolina Department of Corrections' (hereinafter SCDC) Motion to Dismiss. A hearing was held on this matter on July 17, 2023 at which time Steven M. Pruitt appeared on behalf of Defendant and Plaintiff appeared pro se. For the reasons discussed below, the Court grants Defendant's Motion and dismisses Plaintiff's action.

Plaintiff filed this action alleging employees or agents of Defendant used excessive force against him on April 8, 2016. Plaintiff filed this action on August 28, 2018, but Defendants were not served. On February 1, 2019, the Court mailed Plaintiff a Dormant File Notice in which Plaintiff was instructed to file "an appropriate motion or Affidavit of Service" within 10 days or his action would be dismissed. There is no indication in the Court record that Plaintiff filed a motion or affidavit of service. On February 25, 2019, the Court issued an Order dismissing Plaintiff's action for failing to serve Defendants. Plaintiff then filed a letter and additional materials, including the Complaint, in April 2023. One copy of the Complaint was delivered to the SCDC General Counsel on May 25, 2023 by the Richland County Sheriff's Department.

Defendant moved to dismiss first on the basis that Plaintiff's action was previously dismissed. The Court agrees. As stated above, an Order was issued on February 25, 2019 dismissing Plaintiff's action. As Plaintiff's action has been dismissed by prior Order of the Court. Plaintiff cannot continue to pursue this action and Defendant's Motion to Dismiss is granted.

Defendant also moved to dismiss Plaintiff's action because it is barred by the two-year statute of limitations found in the South Carolina Tort Claims Act. South Carolina Code Ann. §15-78-110 (Supp. 2021). Section 15-78-110 of the South Carolina Code states "[e]xcept as provided for in Section 15-3-40, any action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered" South Carolina Code Ann. §15-78-110 (Supp. 2021). Plaintiff in his Complaint claims that the incident which is the subject of his claim occurred on April 8, 2016. According to Court records, Plaintiff initially filed this action on August 28, 2018, more than four months beyond the two-year statute of limitations. Therefore, Plaintiff's action is barred by the two-year statute of limitations found in the South Carolina Tort Claims Act and is dismissed.

Only Defendant SCDC has appeared in this action and this Motion was filed only on behalf of Defendant SCDC. The Court would note that there is no evidence in the record that the remaining Defendants have been served. The Court finds that the grounds for dismissal discussed above would apply to all Defendants and based on the above, Defendant's Motion to Dismiss is granted and Plaintiff's action is dismissed as to all Defendants.

IT IS SO ORDERED.

The Honorable R. Lawton McIntosh

_____, 2023
McCormick, South Carolina

N. W. Shaw
C.I.
Cyp31

K **U** INMATE TRUST FUND ACCOUNT REPORT
for SOUTH CAROLINA COURT FILING FEES
SCDC-FINANCIAL ACCOUNTING

FEB. 16 2018

INSTRUCTIONS TO INMATE: Complete top portion then ~~return to Prison~~ ^{MAIL ROOM} ~~return to Prison~~. When
~~received from Accounting, you must mail this form with any payment to the Court.~~

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Bryan Jarvis N. Murray Bryan Jarvis Murray

SCDC# 356418 INMATE SIGNATURE: Bryan Jarvis Murray

I plan to file this action in the SC County of McCormick South Carolina

The section below is for SCDC - Financial Accounting Branch's use ONLY.

- (1) Total deposits to inmate's account for preceding six months' period* \$ 0
- (2) Twenty percent (20%) of line 1 \$ 0
- (3) Account balance - current date \$ 0
- (4) PAYMENT AMOUNT **
(lesser of line 2 or line 3)
Enclosed check # _____ \$ 0

**NOTE to COURT: If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections
Financial Accounting - Room 234
PO Box 21787
Columbia, SC 29221-1787

RECEIVED

FEB 27 2018

*Admission date is noted here if inmate incarcerated less than six months _____

KSCI MAIL ROOM

[Signature]

