

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Greenville County  
Court of Common Pleas

RECEIVED

AUG 28 2023

The Honorable Brian M. Gibbons, Circuit Court Judge  
Lower Case No. 2022-CP-23-03040

SC Court of Appeals

Case No. 2023-000061

Randall D. Price,

APPELLANT,

v

Greenville County Sheriff's  
Office and Deputy Compton,

RESPONDENTS,

AMENDED RECORD ON APPEAL

Randall D. Price

MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeway, SC 29472

APPELLANT / prose

Charles F. Turner, Jr., Bar No. 64996  
J. Nathan Ozmint, Bar No. 103783

Willson Jones Carter & Baxley  
325 Rocky Slope Rd., Ste. 201  
Greenville, SC 29607  
(864) 213-4146

Counsel for Respondents

State of: South Carolina  
County of: Beckley  
The foregoing instrument was acknowledged  
before me 28 day of August, 2023.  
Your Name Here, Notary Public  
My Commission Expires 07-12-2024

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

FORM 4

JUDGMENT IN A CIVIL CASE

1

CASE NO. 2022CP2303040

Randall D Price  
PLAINTIFF(S)

Deputy Compton et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

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

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

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

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

**ORDER INFORMATION**

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

**For Clerk of Court Office Use Only**

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

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

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

2

**Court Reporter:**

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

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STATE OF SOUTH CAROLINA

COUNTY OF Greenville

Randall D. Price

Plaintiff,

vs.

Greenville Co. Sheriff's Office et al

Defendant.

IN THE COURT OF COMMON PLEAS  
JUDICIAL CIRCUIT

3

CASE NO.: 2022-CP-23-03040

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

Plaintiff's Attorney:

Randall D Price, Bar No. N/A

Address:

1516 Old Gilliard Rd Ridgeville SC

Phone:

Fax

29472

E-mail:

Other:

Defendant's Attorney:

Charles F Turner, Bar No.

Address: 325 Rocky Slope Road

Suite 201 Greenville SC 29607

Phone: 864 213-4146

Fax

864-373-7058

E-mail: jnozminkow@jbaw.com

- ☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)  
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)  
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion: 59(c)(1) motion

Estimated Time Needed: 10 min's

Court Reporter Needed: ☒ YES / ☐ NO

**SECTION II: Motion/Order Type**

- ☒ Written motion attached  
☐ Form Motion/Order

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

Signature of Attorney for ☒ Plaintiff / ☐ Defendant

Date submitted

**SECTION III: Motion Fee**

☐ PAID - AMOUNT: \$

☐ EXEMPT:

(check reason)

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

**JUDGE'S SECTION**

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other:

JUDGE CODE \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

**CLERK'S VERIFICATION**

Collected by: \_\_\_\_\_

Date Filed: \_\_\_\_\_, 20\_\_

☐ MOTION FEE COLLECTED: \$ \_\_\_\_\_

☐ CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

4

#

2022-CP-23-03040

Randall D. Price

vs

Plaintiff

Greenville County Sheriff's  
Office and Deputy Compton

Defendants

NOTICE AND MOTION  
FOR A

59(a) (e)

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

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

attached per S.C. Code Ann § 59(a).

5

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

---

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

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

DATE: Dec 1, 22

Respectfully submitted  
Rendall B Price



Greenville Common Pleas

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

So Ordered

s/Brian M. Gibbons #2168 Circuit Judge

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP2303040

Randall D Price  
PLAINTIFF(S)

Deputy Compton et al  
DEFENDANT(S)

## DISPOSITION TYPE (CHECK ONE)

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

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

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

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

## ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

## For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/22/2022.

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

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

RECEIVED  
JAN 17 2023  
SC Court of Appeals

60

**Court Reporter:**

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

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STATE OF SOUTH CAROLINA

COUNTY OF Greenville

Randal D. Price

Plaintiff,

vs.

Greenville Co. Sheriff

Defendant.

IN THE COURT OF COMMON PLEAS  
JUDICIAL CIRCUIT

CASE NO.: 2022-CP-23-03040

MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET

ENTERED COMPUTER

22 NOV 4 4:10:22  
2022 NOVEMBER 03 09:50

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                                                                                                                     |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Plaintiff's Attorney:</b><br><u>Randal D. Price</u> , Bar No. _____<br>Address: <u>1516 Old Billiard Rd.</u><br><u>Ridgely, SC 29472</u><br>Phone: _____ Fax: _____<br>E-mail: _____ Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | <b>Defendant's Attorney:</b><br><u>Charles F. Turner</u> , Bar No. _____<br>Address: _____<br>Phone: _____ Fax: _____<br>E-mail: _____ Other: _____ |  |
| <input checked="" type="checkbox"/> <b>MOTION HEARING REQUESTED</b> (attach written motion and complete SECTIONS I and III)<br><input type="checkbox"/> <b>FORM MOTION, NO HEARING REQUESTED</b> (complete SECTIONS II and III)<br><input type="checkbox"/> <b>PROPOSED ORDER/CONSENT ORDER</b> (complete SECTIONS II and III)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                                                                     |  |
| <b>SECTION I: Hearing Information</b><br>Nature of Motion: <u>Motion to leave to amend and Amended Complaint</u><br>Estimated Time Needed: <u>20 minutes</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                                                                                                                     |  |
| <b>SECTION II: Motion/Order Type</b><br><input checked="" type="checkbox"/> Written motion attached<br><input type="checkbox"/> Form Motion/Order<br>I hereby move for relief or action by the court as set forth in the attached proposed order.<br>Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant _____, 20____<br>Date submitted _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                                                                                                     |  |
| <b>SECTION III: Motion Fee</b><br><input type="checkbox"/> PAID - AMOUNT: \$ _____<br><input type="checkbox"/> EXEMPT: (check reason)<br><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support<br><input type="checkbox"/> Domestic Abuse or Abuse and Neglect<br><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party<br><input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief<br><input type="checkbox"/> Motion for Stay in Bankruptcy<br><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)<br><input type="checkbox"/> Proposed order submitted at request of the court; or,<br>reduced to writing from motion made in open court per judge's instructions<br>Name of Court Reporter: _____<br><input type="checkbox"/> Other: _____ |  |                                                                                                                                                     |  |
| <b>JUDGE'S SECTION</b><br><input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.<br><input type="checkbox"/> Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | JUDGE CODE _____<br>Date: _____, 20____                                                                                                             |  |
| <b>CLERK'S VERIFICATION</b><br>Collected by: _____ Date Filed: _____, 20____<br><input type="checkbox"/> MOTION FEE COLLECTED: \$ _____<br><input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                                                                                     |  |

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

Randall D. Price

Plaintiff

vs

Greenville Co. Sheriff's

Office et al.

Defendants

IN THE COURT OF COMMON PLEAS

#

2022-CP-23-03040

NOTICE AND MOTION  
TO

LEAVE TO AMEND

22 NOV 4 AM 10:22  
FBI GREENVILLE SC

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

Please see attached Amended Complaint.

DATE: 10/6/2022

Sincerely

Randall D Price

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

#

2022-CP-23-03040

Randall D. Price

Plaintiff

vs

Greenville Co. Sheriff's  
Office and Deputy  
Compton

Defendants

AMENDED

COMPLAINT

jury trial demanded

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

PARAGRAPH (1)

Deputy Compton is sued in his individually and official capacity.

PARAGRAPH (2)

I argue against I & II of the judges

1 of 7

order. And further argue that Deputy Compton was GROSS NEGLIGENCE when he interacted with Dalton Tayler. his conduct failed out-side the scope of his MINISTERIAL duties. When Deputy Compton failed to ticket and or arrest MR. Tayler, who was operating an unsafe moped in VIOLATION of S.C. Code Annot 56-2-3070 In part (E) a person may not operate a moped on a public Hwy. that has a speed limit of greater, than 55 miles per hour (F) No lights on moped. 56-1-1760 Never displayed moped license Also see 56-2-3000 and 56-1-1720. And with drugs on him and in his system.

### PARAGRAPH (3)

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

as argued above, Deputy Compton did not exercise any slight due care. Which caused the domino affect, resulting in my damages. In which Deputy Compton reasonably knew or should have known of the foreseeable danger not only to Mr. Taylor - danger/injury to anyone, that would be on the same Hwy with Mr. Taylor, as in my case SEE Ex A Inv. Sium interview of Michael Burns

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

question of law and fact and should be presented to the jury, unless the evidence supports only one reasonable inference.

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

And, where Deputy Compton told Mr. Taylor, "that you ain't got no lights, you gonna wind up getting HURT." Here Mr. Taylor asked Deputy Compton "if he can make it to the Spinx" Deputy Compton says "Man that is super unsafe dude and way too far"

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

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

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

#### PARAGRAPH (4)

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

#### PARAGRAPH (5)

I further argue resulting in my damages

2020 Chevrolet Silverado 271 out of pocket  
 \$30,000.00; loss of job \$77.00. a year / 2020 made  
 \$250.00 and pain and suffering.

## PRAYER FOR RELIEF

WHEREFORE, I respectfully prays that this  
 Hon. Court to fully rule upon all  
 issues in my amended complaint;  
 reverse its finding and grant me  
 a jury trial on all issues triable by  
 a jury. And, compensatory, punitive  
 damages in the amount per 15-78-120 (a)  
 (1) And, any further relief this court  
 deems just and fair.

DATE: 10/16/2022

Respectfully submitted  
 Randall D Price

SEE: Attached verification

## VERIFICATION

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

SUBSCRIBED to before me, Randall Price  
 this 6<sup>th</sup> day of October 2022  
Lauren Wade  
 Notary Public

My Commission Expires 04-12-2031

Michael Burns Interview

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

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

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

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

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

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

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Randall D. Price,

Plaintiff,

vs.

Greenville County Sheriff's Office and  
Deputy Compton,

Defendants.

IN THE COURT OF COMMON PLEAS

C.A. No.: 2022-CP-23-03040

DEFENDANTS' ANSWER TO  
PLAINTIFF'S AMENDED COMPLAINT

(JURY TRIAL REQUESTED)

The Defendants, above-named, answering the Amended Complaint of the Plaintiff herein, would respectfully show unto this Honorable Court that:

**FOR A FIRST DEFENSE**

1. Plaintiff has sent to Defendants, but has not filed, a Motion to Amend Complaint and an Amended Complaint. To the extent necessary, the following is to serve as Defendant's Answer to Plaintiff's Amended Complaint. In an Order filed September 22<sup>nd</sup>, 2022, the Honorable Perry Gravely granted Defendant's Motion to Dismiss Plaintiff's Complaint; Judge Gravely ordered that the Plaintiff be given leave of twenty (20) days, during which he could file an Amended Complaint curing deficiencies in his Complaint. Judge Gravely noted in his order that his dismissal would be considered a dismissal with prejudice if the Plaintiff failed to file an Amended Complaint within twenty (20) days.
2. The Defendants deny the allegations contained in Paragraph One of the Plaintiff's Amended Complaint.
3. The Defendants deny the allegations contained in Paragraph Two of the Plaintiff's

Amended Complaint.

