

**RECEIVED**

**Feb 07 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Daniel Coble, Circuit Court Judge

---

Appellate Case No. 2024-002139  
Case No. 2022-CP-40-01357

---

Vanessa Holloway,

Respondent,

v.

Legrantt Nesbitt,  
By and through his Power of Attorney  
Twanda Nesbitt,

Appellant.

---

REPLY OF APPELLANT

---

The Appellant hereby Replies to the Return of the Respondent.

1. The Respondent obtained a defiant Judgement against the Appellant for one million, six hundred, fifty thousand and 0/100 (\$1,650,000.00) dollars on May 8, 2023. (EXHIBIT 1)
2. The Defendant was unrepresented and did not appear at the Trial. At the time of the Trial the Appellant was incarcerated at the Lexington County Detention Center awaiting trial on several criminal charges. (EXHIBIT 2 Trial Transcript attached and incorporated by reference)
3. The Lexington County Court of General Sessions found the Appellant mentally incompetent. The Appellant was declared to be mentally incompetent to stand trial and

unable to assist his attorney in his defense on February 3, 2023 and the court ordered probate commitment procedures to be commenced. (EXHIBIT 3)

4. A petition for Judicial Admission was filed on February 22, 2023 in the Lexington County Probate Court by the Lexington County Solicitor's Office to determine whether the Appellant was incapacitated. (EXIHIBIT 4)
5. The Probate Court found that the Appellant was incapacitated on June 3, 2023 (EXHIBIT 5)
6. No Guardian Ad Litem was ever approved for the Appellant pursuant to Rule 55 (b) (2) of the South Carolina Rules of Civil Procedure by the Trial Court before entry of the default Judgement.
7. At the time of the Judgement the Appellant was not only incarcerated but found to be mentally incompetent.
8. The South Carolina Rules of Civil Procedure should be liberally construed so as to promote Justice and dispose of cases on the merits. In Re Estate of Weeks 329 S.C. 25.495.5.E.2d 454 C ct. App. (1997), Dixon v Besco Engineering, Inc 403 S.E.2d 636 ct. App (995).

Wherefore, the Appellant prays that for good cause shown, that the Motion to Reinstate the Appeal be granted and Appellant be allowed to proceed with the Appeal.

Respectfully submitted,

Columbia, South Carolina  
February 7, 2025

*S/Herbert E. Buhl, III*  
Herbert E. Buhl, III  
2204 Devine Street  
Columbia, South Carolina 29205  
803.799.3767  
SC Bar No. 1000  
[Herb@herbbuhl.com](mailto:Herb@herbbuhl.com)  
ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Vanessa Holloway, PLAINTIFF(S), -VS- Legrantt Nesbitt, DEFENDANT.	IN THE COURT OF COMMON PLEAS CASE#2022CP4001357  DEFAULT JUDGMENT
--	--

This matter comes before the court upon an action in which the Plaintiff filed a Motion for Default Damages Hearing. A hearing was held on this matter on March 23, 2023 in which all parties were afforded the opportunity to present evidence and take the testimony of witnesses, but neither counsel of Legrantt Nesbitt nor Legrantt Nesbitt appeared, though due notice was given. Plaintiff were represented by Trevor P. Eddy, Esq.

The Court makes the following findings of fact:

1. Plaintiff instituted this action by filing a Complaint on March 16, 2022.
2. Defendant was properly served a copy of the Summons and Complaint by personal service on April 6, 2022.
3. No Notice of Appearance or responsive pleading has ever been filed by or on behalf of Legrantt Nesbitt.
4. Entry of Default was granted as against Legrantt Nesbitt on May 18, 2022 (Exh 1). Plaintiff filed a motion for Default Damages Hearing on May 24, 2022 that was properly served upon Legrantt Nesbitt on May 26, 2022 (Exh 2). Notice of the scheduled hearing was properly served upon Legrantt Nesbitt on March 7, 2023 (Exh 3).
5. As per the Complaint and Testimony, Legrantt Nesbitt assaulted, strangled, beat and shot the Plaintiff on October 20, 2019 in Columbia, South Carolina. The Plaintiff suffered severe

EXHIBIT 4

trauma across her body with wounds to her face, limbs, chest, intestines and vagina. Plaintiff spent several weeks in the hospital after the attack and then required several follow treatments and corrective surgeries.