2/22/18

Supreme Court of the State of South Carolina
Appellate Division

Brunshaw K. Murray
Plaintiff

- VS -

South Carolina Department of Corrections
Full Capacity

Court:

Richland County

CIA NO. 2018-CP-35-00074

Pursuant to Rule 210, U.S.C. of Appeals Plaintiff moves for an order appointing Counsel to represent him in this case. In support of this motion Plaintiff states:

- 1) Plaintiff is unable to afford Counsel he has requested leave to proceed in forma pauperis.
- 2) Plaintiff states a trial in this case will likely involve conflicting testimony and Counsel would better enable Plaintiff to represent evidence and examine witnesses.

Wherefore Plaintiff Request that Counsel be Court Appointed a Member of the S.C. BAR OR S.C. APPEAL COURT

DATE: 7-29-2023

SIGNATURE: Brunshaw K. Murray

ADDRESS: 2156 Cresthill Drive
Columbia S.C. 29223

STATE OF SOUTH CAROLINA

COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS

Bryantavious Murray

Plaintiff

RETURN OF THE CIVIL APPEAL

Vs.

SCDC, et al; full capacity

Defendant(s)

This matter is on appeal from the Magistrate Court of MCCORMICK County South Carolina, the Honorable Mcintosh Presiding Judge.

The Plaintiff filed a (an) Complaint and summons on 2-28-2018, against the Defendant(s) alleging the following: use of excessive force by (Co.) officers, lawyers, and medical malpractice

served the Defendant on [REDACTED] 5-25-2023

by Richland County. The Defendant answered on June-12-2023 stating: June-12-2023 was their response stating that the motion and action has been received and should be time barred, and dismissed.

The Defendant filed a counterclaim on Rule 41.(c). The matter was heard 7/17/2023 on 7-17-2023. The ruling was issued in favor of Defendants lie time barrier

on the claim the Court awarded the following: NON MONEY DAMAGES

time bar, dismissed without prejudice, and to allow to
amend, and of Appeal

The Court ruled for the defendants on the counterclaim, the Court awarded the following

Dismiss Complaint

The proceedings were (Check Appropriate Box)

- Recorded electronically.
- Recorded by a court reporter.
- Recorded in writing by the judge.

The Notice of Appeal was served upon the Court by 7 on 22/2023

The jury list was prepared pursuant to S.C. Code Ann. (Check Appropriate Box)(Answer if Applicable)

- § 22-2-80. Selection of jury list for a single trial.
- § 22-2-90. Selection of jury list for scheduled terms of jury trials.

and the Plaintiff and Defendant(s) were given an opportunity to exercise challenges on

Rule 41(b)

The Plaintiff called the following witnesses, and a summary of their testimony is attached.

- | | |
|---------------|----------------|
| 1. <u>Now</u> | 2. _____ |
| 3. _____ | 4. _____ |
| 5. _____ | 6. _____ |
| 7. _____ | 8. _____ |
| 9. _____ | 10. <u>Now</u> |

The Defendant called the following witnesses and a summary of their testimony is attached.

- | | |
|---------------|-------------------------|
| 1. <u>Now</u> | 2. <u>Steven Pruitt</u> |
| 3. _____ | 4. _____ |
| 5. _____ | 6. _____ |
| 7. _____ | 8. _____ |
| 9. _____ | 10. <u>Now</u> |

The Plaintiff made the following motions. A summary of the Plaintiff's and Defendant's position on each motion and the Court's ruling is attached.

1. NON
2. See motion and Affidavit to Apprais (P)
3. ~~See motion and Affidavit to Apprais (P)~~
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. NON

The Defendant made the following motions. A summary of the Plaintiff's and Defendant's position on each motion and the Court's ruling is attached.

1. See motion to strike back dismissal (P)
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

The Plaintiff offered the following items into evidence.