4. The Defendants deny the allegations contained in Paragraph Three of the Plaintiff's Amended Complaint.
5. The Defendants deny the allegations contained in Paragraph Four of the Plaintiff's Amended Complaint.
6. The Defendants deny the allegations contained in Paragraph Five of the Plaintiff's Amended Complaint.

**FOR A SECOND DEFENSE**

7. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
8. The Defendants allege that the Amended Complaint of the Plaintiff fails to state facts sufficient to constitute a cause of action against them and, therefore the Plaintiff's Amended Complaint should be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

**FOR A THIRD DEFENSE**

9. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
10. The Defendants allege that any personal injuries or property damages sustained by the Plaintiff, as alleged in the Amended Complaint, were due to and caused by the sole acts of negligence, recklessness and wantonness on the part of the Plaintiff and that the sole negligence, recklessness and wantonness of the Plaintiff was the proximate cause of his injuries.

**FOR A FOURTH DEFENSE**

11. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
12. The Defendants allege that if any injuries and damages were sustained by the Plaintiff, said injuries and damages were caused by the greater negligence and/or willfulness of the Plaintiff, which exceeds the negligence and/or willfulness, if any, on the part of the Defendants, without which greater negligence and/or willfulness on the part of the Plaintiff, said alleged injury or damage would not have occurred or been sustained and for that reason, the Plaintiff is totally barred from recovery.

**FOR A FIFTH DEFENSE**

13. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
14. Alternatively, the Defendants allege that if any injuries and damages were sustained by the Plaintiff, said injuries and damages were caused by the negligence and/or willfulness of the Plaintiff, combining, concurring, and contributing with the negligence and/or willfulness, if any, on the part of the Defendants, and for that reason the Plaintiff's recovery, if any, shall be reduced in proportion to the amount of his own negligence.

**FOR A SIXTH DEFENSE**

15. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
16. The Defendants allege that even if they were negligent or reckless in any respects which is expressly denied, and admitted solely for the purpose of this defense and

no other, they are not liable to the Plaintiff for the resulting damages of the Plaintiff, if any, because of the intervening negligent, grossly negligent, reckless, willful and wanton acts of a third party, which negligent and reckless were not reasonably foreseeable and intervened and acted as a direct and proximate cause of the collision, and the resulting damages, if any, sustained by the Plaintiff.

**FOR A SEVENTH DEFENSE**

17. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
18. The Defendants assert as an affirmative defense the Public Duty rule under South Carolina law.

**FOR AN EIGHTH DEFENSE**

19. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
20. The Defendants assert all rights and defenses under §15-78-30 (f) & (g) of the South Carolina Code of Laws; therefore, the Plaintiff's Amended Complaint should be dismissed.

**FOR A NINTH DEFENSE**

21. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
22. The Defendants assert all rights and defenses under §15-78-60; including but not limited to subsections, 1, 2, 3, 4, 5, 6, 13, 15, 20, 21, 23, and 25 of the South Carolina Code of Laws therefore the Plaintiff's Amended Complaint should be dismissed.

**FOR A TENTH DEFENSE**

23. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
24. The Defendants assert all defenses and immunities pursuant to §15-78-70 of the South Carolina Code of Laws; therefore, Plaintiff's Amended Complaint should be dismissed.

**FOR AN ELEVENTH DEFENSE**

25. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
26. The Defendants assert all defenses and immunities pursuant to §15-78-110 of the South Carolina Code of Laws and, therefore, the Plaintiff's Amended Complaint should be dismissed.

**FOR A TWELFTH DEFENSE**

27. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
28. The Defendants assert all rights and defenses under §15-78-120 of the South Carolina Code of Laws; including but not limited the limitation on damages and prohibition against punitive damages; therefore, the Plaintiff's Amended Complaint should be dismissed.

**FOR A THIRTEENTH DEFENSE**

29. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
30. The Defendants assert all defenses and immunities pursuant to §15-78-200 of the

South Carolina Code of Laws; therefore, Plaintiff's Amended Complaint should be dismissed.

**FOR A FOURTEENTH DEFENSE**

31. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
32. The Defendants hereby allege as an affirmative defense to Plaintiff's Amended Complaint, the equitable doctrine of estoppel, therefore, the Plaintiff's Amended Complaint should be dismissed.

**FOR A FIFTEENTH DEFENSE**

33. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
34. The Defendants hereby allege as an affirmative defense to Plaintiff's Amended Complaint, the equitable doctrine of waiver, therefore, the Plaintiff's Amended Complaint should be dismissed.

**FOR A SIXTEENTH DEFENSE**

35. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
36. Defendants allege the equitable defense of unclean hands; therefore, the Plaintiff's Amended Complaint should be dismissed.

**FOR A SEVENTEENTH DEFENSE**

37. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
38. The Defendants assert any other right, immunity or defense under the South

Carolina Tort Claims Act (§ 15-78-10 et seq. of the South Carolina Code of Laws) which was not previously raised herein as an affirmative defense to the Plaintiff's Amended Complaint; therefore, the Plaintiff's Amended Complaint should be dismissed.

**FOR AN EIGHTEENTH DEFENSE**

39. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
40. To the extent that punitive damages, as to the Defendants, are submitted to the jury, the Defendants plead the statutory limitations and caps as set forth in §15-32-530 in the South Carolina Code of Laws.

**FOR AN NINETEENTH DEFENSE**

41. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
42. The Defendants have not been properly served under South Carolina law and therefore, the Defendants assert all rights pursuant to Rule 12(b)(2), (4), and (5) of the South Carolina Rules of Civil Procedure, and request that the Plaintiff's Amended Complaint be dismissed.

**FOR A TWENTIETH DEFENSE**

43. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
44. The Defendants allege the defense of judicial estoppel, and request that the Plaintiff's Amended Complaint be dismissed.

**FOR A TWENTY-FIRST DEFENSE**

45. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
46. The Defendants allege the defense of *res judicata*, and request that the Plaintiff's Amended Complaint be dismissed.

WHEREFORE, the Defendants above-named, having answered the Amended Complaint of the Plaintiff herein, respectfully requests the Court to dismiss the Plaintiff's Amended Complaint, for costs in this action, and for such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

s/Charles F. Turner, Jr.

Charles F. Turner, Jr. (SC Bar # 64996)  
WILLSON JONES CARTER & BAXLEY, P.A.  
325 Rocky Slope Road, Suite 201  
Greenville, SC 29607  
Telephone: (864) 672-3711  
Facsimile: (864) 373-7055  
Email: cfturner@wjcblaw.com  
**ATTORNEY FOR DEFENDANTS**

Greenville, South Carolina  
October 26, 2022

|                                        |   |                                      |
|----------------------------------------|---|--------------------------------------|
| STATE OF SOUTH CAROLINA                | ) | IN THE COURT OF COMMON PLEAS         |
|                                        | ) |                                      |
| COUNTY OF GREENVILLE                   | ) | Civil Action No.: 2022-CP-23-03040   |
|                                        | ) |                                      |
| Randall D. Price,                      | ) |                                      |
|                                        | ) |                                      |
|                                        | ) |                                      |
| Plaintiff,                             | ) | <b>DEFENDANTS' MOTION TO DISMISS</b> |
|                                        | ) | <b>PLAINTIFF'S AMENDED COMPLAINT</b> |
| vs.                                    | ) |                                      |
|                                        | ) |                                      |
| Greenville County Sheriff's Office and | ) |                                      |
| Deputy Compton,                        | ) |                                      |
|                                        | ) |                                      |
| Defendants.                            | ) |                                      |

TO: THE PLAINTIFF RANDALL D. PRICE:

YOU WILL PLEASE TAKE NOTICE that the above-named Defendants hereby move the Court, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, for an Order dismissing the Plaintiff's Amended Complaint. The Defendants assert that under South Carolina law, the Plaintiff's Amended Complaint fails to state a cause of action against the Defendants and therefore the Plaintiff's Amended Complaint should be dismissed with prejudice. This motion is based upon the law of South Carolina and the pleadings filed with the Court.

Respectfully Submitted,

s/Charles F. Turner, Jr.

Charles F. Turner, Jr. (S.C. Bar #64996)  
 WILLSON JONES CARTER & BAXLEY, P.A.  
 325 Rocky Slope Road, Suite 201  
 Greenville, SC 29607  
 Phone: (864) 672-3711  
 Facsimile: (864) 373-7055  
 Email: [cfturner@wjcblaw.com](mailto:cfturner@wjcblaw.com)  
 Attorney for Defendants

October 26, 2022

|                                               |   |                            |
|-----------------------------------------------|---|----------------------------|
| STATE OF SOUTH CAROLINA                       | ) | COURT OF COMMON PLEAS      |
|                                               | ) |                            |
| COUNTY OF GREENVILLE                          | ) | CASE NO.: 2022-CP-23-03040 |
|                                               | ) |                            |
| Randall D. Price,                             | ) |                            |
|                                               | ) |                            |
| Plaintiff,                                    | ) | ORDER                      |
|                                               | ) |                            |
| vs.                                           | ) |                            |
|                                               | ) |                            |
| Greenville County Sheriff's Office and Deputy | ) |                            |
| Compton,                                      | ) |                            |
|                                               | ) |                            |
| Defendants.                                   | ) |                            |
|                                               | ) |                            |

On August 26, 2022, this matter came before the Court on Defendants' Motion to Dismiss. The Defendants were represented at the hearing by Nathan Ozmint of Willson, Jones, Carter & Baxley, P.A. The Plaintiff, *pro se*, appeared via video from the South Carolina Department of Corrections. After reviewing the motion, memorandum in support, and after hearing the oral arguments, this Court finds that the Defendants' Motion should be **GRANTED**. This ruling is based on the Plaintiff's failure to properly allege a cause of action against the Defendants. Accordingly, this Court conditionally dismisses Plaintiff's suit; upon receipt of the filed Order, Plaintiff shall have twenty (20) days to submit an Amended Complaint addressing the deficiencies as detailed below. If Plaintiff fails to file such an Amended Complaint within the time prescribed this dismissal shall be with prejudice.