6. Plaintiff incurred medical bills of \$ \$180,129.42 for injuries sustained in this assault (Exh 4).
7. Plaintiff suffered severe pain and suffering from the injuries sustained in this assault.
8. Plaintiff suffered severe mental and emotional injuries sustained in this assault.
9. Plaintiff continues to suffer daily mental and emotional injuries from this assault and is likely to continue to suffer such symptoms for the rest of her life.
10. As to punitive damages, it is in this Court's discretion to award punitive damages. *Mitchell v. Fortis Ins. Co.*, 385 S.C. 570, 582 (2009). South Carolina law requires the trial court, when considering punitive damages, to consider the following elements: the reprehensibility of the Defendant's actions; the actual harm caused by those actions; any civil penalties authorized. *Hollis v. Stonington Development, LLC*, 394 S.C. 383 (Ct.App. 2011). With regards to reprehensibility, the Court considers the following factors: 1) Whether the harm was physical or economic; 2) Whether the conduct involved a reckless disregard for the health or safety of others; 3) Whether the target of the conduct had financial vulnerability; 4) Whether the conduct involved repeated actions or was an isolated incident; 5) Whether the harm was the result of accident or intentional malice, trickery, or deceit. *Id.*, 397.

- a. The Court finds that the First, Second and Fourth *Hollis* factors supports an award of punitive damages. The Plaintiff alleged negligence per se in his Complaint which allows for a jury instruction on punitive damages.

Based on South Carolina and United States Supreme Court precedent, the Court finds that a punitive damages award in an amount *three* time the award of actual damages will serve the purposes of punishment and deterrence without offending due process.

IT IS THEREFORE ORDERED that Plaintiff's motion for default damages be granted and that





Richland Common Pleas

**Case Caption:** Vanessa Holloway vs Legrantt Nesbitt

**Case Number:** 2022CP4001357

**Type:** Order/Damages

So Ordered

s/ Clifton B. Newman, 2127

Electronically signed on 2023-05-08 15:35:20 page 4 of 4

STATE OF SOUTH CAROLINA) IN THE RICHLAND COUNTY FAMILY COURT  
COUNTY OF RICHLAND ) C.A. NO. 2022-CP-40-001357

\_\_\_\_\_  
VANESSA HOLLOWAY )  
Plaintiff, )  
versus )  
LEGRANTT NESBITT )  
Defendant. )  
\_\_\_\_\_

H E A R I N G

DATE: March 23, 2023  
LOCATION: Richland County Family Court  
JUDGE: Clifton Newman

TRANSCRIBED BY: Lynda Monroe

LEGAL EAGLE  
Post Office Box 5682  
Greenville, South Carolina 29606  
864-467-1373  
depos@legaleagleinc.com

EXHIBIT 2

5

## APPEARANCES:

Trevor P. Eddy, Esq.  
The Eddy Law Firm, LLC  
1516 Richlane Street, Suite B  
Columbia, South Carolina 29201

Attorney for the Plaintiff,

None Present

Attorney for the Defendant.

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(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

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## PROCEEDING

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THE COURT: Holloway v Nesbitt.

MR. EDDY: Morning, Your Honor. Trevor Eddy for the plaintiff on that case.

THE COURT: Yes, sir.

MR. EDDY: My client is incorrectly labeled, by me, as Walter Watlington. That's Vanessa Holloway. I'm going to go turn on her microphone and be back in 30 seconds.

(Whereupon, brief pause in the proceedings.)

MR. EDDY: Ready to proceed, Your Honor.

THE COURT: Okay. Okay. You may proceed.

MR. EDDY: Thank you, Your Honor. May it please the Court. This is a personal injury lawsuit stemming from a violent assault by the defendant upon the plaintiff. The plaintiff or defendant is in default and we are here for a damages hearing.

THE COURT: Um-hum.

MR. EDDY: So I'd like to take the testimony of the plaintiff, Ms. Vanessa Holloway, as to the assault and her injuries.

THE COURT: You may proceed. Ms. Holloway, where are you?