1. Affidavits
2. ~~B~~ incident reports
3. ~~incident reports~~ Malpractice incident reports
4. ~~Camera statements~~
5. ~~Malpractice incident reports~~ medical incident reports
6. ~~6~~
7. Camera statements
8. ~~9~~
9. Medical incident reports
10. _____

The Defendant raised the following objections to the items that the Plaintiff sought to introduce into evidence:

1. time barred
2. Dismissal/Non prejudice
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

A summary of the Defendant's and Plaintiff's position and the Court's ruling on the objection is attached.

The Defendant offered the following items into evidence:

- | | |
|--|---|
| 1. <u>now</u> | 2. <u>They had not been served</u> |
| 3. <u>now Plaintiff Dismissal</u> | 4. <u>Plaintiff Dismissal New Counterclaim</u> |
| 5. _____ | 6. <u>Now Counterclaim</u> |
| 7. _____ | 8. _____ |
| 9. _____ | 10. <u>now</u> |

The Plaintiff raised the following objections to the items that the Defendant sought to introduce into evidence:

- | | |
|------------------------|--|
| 1. <u>Counterclaim</u> | 2. <u>First Date Preplaint Billing</u> |
| 3. <u>SCSTRCS 41</u> | 4. _____ |
| 5. _____ | 6. _____ |
| 7. _____ | 8. _____ |
| 9. _____ | 10. _____ |

A summary of the Plaintiff's and Defendant's position and the Court's ruling on the objection is attached.

The Court issued the following Judgment Order to dismiss Complaint, and Summary time barred which should have been corrected 5 months back disclosure.

Attached are copies of the items which are checked.

- Summons and Complaint Other: _____
- Summons and Claim and Delivery
- Landlord-Tenant Rule to Show Cause
- Answer
- Counterclaim
- Judgment -
- Writ of Ejectment -
- Order
- Jury List
- List of witnesses and a summary of their testimony.
- List of motions, a summary of the parties positions and this court's ruling.
- List of items offered into evidence, a summary of objections, and court's ruling.
- Documents and exhibits put into the record.
- Notice of Appeal.

State of South Carolina
County of McCormick

Brunswick V. Murray
Plaintiff.

vs.

Lt. Bradley Rice, Lt. Ronald Cook,
Lt. James Thompson, Sgt. Jerome
McClure, Major Hank Mueller,
Olson Stevens, Leroy Cartledge,
Vera Louison, and South Carolina
Department of Corrections, et al
Defendants.

FILED
GWENDOLYN W. WILSON
AUG - 1 P 4 02
CLERK OF COURT
McCORMICK COUNTY, S.C.

In the Court of Common Pleas
Eleventh Judicial Circuit

CLA No. 2018-CP-35-00074

Motion to Strike back
against defendants motion
to dismiss.

To: Defendants listed above, and Attorney

Plaintiff moves for Court to voluntarily dismiss defendants motion to dismiss
complaint on ground of:

- 1.) That Plaintiff filed complaint in Federal Court as civil. Court on
1-17-17 within the 2 years statute of limitations from 4-8-2016,
and filed state torts claim Act Civil Dkt: 3-8-2018 see back of
complaint on original copy 1st suit filed with assault to battery. Plaintiff
filed, then voluntarily dismissed the complaint with the court within
10 days business before the defendants could get served to refile
within (6) years. See rule 41(a) (1) SC TORTS CLAIMS CIVIL
Procedure "Where Plaintiff wish the case to not be dismissed.
- 2.) At the time Plaintiff request only by Court order on terms that the
Court consider proper Plaintiff for the Plaintiff's complaint. If a
defendant has pleaded a counterclaim before being ~~served~~
with the Plaintiff's motion to dismiss which should be considered

Prejudice in for the defendants.. Defendants did not state
state a Counterclaim before Judgment Date: filed 3-8-2018
Wherefore Plaintiff demand ~~just~~ trial... on date
7-17-2023 @ 10:00 @ Richland County Court House...