### **BACKGROUND**

Plaintiff is an inmate housed at MacDougall Correctional Institution in Ridgeville, South Carolina. Plaintiff's present suit stems from a hit-and-run accident that occurred October 2, 2020. On that date, the South Carolina Highway Patrol responded to a hit-and-run that occurred on Highway 11 near Harvey Gosnell Road in Spartanburg County. Subsequently the Plaintiff, driving

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

### **STANDARD OF REVIEW**

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

### **FINDINGS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **II. Plaintiff Has Alleged No Fact Tending To Show That Defendants Breached Any Duty.**

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

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

## **III. Defendants Proximate Cause Argument.**

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

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

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

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

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

### CONCLUSION

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

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

**IT IS SO ORDERED.**

*E-Signature of Judge Gravely to follow.*

Greenville, SC



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State of South Carolina  
The Circuit Court of the Thirteenth Judicial Circuit

Perry H. Gravely  
Judge

Post Office Box 219  
Pickens, SC 29671

August 30, 2022

Via U.S. Mail

Randall D. Price – 00386694  
MacDougall Correctional Institution  
B2C-0022-A  
1516 Old Gilliard Road  
Ridgeville, SC 29472

Via E-mail

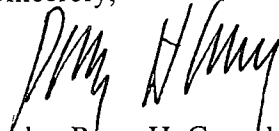
Nathan Ozmint  
Wilson, Jones, Carter & Baxley, P.A.  
325 Rocky Slope Rd, Ste 201  
Greenville, SC 29607

RE: Randall D. Price v. Greenville County Sheriff's Office and Deputy Compton

Gentlemen,

I have reviewed the Defendants' Motion and Memorandum and Complaint and considered arguments made at the Hearing. I find that the Defendants' Motion should be granted and would ask that Mr. Ozmint, within 10 days of this letter, submit a Proposed Order along the lines of his Memorandum and arguments in Court. This ruling is based on the premise that Mr. Price failed to properly allege a cause of action against the Defendants. The Order should state that this will be a conditional dismissal and Mr. Price will have 20 days from receipt of the filed Order to submit an Amended Complaint addressing these deficiencies. If he fails to do so by the deadline, then the dismissal will be final or with prejudice. I would advise Mr. Price that he does NOT need to file anything until after he receives a FILED copy of the Order. When Mr. Ozmint submits his Proposed Order, he needs to send a copy to Mr. Price as well—but this does not trigger the 20 days for filing the Amended Complaint because it will only be a Proposed Order and not a final, filed copy. When I get the Proposed Order, I will consider it and make any changes needed before issuing.

Sincerely,

  
Judge Perry H. Gravely  
13<sup>th</sup> Judicial Circuit

PHG/lde

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
# 2022 - CP 23 - 03040

Randall Price  
Plaintiff

vs

Greenville Co. Sheriff's  
Office et al  
Defendants

PLAINTIFF'S OBJECTION/  
ANSWER TO DEFENDANT'S  
ANSWER/MOTION TO DISMISS

ENTERED COMPUTER

NOW COMES the above named Plaintiff who moves this Hon.  
court in the above entitled matter. Which he recd the  
Defendants answer Aug 16, 22 which was dated Aug 2, 22.

This objection/answer will be based upon the following's

### PARAGRAPH (1)

I agree in part: to the Defendant's 1st defense  
But, deny the remaining answers contained in  
the Defendant's answers/motion to dismiss.  
As argued in my complaint, I re-argue verbatim.

### PARAGRAPH (2)

I deny the Defendant's 2nd defense

I further adopt and re-argue each and every answer set forth above and not inconsistent herewith, as if fully repeated herein.

And, I further argue, that I have stated facts sufficient to constitute a cause of action against the Defendants.

Here, the Defendants admitted interference with Deputy Compton, whether he stopped him or not. Deputy Compton could not still failed out-side the scope of his ministerial duties. But allowed Mr. Taylor to continue on his way with drugs on him and in his system.

Also, operating an unsafe moped in violation of 56-2-3070 In part: (E) a person may not operate a moped on a public way, that has a speed limit of greater than 55 miles per hour (F) the lights on moped 56-1-1760. He was displayed moped license. Also see 56-2-3060 and 56-1-1720 as the evidence and my VERIFIED complaint shows.

## PARAGRAPH (3)

I deny the Defendants 3<sup>rd</sup>, 4<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and 17<sup>th</sup> defenses. I further argue/adopt and re-argue each and every answer(s) set forth above and not inconsistent herewith, as if fully repeated herein. Where the Defendants are not entitled to any immunities, Because Deputy Compton clearly acted out-side of his ministerial duties. As argued in my complaint which I re-argue verbatim.

## PARAGRAPH (4)

I deny the Defendants 5<sup>th</sup>, 6<sup>th</sup> and 16<sup>th</sup> defenses. And, I further adopt and re-argue each and every answer(s) set forth above and not inconsistent herewith, as if fully repeated herein. I argue that my own actions was not

greater than that of the Defendants. Where Deputy Compton reasonably knew or should have known of the foreseeable, negligent/gross negligent when Deputy Compton told Mr. Taylor, that "you ain't got no lights, you gonna wind up getting hurt."

Mr. Taylor asked Deputy Compton "if he can make it to the Spinx. Deputy Compton says, "man that is super unsafe dude and way too far," as the evidence and my VERIFIED complaint shows

### PARAGRAPH (5)

I deny that Defendant's 18<sup>th</sup> defense in part and argue, that my punitive damages should be submitted to the jury per 15-32-530 and 15-78-120.

I further adopt and re-argue each and every answer(s) set forth above and not inconsistent herewith, as if fully repeated herein.

PARAGRAPH (6)

I deny the Defendant's 19<sup>th</sup> defense. I further adopt and re-argue each and every answer(s) set forth above and not in consistent herewith, as if fully repeated herein. I further argue, that the Defendant's was properly served July 11, 22 per green card certified return receipt SEE attached.

DATE: Aug 17, 2022

Respectfully submitted

James Oliver

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|                                               |   |                            |
|-----------------------------------------------|---|----------------------------|
| STATE OF SOUTH CAROLINA                       | ) | COURT OF COMMON PLEAS      |
|                                               | ) |                            |
| COUNTY OF GREENVILLE                          | ) | CASE NO.: 2022-CP-23-03040 |
|                                               | ) |                            |
| Randall D. Price,                             | ) |                            |
|                                               | ) |                            |
|                                               | ) |                            |
| Plaintiff,                                    | ) |                            |
|                                               | ) |                            |
| vs.                                           | ) | DEFENDANTS'                |
|                                               | ) | MEMORANDUM IN SUPPORT      |
|                                               | ) | OF THEIR MOTION TO         |
| Greenville County Sheriff's Office and Deputy | ) | DISMISS                    |
| Compton,                                      | ) |                            |
|                                               | ) |                            |
|                                               | ) |                            |
| Defendants.                                   | ) |                            |
|                                               | ) |                            |

---

TO: RANDALL D. PRICE, *PRO SE* PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE THAT Defendants Greenville County Sheriff's Office and Deputy Compton, by and through their attorneys, hereby move the Court, pursuant to the *South Carolina Rules of Civil Procedure*, for an Order Dismissing Plaintiff's Complaint. Defendant makes this motion pursuant to Rule 12(b)(6) of the *South Carolina Rules of Civil Procedure*.

### **BACKGROUND**

Plaintiff is an inmate housed at MacDougall Correctional Institution in Ridgeville, South Carolina. Plaintiff's present suit stems from a hit-and-run accident that occurred October 2<sup>nd</sup>, 2020. On that date, the South Carolina Highway Patrol responded to a hit-and-run that occurred on Highway 11 near Harvey Gosnell Road in Spartanburg County. Investigation revealed that the Plaintiff, driving a pick-up truck, struck a moped being driven by Dalton Taylor, killing Taylor. Investigation further revealed that Plaintiff fled the scene only to be arrested later. On December 8<sup>th</sup>, 2021, Plaintiff pled guilty to Hit and Run with Death.

### STANDARD OF REVIEW

“Under Rule 12(b)(6), SCRPC, a defendant may move to dismiss based on a failure to state facts sufficient to constitute a cause of action.” *Doe v. Marion*, 361 S.C. 463, 468, 605 S.E.2d 556, 559 (Ct. App. 2004) (citing *Flateau v. Harrelson*, 355 S.C. 197, 201, 584 S.E.2d 413, 415 (Ct. App. 2003)). “A trial judge in the civil setting may dismiss a claim when the defendant demonstrates the plaintiff has failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court.” *Marion*, 361 S.C. at 469. “Generally, in considering a 12(b)(6) motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint.” *Id.*

### ARGUMENT

Plaintiff alleges in the present suit that, on the night of the accident, Deputy Compton conducted a traffic stop of Taylor, who was driving his moped at the time. Plaintiff alleges that Taylor did not have his wallet on him and that his headlights did not work at the time of the traffic stop. Plaintiff further alleges that Deputy Compton advised Taylor it was not safe to drive to the Sphinx as Taylor had planned, and that Taylor’s family was not willing to pick him up where he was. Finally, Plaintiff alleges that Deputy Compton terminated the traffic stop, allowing Taylor to continue travelling on his moped with drugs on his person and in his system. Plaintiff alleges that, as a result of this, he hit and killed Taylor and has suffered damages including his twelve-year prison sentence, the loss of his truck, and the loss of his yearly salary.

Plaintiff brings the present suit praying for nominal, compensatory, punitive damages, and costs under the theory that Deputy Compton’s actions on the night of Plaintiff’s accident “caused” Plaintiff “to hit and kill Mr. Taylor.” Plaintiff does not state with any clarity under which theory of liability he pursues the present action, citing only the South Carolina Tort Claims Act. Reading

Plaintiff's Complaint liberally, however, in light of Plaintiff's invocation of causation and damages, it appears that Plaintiff brings suit for negligence.

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

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

Assuming, as we must, that Plaintiff's suit is brought pursuant to a negligence claim, Defendant's suit must fail where the Defendant's owed no duty to the Plaintiff.