MS. HOLLOWAY: Right here, sir. Good morning.

THE COURT: Good morning. If you'll raise your right hand.

8

1

VANESSA HOLLOWAY

2

was called as a witness, and having been first duly sworn,

3

testified as follows:

4

THE COURT: All right. You may proceed.

5

DIRECT EXAMINATION

6

BY MR. EDDY:

7

Q. Good morning, Ms. Holloway.

8

A. Good morning.

9

Q. How is it that you know the defendant Legrantt

10

Nesbitt?

11

A. He was supposed to have been my best friend.

12

Q. And then in October of 2019, what happened?

13

A. Myself, his brother, and I was putting up a

14

privacy fence at his daddy's house and upon finishing putting

15

up everything that we were doing, putting the fence up, he

16

told us it's time to go in the house because it was getting

17

dark. So we proceeded in the house and took everything in

18

the house and once we did that, there was another little

19

fellow there. He told the fellow if he had any change of

20

clothes he wouldn't mind if he stayed over, but he didn't

21

have any change in clothes so he needed to take him home.

22

We proceeded taking him home. Upon coming back to

23

his residence, he said he was hungry and he wanted some

24

chicken and noodles, so we stopped by Flying J's and got some

25

chicken. Proceeded to the house. He went straight to the

9

1 kitchen once we got there. Brother went into the living  
2 room. I sat at the kitchen table and he said he had a  
3 question he wanted to ask. At that point in time I already  
4 knew what the question was going to be. I kind of put my  
5 head down and shook it and he asked his brother and asked me,  
6 at that point in time, were we having sex and I said I done  
7 told you 500 million times that's your brother. That's not  
8 the type of female that I am. I don't do that. Family,  
9 friends, anybody that's connected to you, I don't want no  
10 ties with it.

11 So he jumped in my face and asked me, "was I screaming  
12 at him?" And I kept telling him, "no." Next thing I knew I  
13 was on the floor. So as anybody would when somebody do that,  
14 I got up and I pushed him back and when I pushed him back, he  
15 pushed me again on the floor. I hit my head and before I  
16 could get back up, he started choking me and he choked me  
17 till I passed out. And once I was coming -- once I -- once I  
18 was coming around I was on the floor still and when I opened  
19 up my eyes, he was standing above me. He said, "I told you,"  
20 and I said, "why did you shoot me four times?"

21 He left out the house. I -- I -- I was dumbfounded. I  
22 -- I couldn't believe he had done something bad to me because  
23 he was just supposed to have been just that close. And he  
24 promised me he would never touch me in a wrong fashion. That  
25 he's a gentleman. That he would never hurt me.

1           He proceeded going down the stairs. He came in the  
2 house several times and each time he came in the house he  
3 kicked me in my face and I guess I got kicked in the face one  
4 too many times because something in the top of my head just  
5 told me, you need to get out that house because there's no  
6 telling what he might do next.

7           So when I seen him go back out the house again, I ran  
8 out his backdoor and went to his neighbor's house and she let  
9 me in her house and after that I don't remember too much  
10 after that until I woke up in the hospital.

11           Q. Thank you, Ms. Holloway. That was the Prisma  
12 Hospital you woke up in?

13           A. Yes, sir.

14           Q. How long were you in Prisma Hospital for?

15           A. A month and a half.

16           Q. Do you have any understanding of what treatment,  
17 if any, was provided to you during that month and a half?

18           A. I had to learn to walk again because one of the  
19 bullets hit my -- it injured my leg. At this point in time I  
20 was having problems with my leg but now it's to the point  
21 where it's numb and I have problems on walking on it one of  
22 the bullets hit my pelvic, went through my vagina, and went  
23 through my anus and I still have a bullet left because they  
24 were scared to move it because it still might cause more  
25 damage.

1 Q. After you were released from the hospital after  
2 that month and-a-half stay, you had to return to the hospital  
3 several times for additional treatment and surgeries; is that  
4 correct?

5 A. Correct.

6 Q. Besides still having one bullet lodged inside of  
7 you, what is your physical condition today?

8 A. I'm -- I have a hard time walking upstairs because  
9 of my pelvic and my leg. It's bothering me.

10 MR. EDDY: Your Honor, would you mind if I shared my  
11 screen to be able to share some of the medical bills to  
12 verify them very quickly?