Signed: Brian Thomas Munro
Date 6-21-2023

State of South Carolina
McCormick County
Brentwood K. Murray
Plaintiff

- vs -

SCDC et. al
Full Capacity
Defendants

FILED
OVERSEER
2018 AUG -1 P 8:02

CLERK OF COURT
McCORMICK COUNTY

The Court of Common Pleas
11th Circuit

Document No. 2018-CP-35-00074

Motion and Affidavit to Amend
Court order Re Judgment

Comes now the Plaintiff moving in accordance to Rule 59(c) to move to amend the ~~judge's~~ decision on grounds that Plaintiff was served with Summons on 3-16-2018 by Court BY MS BUFFY HUGHES the McCormick County Clerk of Court. See Attachment exhibited of the evidence date that the Summons and Complaint came in on the Court records and Plaintiff respectfully request the Honorable Judge McIntosh to go back to amend or replace Plaintiff on the Joint Trial Roster. Plaintiff would state that that Judge McIntosh didn't receive the Complaint and Summons from MS Buffy Hughes until 8-28-2018 which delayed and harmed the Plaintiff's time, money and case, which would show that of Court Jurisdiction

2.) Plaintiff would go on to state that he advised that the first Complaint on 2-28-2018 which would not matter to his claims, since the Defendants did not state a Counter Claim that Rule 41 (A) on Plaintiff's claims on 3-8-2018 Plaintiff provided the defendants, and filed with a voluntarily dismissal Affidavit to dismiss the Plaintiff's complaint which could have easily gotten lost in the mail to send to the defendants, which he sued for an excessive amount of punitive damages which could have not secured and harmed Plaintiff's claims to be heard.

Plaintiff would do well to state that the claims be allowed unless without the
preference for the dismissal of the complaint and to the ability to state
on grounds that he sustained more than a fair and equal damages in
Permanet injuries from the defendants (men) caused more than greater than
a 5% chance that the defendants are intentionally and aware know
of the the Plaintiff's injury and withdrawal to prevent Court order
from judgment should be granted by Judge Minkush.

Signed: Arundhati Minkush

Dated: April-19-2023

Address: 2156 Crestline Drive Columbia SC 29223

New Case

STATE OF SOUTH CAROLINA

CASE NO. 2018CP3574

COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS

2018 08 28 F 247

STATE OF SOUTH CAROLINA

Bryantavious Murray
PLAINTIFF(S)

SCDC
DEPENDANT(S)

CHECK ALL THAT APPLY:

RE: INMATE FILING OF CIVIL SUITS:

() THE PLAINTIFF, AN INMATE WITH THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, (HAS/HAS NOT) COMPLIED WITH SECTION 24-27-100.

() THE CLERK OF COURT IS HEREBY ORDERED (TO FILE/NOT TO FILE) THE WITHIN ACTION.

THE SCDC SHALL DEDUCT THE FILING FEE FROM THE PRISONER'S TRUST ACCOUNT PURSUANT TO SECTION 24-27-160 AND SHALL FORWARD THE FUNDS TO THE CLERK OF COURT FOR MCCORMICK COUNTY, SOUTH CAROLINA. *This includes service fees.*

Dated at McCormick, SC, this 28th Date of August, 2018

Al Lee Lee
Chief Administrative Judge

Attorney(s) for Plaintiff

Attorney(s) for Defendant

Entered &
Mailed to
Judge Utilation
3/10/18

Bobby Hayes
Clerk of Court
Jepson

\$8.00

Check

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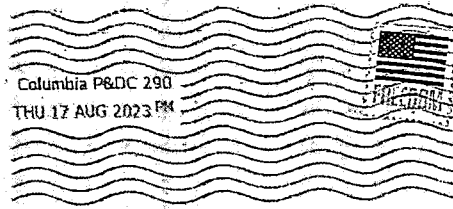
AUG 21 2023

SC Court of Appeals

Proof of Service

Date: ~~August~~ -15-2023

Bryant Lewis K. Murray
2156 Cresthill Drive
Columbia, SC 29223



RECEIVED
AUG 21 2023
SC Court of Appeals

Court of Appeals
1200 Senate Street
Columbia, SC 29201