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

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

Neither Defendant Compton nor the Greenville County Sheriff’s Office owed Plaintiff a duty of care, and thus no negligence may follow. “An affirmative legal duty to act may be created by statute, contract relationship, status, property interest, or some other special circumstance.” *Arthurs v. Aiken County*, 346 S.C. 97, 103 (2001). Accordingly, “a Plaintiff alleging negligence on the part of a governmental actor or entity may rely either upon a duty created by statute or one founded on the common law.” *Arthurs*, 346 S.C. at 104. Even if such a duty can be alleged, though, the Supreme Court has stated that,

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

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

Here, then, Defendants are shielded from Plaintiff’s claims by virtue of the fact that they owed no duty to the Plaintiff. Plaintiff has alleged no statute or common law duty. However, even taking Plaintiff’s Complaint as true, as the Court must in hearing the Defendants’ Motion to Dismiss, Plaintiff’s Complaint, even if based on some statutory or common law duty, is nonetheless barred by the public duty rule. Nor, had Plaintiff pled some particular duty, could he have shown that it was the sort of special duty that is excepted by the public duty rule. South Carolina Courts have been reluctant to find such special duties under statute, and have subjected

the inquiry to a six-part test which includes requirements that: “(1) an essential purpose of the statute is to protect against a particular type of harm; (2) the statute, either directly or indirectly, imposes a specific public officer a duty to guard against or not cause that harm; (3) the class of persons the statute intends to protect is identifiable before the fact; (4) the plaintiff is a person within the protected class; (5) the public officer knows or has reason to know the likelihood of harm to members of the class if he fails to do his duty; and (6) the officer is given sufficient authority to act in the circumstances or he undertakes to act in the exercise of his office.” *Arthurs*, 346 S.C. at 106.

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

## **II. Plaintiff Has Alleged No Fact Tending To Show That Defendants Breached Any Duty.**

Assuming *arguendo* that the Court finds some duty existed, the allegations raised by the Plaintiff in his Complaint, even presumed to be true, do not amount to any breach of duty. Plaintiff alleges, at most, the following: that Defendant Deputy Compton conducted a traffic stop involving the deceased, Dalton Compton, on the night of the accident and advised Mr. Compton that his moped was unsafe; that Defendant Deputy Compton had the deceased call his family to come and pick him; that Defendant Deputy Compton informed the deceased that it was unsafe to attempt to drive his moped to the Sphinx without headlights; and that Defendant Deputy Compton terminated the traffic stop without arresting the deceased. (Ex. 1, Complaint: pp. 2-3).

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

### **III. Defendants Did Not Proximately Cause Plaintiff's Damages.**

Plaintiff has also failed to allege that any alleged breach of the Defendants' duties caused the damages Plaintiff claims, where Plaintiff's damages stemmed not from the accident with Mr. Taylor, but from Plaintiff's own illegal actions in the moments after the accident and his subsequent plea thereto. Plaintiff lists and describes his damages in this suit as follows: "Freedom, 12 years for hit & run; 2020 Chevrolet Silverado Z71 out of pocket \$30,000, and loss of job \$77,000 a year / 2020 made \$250,000." (Ex. 1, Complaint: p. 4).

On December 8<sup>th</sup>, 2021, as referenced in Plaintiff's Complaint, Plaintiff pled guilty to Hit and Run Resulting in Death before the Honorable Letitia Verdin. At that hearing, Solicitor Barry Barnette of the Seventh Circuit Solicitor's Office made the following factual proffer:

May it please the Court, Your Honor. In this case, this occurred on October 2, 2020, approximately 11:00 p.m. or little bit shortly after that, Your Honor. A collision report on Highway 11 near Harvey Gosnell Road. It was investigated by the Highway Patrol, Your Honor. The collision involved a vehicle that left the scene after striking a moped, causing fatal injuries to the operator in this case, Your Honor. I have a copy of the MAIT team report where they show the dynamics of this and so forth to that.

The moped was a black-and-red moped, Your Honor. It was owned and operated by Dalton Taylor [of Greer], Your Honor, at that time. It was hit by a 2020 Chevrolet Silverado truck, Your Honor. Wind up being the owner and registered to Randall Price, which is the Defendant in this case, Your Honor.

Basically, when they arrived there, Your Honor, it was approximately three miles south of the city of Campobello here in Spartanburg County, Your Honor. When they reviewed it, Your Honor, basically they found – you'll see this on the pictures. I believe it's on page 5. They show up to the point of impact, and they'll show the

tire marks about where, basically, Mr. Dalton was found and where actually the moped was drug for about a mile, mile-and-a-half.

He got rid – basically the moped was got rid of at that time. He was left there in the road. Basically they got information, Highway Patrol did. They went to Mr. Price's residence, Your Honor. They saw the white truck in there, Your Honor. They had parts of the truck at the scene, they gathered. They went ahead and talked to Mr. Price at the time, Your Honor. He was placed under arrest. Basically he did make one statement: He died at the scene. This is on body cam before he invoked his rights at that point.

They actually got – and you'll see by the MAIT team report, they matched the pieces to the truck; to the truck itself.

The speed limit was 55, Your Honor. He was going a high rate of speed. Actually the box shows he actually accelerated at one point before making contact.

I'd like to – through their investigation, Your Honor, they made the charges. I'd like to hand these items up to you. And then I'll play the mother's statement at the appropriate time, Your Honor

(Exhibit 2, Plea Transcript: pp. 6-7). Judge Verdin then prompted Plaintiff, "Mr. Price, you heard the facts as stated by the Solicitor. I'll ask you again: How do you plea? Guilty or not guilty" to which Plaintiff responded, "I plea guilty." *Id.* at pp. 7-8. As a result of Plaintiff's plea, he was sentenced to twelve years confinement in the South Carolina Department of Corrections. *Id.* at p. 17.

Accordingly, no actions of the Defendants were the proximate cause of Plaintiff's injuries. "Proximate cause is established by proof of actual and legal causation. Actual causation is proved by establishing the injury would not have occurred "but for" the defendant's negligence while legal causation is proved by establishing foreseeability." *Hill v. York County Sheriff's Dep't*, 313 S.C. 303, 308 (Ct. App. 1993) (citing *Bramlette v. Charter-Medical-Columbia*, 302 S.C. 68, 393 S.E.2d 914 (1990)). Even taking the allegations of Plaintiff's Complaint as true, Deputy Compton was neither the actual nor legal cause of Plaintiff's injuries has he has pled them. Plaintiff has not

alleged that Deputy Compton had probable cause to arrest the deceased – accordingly, any failure to do so is not such an affirmative act that it could have been the actual cause of Plaintiff's injuries.

Assuming, though, that it was within Deputy Compton's discretion to ticket or arrest the deceased, Plaintiff has still failed to allege that Plaintiff's injuries were foreseeable. Plaintiff's injuries stem not from colliding with the deceased's moped; rather they stem from Plaintiff's intervening and superseding negligence and, most precisely, from his conviction for Hit and Run Resulting in Death. The South Carolina Supreme Court has specified that a Plaintiff "proves legal cause by establishing the injury in question occurred as a natural and probable consequence of the defendant's negligence." *Bramlette v. Charter-Medical-Columbia*, 302 S.C. 68, 72, 393 S.E.2d 914 (1990) (internal citations omitted). It is well established under South Carolina law that intervening or superseding negligence of the kind at issue in this case is not such a natural and probable consequence as can support legal causation. In *Newton v. South Carolina Pub. Rys. Comm'n*, the Supreme Court examined a case in which the South Carolina Railway Commission was negligent in maintaining a train crossing signal. *Newton v. South Carolina Pub. Rys. Comm'n*, 319 S.C. 430, 431 (1995). In that case, the respondent was waiting at a malfunctioning rail crossing, which constantly warned of an imminent train, when she was rear-ended by another driver, Ross. *Newton*, 319 S.C. at 431. The Supreme Court overturned the Court of Appeal's reversal of the trial judge's grant of the Railway Commission's Rule 12(b)(6) Motion to Dismiss, finding that "Ross's superseding negligence is not a natural and probable consequence of the Commission's negligence in failing to repair the malfunctioning crossing signal." *Id.* at 432. The Court went on to specify that,

The Court of Appeals misread *Bramlette* as holding that so long as any accident is foreseeable, whether the defendant is liable for the one which occurred is always a question of fact. The court overlooked the requirement that before there can be legal cause, the accident which occurred must be the natural and probable consequence

of the defendant's negligence. Here, it was foreseeable that an individual who, like Ross, knew of the malfunction would ignore the signal, fail to stop, and be hit by a train while crossing the track. This type of accident is a natural and probable consequence of the Commission's negligence. On the other hand, the negligence of Ross in failing to watch the roadway before the crossing is not chargeable against the Commission.

*Id.* at 432. The present case is just such a case. Assuming first that Defendant Deputy Compton even had discretion to ticket or arrest the deceased, it was perhaps foreseeable that the deceased might be injured if allowed to proceed on his moped. However, it was not the natural and probable consequence that another driver, striking the deceased, would flee the scene, only to later be arrested, charged, convicted, and sentenced to twelve years for the crime of Hit and Run Resulting in Death.

Of the damages complained of by Plaintiff, only one stemmed strictly from the accident with the deceased: Plaintiff's thirty-thousand-dollar expense to repair his truck. Even this, though, was not foreseeable to Defendant Deputy Compton, who at most could have possibly foreseen some injuries to the deceased. Even that, however, is incongruent with Plaintiff's Complaint, where Plaintiff admits that Defendant Deputy Compton cautioned the deceased about driving the moped and had the deceased call his family to pick him up.

Accordingly, Plaintiff's damages stem not from any act or omission committed by the Defendants; they stem only from his own actions and criminal conviction therefor.

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

Finally, even could Plaintiff overcome these clear deficits, Plaintiff's claims fall under the South Carolina Tort Claims Act and are subject to its limitations, under which the Defendants are entitled to immunity. S.C. Code Ann. § 15-78-20(b). According to the South Carolina Tort Claims Act, such governmental entities are not liable, "for a loss resulting from: [. . .] adoption, enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or

invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies,” or from “the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee.” S.C. Code Ann. §15-78-60(4); S.C. Code Ann. §15-78-60(5). Additionally, the South Carolina Tort Claims Act provides Immunity for the “execution, enforcement, or implementation of the orders of any court or execution, enforcement, or lawful implementation of any process.” S.C. Code Ann. §15-78-60(3).

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

### **CONCLUSION**

For the Foregoing reasons, Plaintiff prays for and Order dismissing Plaintiff’s Complaint with prejudice.