13 THE COURT: Yes, sir. Go ahead.

14 BY MR. EDDY:

15 Q. Ms. Holloway, can you see the bill on your screen?

16 A. Yes, sir.

17 Q. Does this appear to be the bill from your first  
18 hospitalization?

19 A. Yes, sir.

20 Q. The total charges are \$114,420.50, does that  
21 appear to be accurate?

22 A. Yes, sir.

23 Q. Does this appear to be the bill from your second  
24 hospitalization?

25 A. Yes, sir.

12

1 Q. The total is \$4,826, does that appear to be  
2 accurate?

3 A. Correct, sir.

4 Q. Does this appear to be a bill for a colonoscopy  
5 treatment to assess the damage to your colon?

6 A. Correct, sir.

7 Q. That total charge is \$780; is that correct?

8 A. Correct, sir.

9 Q. Does this appear to be the bill from your final  
10 corrective surgery?

11 A. Yes, sir.

12 Q. The total is \$59,335.00; is that correct?

13 A. Correct, sir.

14 MR. EDDY: I'm going to turn you over to the Judge. He  
15 may have some questions for you.

16 THE WITNESS: Yes, sir.

17 MR. EDDY: Please answer his questions as truthfully  
18 and honestly as you can.

19 THE WITNESS: Yes, sir.

20 THE COURT: I have no questions for her.

21 MR. EDDY: Thank you, Your Honor. We have \$180,129.42  
22 in incurred medicals. With the extreme psychological trauma,  
23 mental health suffering, pain, anxiety, depression, as well  
24 as certain permanency of injuries, I'm asking for an actual  
25 damages award of \$900,000 as well as a punitive damages award

1 of \$3 million.

2 THE COURT: Now, regarding the -- any notice  
3 requirements for (inaudible) can you explain that to me?  
4 What the compliance require?

5 MR. EDDY: For notifying the defendant of the hearing?

6 THE COURT: Yes.

7 MR. EDDY: So we served a copy of the notice of the  
8 hearing upon his criminal defense attorney, his sister, who  
9 is his power of attorney, and we also served the corrections  
10 center where he's currently incarcerated. And if you'd like,  
11 Your Honor, I can submit post hearing memo on that.

12 THE COURT: And are those notices filed?

13 MR. EDDY: They are not, but I will.

14 THE COURT: Pardon?

15 MR. EDDY: They are not currently filed, but I will  
16 file them after the hearing if you'd like.

17 THE COURT: Well, I have no (inaudible) that said rules  
18 must be complied with. Anything further?

19 MR. EDDY: Nothing from the plaintiff, Your Honor.

20 THE COURT: Well, proof of service must be given and I  
21 will take it under advisement pending receipt and review of  
22 that.

23 MR. EDDY: Thank you very much, Your Honor.

24 THE COURT: Whatever memo you would like to file that  
25 you just referenced.

1 MR. EDDY: I can do that.

2 THE COURT: All right. Thank you all. Good luck to  
3 you, ma'am.

4 MS. HOLLOWAY: Thank you, sir.

5 MR. EDDY: Thank you, Your Honor.

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24 THERE BEING NO FURTHER QUESTIONS, THIS HEARING IS CONCLUDED

25 AT 14:36)

15

## CERTIFICATE OF TRANSCRIBER

I, Lynda Monroe, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in trial of the captioned case, relative to appeal, in the Richland County Family Court, Richland County, South Carolina, on the 23rd day of March, 2023.

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

December 30, 2024

*Lynda Monroe*

Lynda Monroe, Transcriber

FILED

FEB 22 2023

General Sessions Order following Blair Hearing on Defendant's Competency To Stand Trial  
Finding Defendant Not Competent, and Not Likely to Become Competent  
§44-23-430(2)

PROBATE JUDGE  
LEXINGTON COUNTY, SC

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )  
) IN THE COURT OF GENERAL SESSIONS  
) Indictment No(s): 2021GS3200853, 855, 2070,  
) 72-74  
) A/Warrant No(s): 2019A3210201832-36, 38  
) The State of South Carolina, )  
) FINDING OF LACK OF COMPETENCE TO  
) STAND TRIAL FOR THE FORSEEABLE  
) FUTURE AND ORDERING PROBATE  
) COMMITMENT PROCEEDINGS  
) vs. )  
) Legrantt Nesbitt )  
) Defendant. )

2023 FEB -3 AM 11:19

FILED

This matter is before me pursuant to S. C. Code Ann. §44-23-430 (1976) for a hearing on the issue of the Defendant's competency to stand trial.