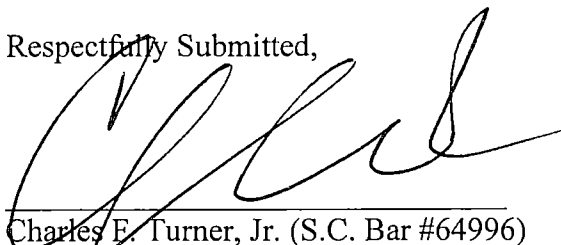
*(Signature page to follow)*

|                                        |   |                                      |
|----------------------------------------|---|--------------------------------------|
| STATE OF SOUTH CAROLINA                | ) | IN THE COURT OF COMMON PLEAS         |
|                                        | ) |                                      |
| COUNTY OF GREENVILLE                   | ) | Civil Action No.: 2022-CP-23-03040   |
|                                        | ) |                                      |
| Randall D. Price,                      | ) |                                      |
|                                        | ) |                                      |
|                                        | ) |                                      |
| Plaintiff,                             | ) |                                      |
|                                        | ) | <b>DEFENDANTS' MOTION TO DISMISS</b> |
| vs.                                    | ) | <b>PLAINTIFF'S COMPLAINT</b>         |
|                                        | ) |                                      |
| Greenville County Sheriff's Office and | ) |                                      |
| Deputy Compton,                        | ) |                                      |
|                                        | ) |                                      |
|                                        | ) |                                      |
| Defendants.                            | ) |                                      |

TO: THE PLAINTIFF RANDALL D. PRICE:

YOU WILL PLEASE TAKE NOTICE that the above-named Defendants hereby move the Court, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, for an Order dismissing the Plaintiff's Complaint. The Defendants assert that under South Carolina law, the Plaintiff's Complaint fails to state a cause of action against the Defendants and therefore the Plaintiff's Complaint should be dismissed with prejudice. This motion is based upon the law of South Carolina and the pleadings filed with the Court.

Respectfully Submitted,



Charles F. Turner, Jr. (S.C. Bar #64996)  
WILLSON JONES CARTER & BAXLEY, P.A.  
325 Rocky Slope Road, Suite 201  
Greenville, SC 29607  
Phone: (864) 672-3711  
Facsimile: (864) 373-7055  
Email: [cfturner@wjcbllaw.com](mailto:cfturner@wjcbllaw.com)  
Attorney for Defendants

August 2, 2022

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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Randall D. Price,

Plaintiff,

vs.

Greenville County Sheriff's Office and  
Deputy Compton,

Defendants.

IN THE COURT OF COMMON PLEAS

C.A. No.: 2022-CP-23-03040

DEFENDANTS' ANSWER TO  
PLAINTIFF'S COMPLAINT

(JURY TRIAL REQUESTED)

The Defendants, above-named, answering the Complaint of the Plaintiff herein, would respectfully show unto this Honorable Court that:

Said did not state  
a reason for - set.

**FOR A FIRST DEFENSE**

1. The Defendants specifically admit that on October 2, 2020, Deputy Compton interacted with Dalton Tayler who was stopped/sitting at the intersection of Few's Chapel Road and South Carolina Highway 14 in northern Greenville County; further, the Defendants would show that interaction is captured on both body worn camera video as well as in-car camera video of Deputy Compton and said videos speak for themselves; however, the Defendants deny the remaining allegations contained in the Plaintiff's Complaint which are in addition to or inconsistent with these admissions.

**FOR A SECOND DEFENSE**

2. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.

3. The Defendants allege that the Complaint of the Plaintiff fails to state facts sufficient to constitute a cause of action against them and, therefore the Plaintiff's Complaint should be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

**FOR A THIRD DEFENSE**

4. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.

5. The Defendants allege that any personal injuries or property damages sustained by the Plaintiff, as alleged in the Complaint, were due to and caused by the sole acts of negligence, recklessness and wantonness on the part of the Plaintiff and that the sole negligence, recklessness and wantonness of the Plaintiff was the proximate cause of his injuries.

**FOR A FOURTH DEFENSE**

6. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
7. The Defendants allege that if any injuries and damages were sustained by the Plaintiff, said injuries and damages were caused by the greater negligence and/or willfulness of the Plaintiff, which exceeds the negligence and/or willfulness, if any, on the part of the Defendants, without which greater negligence and/or willfulness on the part of the Plaintiff, said alleged injury or damage would not have occurred or been sustained and for that reason, the Plaintiff is totally barred from recovery.

**FOR A FIFTH DEFENSE**

8. The Defendants adopt and reallege each and every allegation set forth above, and

not inconsistent herewith, as if fully repeated herein.

9. Alternatively, the Defendants allege that if any injuries and damages were sustained by the Plaintiff, said injuries and damages were caused by the negligence and/or willfulness of the Plaintiff, combining, concurring, and contributing with the negligence and/or willfulness, if any, on the part of the Defendants, and for that reason the Plaintiff's recovery, if any, shall be reduced in proportion to the amount of his own negligence.

**FOR A SIXTH DEFENSE**

10. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
11. The Defendants allege that even if they were negligent or reckless in any respects which is expressly denied, and admitted solely for the purpose of this defense and no other, they are not liable to the Plaintiff for the resulting damages of the Plaintiff, if any, because of the intervening negligent, grossly negligent, reckless, willful and wanton acts of a third party, which negligent and reckless were not reasonably foreseeable and intervened and acted as a direct and proximate cause of the collision, and the resulting damages, if any, sustained by the Plaintiff.

**FOR A SEVENTH DEFENSE**

12. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
13. The Defendants assert as an affirmative defense the Public Duty rule under South Carolina law.

**FOR AN EIGHTH DEFENSE**

14. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
- ✓ 15. The Defendants assert all rights and defenses under §15-78-30 (f) & (g) of the South Carolina Code of Laws; therefore, the Plaintiff's Complaint should be dismissed.

**FOR A NINTH DEFENSE**

16. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
- ✓ 17. The Defendants assert all rights and defenses under §15-78-60; including but not limited to subsections, 1, 2, 3, 4, 5, 6, 13, 15, 20, 21, 23, and 25 of the South Carolina Code of Laws therefore the Plaintiff's Complaint should be dismissed.

**FOR A TENTH DEFENSE**

18. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
- ✓ 19. The Defendants assert all defenses and immunities pursuant to §15-78-70 of the South Carolina Code of Laws; therefore, Plaintiff's Complaint should be dismissed

**FOR AN ELEVENTH DEFENSE**

20. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
- ✓ 21. The Defendants assert all defenses and immunities pursuant to §15-78-110 of the South Carolina Code of Laws and, therefore, the Plaintiff's Complaint should be dismissed.

**FOR A TWELFTH DEFENSE**

22. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
- ✓ 23. The Defendants assert all rights and defenses under §15-78-120 of the South Carolina Code of Laws; including but not limited the limitation on damages and prohibition against punitive damages; therefore, the Plaintiff's Complaint should be dismissed.

**FOR A THIRTEENTH DEFENSE**

24. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
- ✓ 25. The Defendants assert all defenses and immunities pursuant to §15-78-200 of the South Carolina Code of Laws; therefore, Plaintiff's Complaint should be dismissed.

**FOR A FOURTEENTH DEFENSE**

26. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
- ✓ 27. The Defendants hereby allege as an affirmative defense to Plaintiff's Complaint, the equitable doctrine of estoppel, therefore, the Plaintiff's Complaint should be dismissed.

**FOR A FIFTEENTH DEFENSE**

28. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.
29. The Defendants hereby allege as an affirmative defense to Plaintiff's Complaint,

the equitable doctrine of waiver; therefore, the Plaintiff's Complaint should be dismissed.

**FOR A SIXTEENTH DEFENSE**

30. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.

✓ 31. Defendants allege the equitable defense of unclean hands; therefore, the Plaintiff's Complaint should be dismissed.

**FOR A SEVENTEENTH DEFENSE**

32. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.

✓ 33. The Defendants assert any other right, immunity or defense under the South Carolina Tort Claims Act (§ 15-78-10 et seq. of the South Carolina Code of Laws) which was not previously raised herein as an affirmative defense to the Plaintiff's Complaint; therefore, the Plaintiff's Complaint should be dismissed.

**FOR AN EIGHTEENTH DEFENSE**

34. The Defendants adopt and reallege each and every allegation set forth above, and not inconsistent herewith, as if fully repeated herein.

✓ 35. To the extent that punitive damages, as to the Defendants, are submitted to the jury, the Defendants plead the statutory limitations and caps as set forth in §15-32-530 in the South Carolina Code of Laws.

**FOR AN NINETEENTH DEFENSE**

36. The Defendants adopt and reallege each and every allegation set forth above, and

not inconsistent herewith, as if fully repeated herein.

37. The Defendants have not been properly served under South Carolina law and therefore, the Defendants assert all rights pursuant to Rule 12(b)(2), (4), and (5) of the South Carolina Rules of Civil Procedure, and request that the Plaintiff's Complaint be dismissed.

WHEREFORE, the Defendants above-named, having answered the Complaint of the Plaintiff herein, respectfully requests the Court to dismiss the Plaintiff's Complaint, for costs in this action, and for such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

s/Charles F. Turner, Jr.

Charles F. Turner, Jr. (SC Bar # 64996)  
WILLSON JONES CARTER & BAXLEY, P.A.  
325 Rocky Slope Road, Suite 201  
Greenville, SC 29607  
Telephone: (864) 672-3711  
Facsimile: (864) 373-7055  
Email: cfturner@wjcblaw.com  
**ATTORNEY FOR DEFENDANTS**

Greenville, South Carolina  
August 2, 2022

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLERandall D. Price

Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2022-CP-23-03040

vs.

Greenville Co. Sheriff's Office

Defendant(s)

Submitted By: Randall D. PriceAddress: MacD. Ct. 1516 OldGillard R. Ridgewood SC 29472

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

## DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.  
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.  
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.  
☐ This case is exempt from ADR. (Certificate Attached)

## NATURE OF ACTION (Check One Box Below)

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Contracts</b><br><input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Fraud/Bad Faith (150)<br><input type="checkbox"/> Failure to Deliver/Warranty (160)<br><input type="checkbox"/> Employment Discrim (170)<br><input type="checkbox"/> Employment (180)<br><input type="checkbox"/> Other (199) _____<br><b>Inmate Petitions</b><br><input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input checked="" type="checkbox"/> Other (599) <u>Tort Claims Act</u> | <b>Torts - Professional Malpractice</b><br><input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br>Previous Notice of Intent Case #<br>20 <u>-NI-</u> _____<br><input type="checkbox"/> Notice/ File Med Mal (230)<br><input type="checkbox"/> Other (299) _____<br><b>Administrative Law/Relief</b><br><input type="checkbox"/> Reinstate Drv. License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture-Petition (840)<br><input type="checkbox"/> Forfeiture-Consent Order (850)<br><input type="checkbox"/> Other (899) _____ | <b>Torts - Personal Injury</b><br><input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Assault/Battery (370)<br><input type="checkbox"/> Slander/Libel (380)<br><input type="checkbox"/> Other (399) _____<br><b>Judgments/Settlements</b><br><input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)<br><input type="checkbox"/> Confession of Judgment (770)<br><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)<br><input type="checkbox"/> Incapacitated Adult Settlement (790)<br><input type="checkbox"/> Other (799) _____ | <b>Real Property</b><br><input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input type="checkbox"/> Other (499) _____<br><b>Appeals</b><br><input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Public Service Comm. (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) _____ |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
- Special/Complex /Other**  
☐ Environmental (600) ☐ Pharmaceuticals (630)  
☐ Automobile Arb. (610) ☐ Unfair Trade Practices (640)  
☐ Medical (620) ☐ Out-of State Depositions (650)  
☐ Other (699) \_\_\_\_\_ ☐ Motion to Quash Subpoena in an Out-of-County Action (660)  
☐ Sexual Predator (510) ☐ Pre-Suit Discovery (670)  
☐ Permanent Restraining Order (680)  
☐ Interpleader (690)
- Submitting Party Signature: Randall D Price
- Date: April 28, 2022

**Note:** Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

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**Effective January 1, 2016,** Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

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**SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.**

**Pursuant to the ADR Rules, you are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR under ADR Rule 3(b) upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals;
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. Cases may also be exempt from ADR under ADR Rule 3(c) upon motion to and approval by the court.
6. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
7. Application of a party to be exempt from payment of neutral fees due to indigency should be filed with the Clerk of Court prior to the scheduling of the ADR conference.

**Please Note:** You must comply with the Supreme Court Rules regarding ADR.  
Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

2022-CP-23-03040

Randall D. Price

Plaintiff

vs  
Greenville Co. Sheriff's  
Office  
& Dept. Compton

Defendants

COMPLAINT

jury trial demanded

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

PARAGRAPH (1)

Deputy Compton is sued in his individually  
and official capacity.

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62  
22 JUN 9 PM 1:34  
J. H. WICKENHOFER, CO. CLERK

## PARAGRAPH (2)

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

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

### PARAGRAPH (3)

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

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

#### PARAGRAPH (4)

I argue resulting in my damages:

• Freedom, 12 years for hit & run; 2020

Chevrolet Silverado 271 out of pocket \$30,000.

and loss of job \$77,000. a year / 2020 made \$250,000

#### PRAYER FOR RELIEF

WHEREFORE: I respectfully prays that

This court enter judgment granting me

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

of my complaint

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

DATE: April 28, 2022. Respectfully submitted  
Randall D Price

### VERIFICATION

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

SWORN to before me  
this 28<sup>th</sup> day of April 2022

Randall D Price

LDJ  
Notary Public

my Commission Expires 04-12-2031

Michael Burns Interview

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

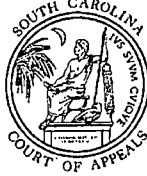
Witness picked his family member up. And came back going about 55-60 mph. there was no traffic in front of him. He says he came up on a moped with no marking, no tail lights, nothing. If he did not have his family member with her he would have never seen him and hit him right there. Witness says he swerved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

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

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

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

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



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

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January 19, 2023

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

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

Dear Mr. Price:

We received your letter dated January 12, 2023 regarding the proposed agreement to not order the transcript for the hearing held on August 26, 2022. Also, we received your correspondence dated January 12, 2023 in regards to ordering the transcript from Court Administration.

Within ten (10) days from the date of this letter, you must provide a copy of the transcript order associated with the orders challenged on your appeal. Failure to provide a copy of the transcript order within ten (10) days from the date of this letter will result in the dismissal of this appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read "V. Claire Allen".

CLERK

cc: Charles Franklin Turner, Jr., Esquire

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

3  
 4 RANDALL D. PRICE, ) TRANSCRIPT  
 5 PLAINTIFF, ) OF  
 6 vs. ) RECORD  
 7 GREENVILLE COUNTY SHERIFF'S OFFICE )  
 8 AND DEPUTY COMPTON, ) 2022-CP-23-3040  
 9 DEFENDANTS. )

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

11  
 12  
 13 B E F O R E:

14 THE HONORABLE BRIAN M. GIBBONS, Judge.

15  
 16 A P P E A R A N C E S:

17 RANDALL D. PRICE  
 18 Pro Se

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

22  
 23 Transcribed by Pamela E. Green, from  
 24 DCRP, Digital Courtroom Recorder Project  
 25

I N D E X

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

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

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THE COURT: All right. Randall Price.

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

(Pause.)

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

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

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

Is that what it is?

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

THE COURT: Who, who are you?

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

1 THE COURT: Nathan Ozmint?

2 MR. OZMINT: Yes, sir.

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

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

5 THE COURT: Okay. O-Z.

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

8 MR. OZMINT: Sure.

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

11 THE COURT: Okay.

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

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

19 When, when was that hearing?

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

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

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

25 MR. PRICE: Your Honor?

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

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

4 THE COURT: ---at this point.

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

6 THE COURT: Okay.

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

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

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

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

23 MR. PRICE: Yes, Your Honor.

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

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

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

7 okay?

8 (Pause.)

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

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

20 (Pause.)

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

25 okay.

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

4 THE COURT: Yeah.

5 MR. PRICE: ---proposed order.

6 THE COURT: When did you get it?

7 That's what I'm asking.

8 When did you get it?

9 MR. PRICE: Let's see.

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

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

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

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

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

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

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

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

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

25 THE COURT: That's the whole problem.

1 Have you seen an amended complaint?

2 MR. OZMINT: I have, Your Honor.

3 THE COURT: All right. And---

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

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

8 MR. OZMINT: Exactly, Your Honor.

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

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

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

17 THE COURT: Okay.

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

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

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

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

1 THE COURT: Okay.

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

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

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

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

14 MR. OZMINT: Yes, Your Honor.

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

17 MR. OZMINT: It is, Your Honor.

18 THE COURT: Okay.

19 MR. OZMINT: It is, Your Honor.

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

22 Is there---

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

24 THE COURT: Yes, sir.

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

1 THE COURT: Do you have it?

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

3 THE COURT: All right.

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

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

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

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

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

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

15 MR. PRICE: I---

16 THE COURT: That's not a problem.

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

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

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

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

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

1 Gravely's order.

2 MR. PRICE: Yes, sir.

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

5 MR. PRICE: Yes, sir.

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

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

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

18 MR. PRICE: Right.

19 THE COURT: Okay.

20 MR. PRICE: Yes, sir.

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

25 Okay?

1 MR. PRICE: Right.

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

5 So now -- do you understand?

6 MR. PRICE: Yes, sir.

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

9 Okay?

10 MR. OZMINT: Thank you, Your Honor.

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

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

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

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

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

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

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

18 THE COURT: Hang on. I heard this PCR.  
19 Am I right?

20 MR. PRICE: Yes, sir.

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

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

24 THE COURT: I know the whole thing.

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

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

3 MR. OZMINT: Yes, Your Honor.

4 MR. PRICE: Yes, sir.

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

6 MR. OZMINT: Twelve years.

7 MR. PRICE: Twelve years.

8 THE COURT: Twelve years?

9 MR. PRICE: Yes, sir.

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

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

13 Your lawyer was --?

14 MR. PRICE: Rodney---

15 THE COURT: Rodney Richey.

16 MR. PRICE: Right.

17 THE COURT: Yeah.

18 Okay. All right. Well --.

19 MR. OZMINT: Well --.

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

23 MR. OZMINT: You know the facts.

24 THE COURT: I got it, yeah.

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

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

4 THE COURT: Okay.

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

9 THE COURT: Sure.

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

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

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

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

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

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

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

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

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

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

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

21 THE COURT: Okay.

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

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

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

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

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

7 THE COURT: Okay.

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

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

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

13 THE COURT: Okay.

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

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

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

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

4 MR. OZMINT: I don't.

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

6 MR. OZMINT: Yes, Your Honor.

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

9 THE COURT: Gotcha.

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

11 MR. PRICE: Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 MR. OZMINT: Yes, sir.

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

3 MR. OZMINT: I believe that---

4 THE COURT: ---a stipulated fact.

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

6 THE COURT: Okay.

7 MR. PRICE: Right.

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

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

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

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

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

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

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

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

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

1 MR. PRICE: Right.

2 THE COURT: Right.

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

4 MR. PRICE: Twenty-five.

5 THE COURT: Twenty-five years.

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

8 MR. PRICE: That's correct.

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

10 No prior record?

11 MR. PRICE: No prior record.

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

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

24 THE COURT: I understand.

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

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

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

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

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

17 THE COURT: Sure.

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

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

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

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

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

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

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

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

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

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

12 THE COURT: Yes, sir.

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

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

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

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

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

9 Okay?

10 MR. OZMINT: Thank you, Your Honor.

11 THE COURT: Good seeing you, sir.

12 MR. PRICE: Thank you.

13 THE COURT: That concludes this hearing.

14

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

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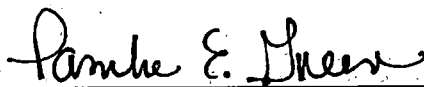
25

## C E R T I F I C A T E

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

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

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



PAMELA E. GREEN, Court Reporter



# Spartanburg County Coroner's Office

Case Report (C-20-10-018)

Report Generated on: 8/10/2021 2:16:08PM



Rusty Clevenger  
Coroner

366 N Church St  
Spartanburg, SC 29303

## Investigator(s) Information:

| Name                 | Lead                                | Arrival Date/Time   | Cleared Date/Time   | Attended Autopsy                    |
|----------------------|-------------------------------------|---------------------|---------------------|-------------------------------------|
| ERVIN, JESSICA (203) | <input checked="" type="checkbox"/> | 10/03/2020 23:20:00 | 10/04/2020 01:54:00 | <input checked="" type="checkbox"/> |

## General Information:

Date/Time of Notification: 10/02/2020 11:06:00 Case Type: SCENE RESPONSE

County: SPARTANBURG

Informing Agency: MEDIC 17

Date/Time Last Seen Alive: Date/Time Unknown

By Whom:

Location Last Seen Alive:

|                                            |                                    |                                            |                                                  |
|--------------------------------------------|------------------------------------|--------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Organ Procurement | <input type="checkbox"/> SCOPA     | <input type="checkbox"/> Suspected Suicide | <input type="checkbox"/> Evidence Protection Act |
| <input checked="" type="checkbox"/> BRT    | <input type="checkbox"/> Cremation | <input type="checkbox"/> Vulnerable Adult  | <input type="checkbox"/> Section 7               |

Case Status: CLOSED

Date Case Closed: 12/31/2020

## Demographic Information:

Decedent Name: DALTON LEE TAYLOR Gender: MALE A.K.A.: JOHN DOE HWY 11  
Marital Status: SINGLE ☐ Active Military ☐ Veteran Ethnic Group: CAUCASIAN  
Address: , CAMPOBELLO, SC 29322 Religion: UNKNOWN  
Phone Number: Date of Birth: Age: 027YR  
Identification Date/Time: 10/03/2020 Time Unknown Means of Identification: FINGERPRINTS  
Identified By: JONATHAN LAWSON Affiliation: SCCO