Defendant is charged with ATTEMPTED MURDER (X2), RESISTING ARREST, DISCHARGING FIREARMS, POINTING & PRESENTING A FIREARM, AND POSSESSION OF A WEAPON DURING A VIOLENT CRIME. Pursuant to a previous Court order, Defendant's competence to stand trial has been evaluated. In a report dated NOVEMBER 29, 2022, the examiners found that the Defendant is not currently competent to stand trial, and is unlikely to become competent in the foreseeable future. The report was statutorily admitted into evidence pursuant to S.C. Code Ann. § 44-23-420(C), and a copy of the report is attached hereto.

This report was rendered after Defendant was previously found by the Court to lack the competence to stand trial but was likely to become competent with appropriate treatment. Thereafter, Defendant was hospitalized pursuant to S.C. Code Ann. §44-23-430(3), for observation and treatment in an effort to restore Defendant's competence to stand trial. This restoration effort was unsuccessful. END OF OPTIONAL LANGUAGE]

Based upon the examiners' report, I find that the Defendant is currently incompetent to stand trial for the reasons set forth in S.C. Code Ann. §44-23-410, and unlikely to become competent in the foreseeable future.

A TRUE COPY

*[Signature]*  
Lex. Ct. C.C.C.P., G.S. & P.O.

EXHIBIT 3

17

ELECTRONICALLY FILED - 2024 Nov 12 9:41 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357

**THEREFORE IT IS ORDERED** that pursuant to S.C. Code Ann. §44-23-430(2) the Solicitor responsible for the prosecution of the Defendant shall initiate judicial admission proceedings in the County Probate Court within fourteen (14) business days from the date of this Order pursuant to: **(Check the box which corresponds to the principal disorder that impairs the Defendant's competency to stand trial)**

S.C. Code Ann. §44-17-510 through §44-17-610  
(Mental Illness -- Department of Mental Health)

**OR**

S.C. Code Ann. §44-20-450  
(Intellectual Disability or Related Disability—  
Department of Disabilities and Special Needs)

**IT IS FURTHER ORDERED** that pending the commencement of the judicial admission proceedings, and until such time as the Probate Court shall gain jurisdiction over the Defendant by finding that the Defendant meets the criteria for civil commitment, the Defendant shall: **(Check one)**

- (A)  Continue in detention;
- (B)  Remain on bond;
- (C)  Be hospitalized through the South Carolina Department of Mental Health (SCDMH) if incompetent due to mental illness; or
- (D)  Be admitted to an intellectual disability facility or otherwise remanded to services through the Department of Disabilities and Special Needs (SCDDSN) if incompetent due to an intellectual disability or a related disability.

In the event requirements "C" or "D" above are chosen by the Court, the Defendant shall immediately be taken into custody by the Sheriff, and the Sheriff's office is hereby authorized and required to transport defendant to the facility designated by SCDMH following confirmation with SCDMH that a bed is available if requirement "C" was chosen, and to a facility or services designated by SCDDSN following confirmation with SCDDSN that placement is available if requirement "D" was chosen.

**IT IS FURTHER ORDERED** that, if after examination and a hearing, the Probate Court determines the Defendant does not meet the criteria for further Probate proceedings and dismisses the proceedings pursuant to S.C. Code Ann. §44-17-580(2) (mental illness)

**A TRUE COPY**  
*[Signature]*  
Lex. Cl. C.C.O.P., G.S. & P.J.

or S.C. Code Ann. §44-20-450(D) (intellectual or related disability), then the solicitor responsible for prosecution of the Defendant shall return this matter to the General Sessions Court so that this Court may enter such Order as is appropriate with respect to ongoing provisions for bond, notification of the victim(s) as to the status of the case, and such other requirements necessary to the ends of justice. In the interim prior to the General Sessions hearing, the provisions of Defendant's current bond and any additional requirements stated above shall remain in place.

**FILING, SERVICE, AND TRANSMITTAL OF THIS ORDER.** It is the responsibility of the solicitor to file and serve this order as outlined herein. After being signed by the Court, the original order must be immediately filed with the Clerk of Court and a certified copy served upon the opposing party. Further, **within five (5) business days**, a certified copy of this order must be served upon the examining agency at the address listed below. To expedite the agency's ability to implement this order and prepare for legal proceedings, the solicitor is instructed to immediately contact the examining agency to advise of the issuance of this order and forthcoming service upon the agency:

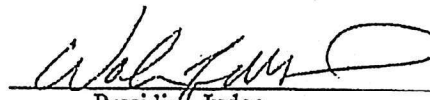
**Information for Service of Order on Agency**

Department of Mental Health  
Forensic Evaluation Service Paralegal  
S.C. Department of Mental Health  
CBHS Forensic Center  
7901 Farrow Road  
Columbia, SC 29203-3220  
(803)935-5540 (Phone)  
(803)935-5544 (Fax)  
Email: [FES-PARALEGAL@SCDMH.ORG](mailto:FES-PARALEGAL@SCDMH.ORG)

Department of Disabilities and Special Needs  
Office of Clinical Services  
Department of Disabilities and Special Needs  
Post Office Box 4706  
Columbia, SC 29240  
(803)898-9694 (Phone)  
(803)898-9660 (Fax)  
Email: [OBSForensics@ddsn.sc.gov](mailto:OBSForensics@ddsn.sc.gov)

**IT IS SO ORDERED.**

Date: 2/3/2023

  
Presiding Judge  
11<sup>TH</sup> Judicial Circuit

Solicitor's name: **Sutania A. Fuller**  
Telephone: 803-785-2322  
Email: [sfuller@lex-co.com](mailto:sfuller@lex-co.com)

Defense Counsel: **Robert T. Williams, Sr.**  
Telephone: 803-359-9000  
Email: [twilliams@wsblegal.com](mailto:twilliams@wsblegal.com)

**A TRUE COPY**  
  
Lex. Cl. C.C.C.P., G.S. & P.O.



REPORT OF DESIGNATED EXAMINER FOR MENTAL ILLNESS

PAGE

ELECTRONICALLY FILED - 2024 JUL 12 9:41 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357

Name of Person Examined	Sex	DOB	Age	Race	Height	Weight	Hair	Eyes	SS#	County of Residence
Legrantt Nesbitt	M	01/26/1965	58						249-41-2514	Lexington
Place of Examination					Hour and Date of Examination					
301 Palmetto Park Blvd					9:00am 06/01/2023					
Name of Designated Examiner			Degree		Place of Professional Employment					
M. Cherry			MD		Lexington Mental Health Center					

I, THE UNDERSIGNED EXAMINER, having been directed by Probate Court Order to do so, have examined the above-named person, reviewed the previous hospitalization records (if available), and considered the definitions of "person with mental illness" and "likelihood of serious harm," and am of the opinion that the person:  
(Check appropriate boxes.)

I.  IS MENTALLY ILL, REQUIRING INVOLUNTARY TREATMENT BECAUSE OF HIS/HER DIAGNOSIS OF MDD with psychotic features (vs SAD, depressed), PTSD, AND AT THIS TIME:  
(diagnosis)

He/She lacks sufficient insight or capacity to make responsible decisions with respect to his/her treatment;

AND/OR

There is a likelihood of serious harm to self or others;

AND THEREFORE,

INVOLUNTARY HOSPITALIZATION IS RECOMMENDED (for persons not already hospitalized),

FURTHER INVOLUNTARY HOSPITALIZATION IS RECOMMENDED, AND/OR

UPON DISCHARGE OR COURT ORDER, INVOLUNTARY OUTPATIENT TREATMENT IS RECOMMENDED

My recommendation is based on the following symptoms and specific examples of behavior:

Threats and/or attempts at suicide or serious bodily harm,

Homicidal or violent behaviors,

Self-neglect, inability to care for, and/or protect self, and/or

Other: Needs continued medication management for psychiatric stability

Describe specifics of each box checked:

Pt with history of violence when psychiatrically unstable in past

(Page 2 must be completed.)