## Next of Kin Information:

Relationship: PARENT Name: CINDY TAYLOR Phone Number:  
Address: CAMPOBELLO, SC 29322 Notification Date/Time: 10/03/2020 12:30:00  
Notified By: JESSICA ERVIN Affiliation: SCCO Location: RESIDENCE

## Funeral Home Information:

Funeral Home: STRIBLING FUNERAL HOME  
Removal Service: GRIFFITH REMOVAL, LLC Removal Attendants: DOUG AND DUSTIN  
Taken To: MORGUE  
Date/Time Called: 10/02/2020 23:28:00 Arrival Date/Time: 10/03/2020 Time Unknown  
Released Date/Time: 10/03/2020 Time Unknown BRT Number: 476464 Body Bag Tag Number: 000272

## Pronouncement of Death Information:

Pronouncement Date/Time: 10/03/2020 23:09:00 Pronounced By: JESSICA ERVIN  
Pronouncement Location: ROADWAY Location Type: ROADWAY

## Time and Location of Death Information:

Estimate: ☒ From Date/Time of Death: 10/02/2020 10:40:00 To Date/Time of Death: 10/02/2020 23:09:00  
Proximity: Street Type: STREET  
Address: 13700 HWY 11, CAMPOBELLO, SC 29322

## Time and Location of Incident Information:

Estimate: ☒ From Date/Time of Death: 10/02/2020 10:40:00 To Date/Time of Death: 10/02/2020 23:09:00  
Proximity: Street Type: STREET  
Address: 13700 HWY 11, CAMPOBELLO, SC 29322



# Spartanburg County Coroner's Office

Case Report (C-20-10-018)

Report Generated on: 8/10/2021 2:16:08PM



Rusty Clevenger  
Coroner

366 N Church St  
Spartanburg, SC 29303

## Certified By Information:

Certified By: JESSICA ERVIN

Confirmed By:

## Scene (Environmental) Information:

Location Type: OUTDOORS

GPS Coordinates: Upper Body:

Lower Body:

Weather Conditions: CLEAR

Time of Day: NIGHT TIME

Body Position: UNKNOWN

Body Position Details: SUPINE POSITION

Exact Location: ROADSIDE

Surface Type: GRASS

Estimated Temperature: ☒ Inside: Outside: 50

Heating or Air Conditioning In Use: NEITHER Thermostat:

Location Secure Upon Discovery: ☐

Weapons Nearby: ☐

Pets Found: ☐

Locks on Doors Details:

Disarray Details:

Additional Scene Information:

## Scene (Weapon) Information:

Record does not exist for C-20-10-018

## Scene (Blood) Information:

Record does not exist for C-20-10-018

## Lifestyle Information:

☐ Appeared to be Under the Influence of Alcohol/Drugs

☒ Evidence of Alcohol/Drugs

Details: TINFOIL IN WALLET WITH BROWN SUBSTANCE

☐ History of Alcohol Abuse

☒ History of Drug Abuse

Length of Time: YEARS-PER SISTER

☐ Was Alcoholic

## If Death Occurred in Hospital Information:

☐ Urine Drawn

☐ Blood Drawn

Date/Time Drawn: 10/03/2020 07:00:00

☐ Quarantined

Held Location: NMS

☐ Other

## Suicide Information:

Record does not exist for C-20-10-018

## Vehicle Information:

Type: UNKNOWN

Manufacturer: UNKNOWN

Model:

Year:

State: SC

Tag:

Position: UNKNOWN

# of Vehicles: 0

Distance Ejected (ft):

Rollover: ☐

Wrecker: N/A

Restraint: UNKNOWN

Called By:

Vehicle Operator:

Other Information: DECEDENT WAS DRIVING A MOPED

## Indigent Care Information:

Record does not exist for C-20-10-018



Rusty Clevenger  
Coroner

## Spartanburg County Coroner's Office

Case Report (C-20-10-018)

Report Generated on: 8/10/2021 2:16:08PM



366 N Church St  
Spartanburg, SC 29303

### Emergency Services Information:

EMS Agency: MEDIC 17 Agency Crew: CHARLES ADAMS AND MARCUS ARMSTRONG  
Dispatch Date/Time: 10/02/2020 22:56:00 Scene Arrival Date/Time: 10/02/2020 23:07:00  
En Route to Hospital Date/Time: Date/Time Unknown Hospital Date/Time: Date/Time Unknown

### Photographer(s) Information:

Photographer Name  
ERVIN, JESSICA

### Cause(s) of Death Information:

Manner: ACCIDENT

#### Cause(s) of Death

Blunt Trauma of the Torso

Drug Toxicology Details: SENT TO NMS

Toxicology Report Received: ☒ Date Received: 10/23/2020

#### Drug(s)

Amphetamine, Caffeine, Methamphetamine

Domestic Violence Related: ☐ Vehicle Related: ☒ Fire Related: ☐

Consumer Product Related: ☐

### Body Actualization Information:

Observed Date/Time: 10/02/2020 23:36:00

Body Temperature: LOW Body Condition: FRESH

Rigor Mortis: N/A Details: NOT SET

Lividity: NONE Details: CONSISTENT WITH BODY POSITION

Mucous Membrane: DRY Details: DRY

Clothing Details: BLUE HANKERCHIEF, BLACK JACKET, GREEN TSHIRT, RED SWEATPANTS, WHITE SOCKS

### Examination(s) Information:

Exam Type: Autopsy Exam Date: 10/03/2020

Examiner Name: DR ANDREW WASSUM

Examination Location: SPARTANBURG REGIONAL MEDICAL CENTER

Autopsy Type: FULL Autopsy #: FA20-182

Autopsy Received: ☒ Date Received: 10/28/2020

### Law Enforcement at the Scene Information:

| Arrival Date/Time   | Agency Name                   | Department | Name            |
|---------------------|-------------------------------|------------|-----------------|
| 10/03/2020 23:42:00 | SOUTH CAROLINA HIGHWAY PATROL |            | DEANE, JEREMIAH |
| 10/03/2020 23:42:00 | SOUTH CAROLINA HIGHWAY PATROL |            | JOHNSON, MC     |

### Fire Department(s) at the Scene Information:

Record does not exist for C-20-10-018

### Collected Item(s) Information:



Rusty Clevenger  
Coroner

## Spartanburg County Coroner's Office

Case Report (C-20-10-018)

Report Generated on: 8/10/2021 2:16:08PM



366 N Church St  
Spartanburg, SC 29303

**Collected Item - 1-VIAL OF BLOOD Item Type - EVIDENCE Current Status - TAKEN BY INVESTIGATOR**

Item #: 1 Collected By: ANDREW WASSUM (ME1) Location: SMC MORGUE  
Collected From: TAYLOR, DALTON LEE Decedent: ☒ Date/Time Collected: 10/03/2020 07:45:00  
Owner Of Item: TAYLOR, DALTON LEE Decedent: ☒ Owner Address:  
Blood Card: ☐ Blood Vial: ☒ Hair Evidence: ☐ CAMPOBELLO, SC 29322

**Collected Item - 1-HAIR SAMPLE, 1-BLOOD CARD Item Type - EVIDENCE Current Status - TAKEN BY INVESTIGATOR**

Item #: 2 Collected By: JESSICA ERVIN (203) Location: SMC MORGUE  
Collected From: TAYLOR, DALTON LEE Decedent: ☒ Date/Time Collected: 10/03/2020 08:51:00  
Owner Of Item: TAYLOR, DALTON LEE Decedent: ☒ Owner Address:  
Blood Card: ☒ Blood Vial: ☐ Hair Evidence: ☒ CAMPOBELLO, SC 29322

**Collected Item - 1-PACK OF (6) CIGARETTES, 1-METAL EXPANDABLE TOOL, 1-BLACK ZTE PHONE, 1-YELLOW IN COLOR MOT**

Item #: 3 Collected By: JESSICA ERVIN (203) Location: 13700 HWY. 11 CAMPOBELLO, SC 29322  
Collected From: TAYLOR, DALTON LEE Decedent: ☒ Date/Time Collected: 10/02/2020 23:56:00  
Owner Of Item: TAYLOR, DALTON LEE Decedent: ☒ Owner Address:  
Blood Card: ☐ Blood Vial: ☐ Hair Evidence: ☐ CAMPOBELLO, SC 29322

**Collected Item - 1-3X6 INCH TIN FOIL, 1-2X3 INCH TIN FOIL WITH BROWN SUBSTANCE, 1-PLASTIC BAGGY WITH WHITE P**

Item #: 4 Collected By: JESSICA ERVIN (203) Location: 13700 HWY. 11 CAMPOBELLO, SC 29322  
Collected From: TAYLOR, DALTON LEE Decedent: ☒ Date/Time Collected: 10/02/2020 23:56:00  
Owner Of Item: TAYLOR, DALTON LEE Decedent: ☒ Owner Address:  
Blood Card: ☐ Blood Vial: ☐ Hair Evidence: ☐ CAMPOBELLO, SC 29322

**Summary Information:**



Rusty Clevenger  
Coroner

## Spartanburg County Coroner's Office

Case Report (C-20-10-018)

Report Generated on: 8/10/2021 2:16:08PM



366 N Church St  
Spartanburg, SC 29303

**Case Summary:**

TAYLOR, DALTON LEE

C-20-10-018

DOD: 10/02/2020

I, INVESTIGATOR WAS NOTIFIED BY SPARTANBURG 911 DEATH THAT HAD OCCURRED AT 13700 HWY 11 INVOLVING A PEDESTRIAN WITH MEDIC 17 ON SCENE. I ADVISED 911 I WOULD BE IN ROUTE FOR FURTHER INVESTIGATION.