All Information MUST be typed or written legibly.

REPORT OF DESIGNATED EXAMINER FOR MENTAL ILLNESS

ELECTRONICALLY FILED - 2024 Nov 12 9:41 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357

II.  IS MENTALLY ILL, BUT NOT TO SUCH AN EXTENT THAT AN ORDER OF INVOLUNTARY TREATMENT IS PRESENTLY REQUIRED.

If the above-named person is currently subject to an Involuntary Outpatient Order, that Order should remain in FULL FORCE AND EFFECT.

My recommendation is based on the following observations and opinions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III.  IS NOT MENTALLY ILL, therefore, DISMISSAL of this Application/Petition and immediate DISCHARGE of this person is recommended.

My recommendation is based on the following observations and opinions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My recommendation for additional treatment on a voluntary basis is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*M. Cherry*

MD

SC21907

SIGNATURE OF DESIGNATED EXAMINER

DEGREE

MEDICAL OR PROFESSIONAL LICENSE NO.

M. Cherry

803-359-3545

TYPED OR PRINTED NAME OF DESIGNATED EXAMINER

PHONE NUMBER

301 Palmetto Park Blvd.

Lexington

Lexington

29072

STREET ADDRESS

CITY

COUNTY

ZIP

NOTE: (1) "Person with Mental Illness" means a person afflicted with a mental disease to such an extent that, for his own welfare or the welfare of others or of the community, he requires care, treatment or hospitalization. S.C. Code § 44-23-10(21).

(2) "Likelihood of serious harm" means because of mental illness there is (1) a substantial risk of physical harm to the person himself as manifested by evidence of threats of, or attempts at, suicide or serious bodily harm; (2) a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior and serious harm to them or (3) a very substantial risk of physical impairment or injury to the person himself as manifested by evidence that the person's judgment is so affected that he is unable to protect himself in the community and that reasonable provision for his protection, is not available in the community. S.C. Code § 44-23-10(13).

All Information MUST be typed or written legibly.

22

REPORT OF DESIGNATED EXAMINER FOR MENTAL ILLNESS

ELECTRONICALLY FILED - 2024 Nov 12 9:41 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357

Name of Person Examined	Sex	DOB	Age	Race	Height	Weight	Hair	Eyes	SS#	County of Residence
Legrantt Nesbitt	M	01/26/1965	58						249-41-2514	Lexington
Place of Examination					Hour and Date of Examination					
301 Palmetto Park Blvd					9:00am 06/01/2023					
Name of Designated Examiner				Degree		Place of Professional Employment				
Tiera Brown				MSW		Lexington Mental Health Center				

I, THE UNDERSIGNED EXAMINER, having been directed by Probate Court Order to do so, have examined the above-named person, reviewed the previous hospitalization records (if available), and considered the definitions of "person with mental illness" and "likelihood of serious harm," and am of the opinion that the person:  
(Check appropriate boxes.)

I.  IS MENTALLY ILL, REQUIRING INVOLUNTARY TREATMENT BECAUSE OF HIS/HER DIAGNOSIS OF major depressive disorder w/ psychotic features, AND AT THIS TIME:  
(diagnosis)

He/She lacks sufficient insight or capacity to make responsible decisions with respect to his/her treatment;

AND/OR

There is a likelihood of serious harm to self or others;

AND THEREFORE,

- INVOLUNTARY HOSPITALIZATION IS RECOMMENDED (for persons not already hospitalized),
- FURTHER INVOLUNTARY HOSPITALIZATION IS RECOMMENDED, AND/OR
- UPON DISCHARGE OR COURT ORDER, INVOLUNTARY OUTPATIENT TREATMENT IS RECOMMENDED.