UPON MY ARRIVAL I NOTED, SEMS, CAMPOBELLO POLICE DEPT, SPARTANBURG COUNTY SHERIFF'S OFFICE AND SCHP ON SCENE. HWY 11 WAS BLOCKED OFF ON BOTH LANES OF TRAFFIC, NO THRU TRAFFIC ALLOWED. I WAS GREETED BY CHUCK ADAMS, EMTP WHERE HE REPORTED A UNKNOWN CAUCASIAN MALE WAS FOUND ON THE ROADSIDE BY PASSERSBY. CHUCK ESCORTED TO THE DECEDENT LYING IN THE GRASS WITH A PINKISH SHEETED WAS DRAPED OVER HIS BODY. WHEN I UNCOVERED THE DECEDENT HE IS DESCRIBED AS A HEAVY SET, WHITE MALE POSSIBLY IN HIS TWENTIES WITH A BEARD. HE IS CLOTHED WITH A BLACK JACKET, BLUE BANDANA, GREEN T-SHIRT, RED SWEAT PANTS AND OFF COLOR WHITE SOCKS. MALE WILL BE KNOWN AS JOHN DOE HWY 11 DUE TO NOT BEING IDENTIFIED AT THAT TIME. JOHN DOE IS FACE UP, SUPINE POSITION, EYES ARE SLIGHTLY OPEN AND ARE NOTED TO HAVE MULTIPLE AREAS OF CONCERN TO HIS BODY. LEFT SIDE OF HEAD IS AVULSED, SKULL IS VISIBLE, SMALL SUPERFICIAL LACERATION TO FOREHEAD AND A SMALL AMOUNT OF BRB DRIED TO LEFT NOSTRIL. DESCENDANT LEFT ARM IS UNDERNEATH BODY, ABDOMINAL AREA IS CONTUSED AND ABRAISED, HIS RIGHT ARM IS STRAIGHT OUT FROM HIS TORSO WITH ABRASIONS STARTING BEND OF ELBOW AND ENDING AT HIS FINGERTIPS. JD'S PRIVATE AREA IS EXPOSED THROUGH A SPLIT IN HIS RED SWEATPANTS. HIS LEFT LEG IS BENDING INWARDS TO HIS CROTCH AND HIS RIGHT LEG IS STRAIGHT OUT TO THE RIGHT. RIGHT ANKLE IS ABRAISED AT OUTSIDE ANKLE BONE. JD IS ROLLED TO THE LEFT, ADDITIONAL TRAUMA TO THE BACK OF SHOULDER A CIRCULAR PATTERN, AND LACERATIONS TO MID BACK NOTED. A WALLET WAS FOUND INSIDE HIS JACKET POCKET BUT HAD TWO DIFFERENT ID CARDS INSIDE. A PACK OF MARLBORO RED CIGARETTES IN RIGHT PANTS POCKET, AND TOOLS IN JACKET POCKET. LASTLY WHEN JD WAS ROLLED, CREPITUS IS PALPATED THROUGHOUT BODY BETWEEN SHOULDERS AND LOWER BACK. JD CLOTHES WERE REMOVED ON SCENE BY REQUEST OF CORP. JOHNSON, VERIFIED THREE TIMES WITH TROOPER DEANE AND WERE TOLD LAST VERIFICATION YES TO REMOVE CLOTHING. CLOTHING REMOVED AND BAGGED FOR SOUTH CAROLINA HIGHWAY PATROL AND RELEASED TO MAIT TROOPER VALERY ON SCENE. GRIFFITH REMOVAL COMPANY ARRIVED ON SCENE AND PLACED JD IN A BODY BAG. BAG WAS SECURED BY THIS INVESTIGATOR WITH TAG # 00272 AND THEN JD WAS REMOVED FROM THE ROADSIDE AND TRANSPORTED TO SRMC-MORGUE FOR FURTHER EVALUATION.

10/03/2020 JD UNDERWENT AN AUTOPSY BY FORENSIC PATHOLOGIST DR. WASSUM AT SRMC-MORGUE, BODY FLUIDS WERE OBTAINED AND TO BE SENT TO NMS. DR. WASSUM PROVIDED A IMMEDIATE CAUSE OF DEATH AS: BLUNT TRAUMA OF THE TORSO. MAIT TEAM VALARIE DRIGGER AND CHRIS HUDGINS PRESENT AND A BLOOD CARD WERE COLLECTED BY THEM. ON SAME DAY 10/03/2020 JD, WAS IDENTIFIED BY ASST. CHIEF JONATHAN LAWSON BY FINGERPRINT ANALYSIS AS A MR. DALTON LEE TAYLOR WITH A DOB AS 03/28/2020. FINDINGS WERE CONVEYED TO SCHP & DR. WASSUM. MR. DALTON TAYLOR FAMILY WAS NOTIFIED BY THIS INVESTIGATOR AND SGT. SHAW WITH SCHP.

FAMILY IDENTIFIED AS SISTER JENNA TAYLOR AND MOTHER CINDY TAYLOR OF CAMPOBELLO AT HOME ADDRESS. FAMILY STATES MR. TAYLOR WAS IN ROUTE TO THE ABOVE ADDRESS, BOTH FAMILY MEMBERS HAD BEEN CALLED BY THE DECEDENT THAT NIGHT. JENNA STATES THAT HER BROTHER DID NOT HAVE A HOME JUST BOUNCED BETWEEN FRIENDS AND FAMILY HOUSES WHILE HE ATTEMPTING TO GET HIS LIFE TOGETHER. BOTH WERE NOTIFIED OF FINDINGS OF SCCO AND SCHP AT NOTIFICATION TIME. ALL POLICIES AND PROCEDURES WERE EXPLAINED. 10/04/2020 JENNA AND CINDY BOTH AGREED MR. TAYLOR TO BE RELEASED TO STRIBLING FUNERAL HOME FOR HIS FINAL DISPOSITION. DUE TO THIS HIGH PROFILE OF CHARGES NO PROPERTY OR BELONGINGS ARE BEING RELEASED, THIS HAS BEEN CONVEYED TO THE FAMILY NUMEROUS TIMES BY SCCO AND SCHP. EOR/JE

**Supplemental Section 1:**

**Supplemental Section 2:**



**Rusty Clevenger**  
Coroner

## Spartanburg County Coroner's Office

Case Report (C-20-10-018)

Report Generated on: 8/10/2021 2:16:08PM



366 N Church St  
Spartanburg, SC 29303

| Date/Time Entered    | Username  | Notes                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/31/20 9:52:31 AM  | cehall    | ON 12/14/2020 I RECEIVED A FOIA REQUEST FROM FAYSSOUX & LANDIS-ATTORNEYS AT LAW. I WATERMARKED ALL SCENE PHOTOGRAPHS & PRINTED THEM OFF 4 PER PAGE (TOTAL OF 61 PAGES). A COPY OF THE CORONER'S REPORT (6 PAGES) WAS ALSO PRINTED OFF & AN AUDIO DISK WAS CREATED WHICH WAS SEALED IN A CASE WITH EVIDENCE TAPE. I GAVE THE PRINTED OFF PHOTOS, REPORT & DISK TO HOLLY CROOKE ON 12/31/2020 TO BE DELIVERED. -CH 12/31/2020 |
| 12/07/20 4:52:46 PM  | hcrooke   | SUPPLEMENTAL SENT TO COLUMBIA.                                                                                                                                                                                                                                                                                                                                                                                              |
| 12/07/20 4:13:31 PM  | jervin    | REQUEST FOR PROPERTY JE                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12/03/20 3:11:15 PM  | dtrent    | TOX PRINTED FOR SGT. FRANKS WITH SCHP                                                                                                                                                                                                                                                                                                                                                                                       |
| 12/01/20 4:51:41 PM  | rbogan    | BASED ON TOXICOLOGICAL INTERPRETATION BY DR. WASSUM, AUTOPSY PERFORMED BY DR. WASSUM, AUDIO IN SERVER, PHOTOGRAPHS IN SERVER, SOUTH CAROLINA HIGHWAY PATROL'S REPORT, AND EVIDENCE PROVIDED BY INVESTIGATOR ERVIN, AGREE ACCIDENT.                                                                                                                                                                                          |
| 11/05/20 9:52:11 AM  | jervin    | SPOKE WITH VALLERY WITH HP, SHE WILL BE PICKING UP DISK HOPEFULLY ON 10/06/2020. WILL PLACE DISK UP FRONT, IF IM NOT HERE SHE WILL BE ABLE TO GRAB AND GO. JE                                                                                                                                                                                                                                                               |
| 10/28/20 1:21:30 PM  | tanderson | NMS REQUEST SCANNED AND ENTERED IN SERVER ON 10/28/2020 TA                                                                                                                                                                                                                                                                                                                                                                  |
| 10/21/20 2:24:21 PM  | cehall    | CONDOLENCE LETTER SENT ON 10/21/2020 CH                                                                                                                                                                                                                                                                                                                                                                                     |
| 10/08/20 11:02:51 AM | cehall    | I RECEIVED A PHOTO & MEDIA REQUEST FROM INVESTIGATOR JESSICA ERVIN FOR VALARIE DRIGGER OF SC HWY PATROL ON 10/07/2020. I WATERMARKED ALL PHOTOS (AUTOPSY, PROPERTY/EVIDENCE, SCENE) & UPLOADED THEM TO AN AUDIO DISK, SEALED IN A CASE WITH EVIDENCE TAPE. THE DISK WAS GIVEN BACK FOR DELIVERY TO INVESTIGATOR ERVIN ON 10/08/2020.-CH                                                                                     |
| 10/07/20 3:00:15 PM  | jervin    | REQUESTED PHOTOS FOR SCHP-CONTACT VALERIE DRIGGER                                                                                                                                                                                                                                                                                                                                                                           |
| 10/07/20 2:59:46 PM  | jervin    | DROPPED EVIDENCE/PROPERTY                                                                                                                                                                                                                                                                                                                                                                                                   |
| 10/06/20 8:57:34 AM  | jervin    | 10/03/2020 HAIR AND BLOOD CARD DROPPED INTO EVIDENCE. JE                                                                                                                                                                                                                                                                                                                                                                    |
| 10/05/20 2:11:42 PM  | dtrent    | DEATH VERIFICATION LETTER EMAILED TO SOLICITOR'S OFFICE SCANNED AND ENTERED INTO SERVER ON 10/05/2020 DT                                                                                                                                                                                                                                                                                                                    |
| 01/27/21 10:22:42 AM | tanderson | FINAL SCANNED IN ON 1/27/2021 TA                                                                                                                                                                                                                                                                                                                                                                                            |
| 01/22/21 3:18:15 PM  | hcrooke   | RCVD, CK#11137 FOR \$75.70. MAILED CERTIFIED MAIL.                                                                                                                                                                                                                                                                                                                                                                          |

# Exhibit A

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## Michael Burns Interview

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

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

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

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

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

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

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Greenville County  
Court of Common Pleas

The Honorable Brian M. Gibbons, Circuit Court Judge  
Lower Case No. 2022-CP-23-03040

Case No. 2023-000061

Randall D. Price,

APPELLANT,

Greenville County Sheriff's  
Office and Deputy Compton,

RESPONDENTS.

CERTIFICATE OF APPELLANT

I, Randall D. Price, hereby certify that this Record on Appeal complies with South Carolina Appellate Court Rules and contains all material prepared to be included in the Record on Appeal by all of the parties and not any other material.

State of: South Carolina  
County of: Beckley

The foregoing instrument was acknowledged before me 23 day of August, 2023.

Your Name Here, Notary Public  
My Commission Expires 0612-2031

This 21<sup>st</sup> day of August, 2023.

s/ Randall D. Price

Randall D. Price  
APPELLANT

MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeville, SC 29472