My recommendation is based on the following symptoms and specific examples of behavior:

- Threats and/or attempts at suicide or serious bodily harm,
- Homicidal or violent behaviors,
- Self-neglect, inability to care for, and/or protect self, and/or
- Other: Needs continuous medication management for psychiatric stability

Describe specifics of each box checked: Client expresses extensive history of mental health symptoms and diagnosis however, after restoration period and being prescribed antipsychotic medication client is no longer endorsing symptoms related to psychosis and does not require hospitalization for stability. Client has been compliant with medications since being incarcerated and if released will benefit from continuing medication in the community. Because client is a veteran it is also recommended he receive treatment from Dorn VA.

(Page 2 must be completed.)

All Information MUST be typed or written legibly.

2023 JUN 1 12:34  
LEXINGTON

23

REPORT OF DESIGNATED EXAMINER FOR MENTAL ILLNESS

ELECTRONICALLY FILED - 2024 Nov 12 9:41 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357

II.  IS MENTALLY ILL, BUT NOT TO SUCH AN EXTENT THAT AN ORDER OF INVOLUNTARY TREATMENT IS PRESENTLY REQUIRED.

If the above-named person is currently subject to an Involuntary Outpatient Order, that Order should remain in FULL FORCE AND EFFECT.

My recommendation is based on the following observations and opinions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

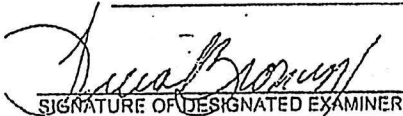
III.  IS NOT MENTALLY ILL, therefore, DISMISSAL of this Application/Petition and immediate DISCHARGE of this person is recommended.

My recommendation is based on the following observations and opinions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My recommendation for additional treatment on a voluntary basis is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
SIGNATURE OF DESIGNATED EXAMINER

MSW  
DEGREE

12423  
MEDICAL OR PROFESSIONAL LICENSE NO.

Tiera Brown  
TYPED OR PRINTED NAME OF DESIGNATED EXAMINER

803-359-3545  
PHONE NUMBER

301 Palmetto Park Blvd.  
STREET ADDRESS

Lexington  
CITY

Lexington  
COUNTY

29072  
ZIP

NOTE: (1) "Person with Mental Illness" means a person afflicted with a mental disease to such an extent that, for his own welfare or the welfare of others or of the community, he requires care, treatment or hospitalization. S.C. Code § 44-23-10(21).

(2) "Likelihood of serious harm" means because of mental illness there is (1) a substantial risk of physical harm to the person himself as manifested by evidence of threats of, or attempts at, suicide or serious bodily harm; (2) a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior and serious harm to them or (3) a very substantial risk of physical impairment or injury to the person himself as manifested by evidence that the person's judgment is so affected that he is unable to protect himself in the community and that reasonable provision for his protection is not available in the community. S.C. Code § 44-23-10(13).

All information MUST be typed or written legibly.

24

COUNTY OF Lexington

IN THE PROBATE COURT

EX PARTE

Jutana A. Fuller *Off. Circuit Solicitor*

PETITION FOR JUDICIAL ADMISSION

IN THE MATTER OF

Legraah Nesbitt  
*An Alleged Mentally Ill Person*

**FILED** (PART I)

FEB 22 2023

The undersigned respectfully shows to the Court

1. That Legraah Nesbitt

PROBATE JUDGE  
LEXINGTON COUNTY, SC

521 Gibson Rd, Lexington, SC  
*Street or Route City State*

who is presently found or residing

Lexington

South Carolina is according to the information and belief of the undersigned, mentally ill and because of this condition, needs involuntary treatment, and should be so adjudged and treated. The reasons for this belief are as follows:  
(Strike either a or b, whichever is incorrect)

- a. That said person has been examined by a Designated Examiner whose certificate is set out within, who states that said person is mentally ill and because of this condition needs involuntary inpatient and/or outpatient treatment.
- b. That said person cannot or will not be examined by a Designated Examiner because of the following facts supporting the undersigned's belief that said person is mentally ill and because of this condition needs involuntary inpatient and/or outpatient treatment. (State facts, not mere conclusions)

2. That below are set out the names and addresses of those interested in or related to the alleged mentally ill person in need of involuntary treatment, these being his or her:

Spouse	Address
Legal Guardian	Address
Nearest Other Relative or Friend: <u>Twanda &amp; Sharon Nesbitt</u>	Address
Relationship: <u>Sisters</u>	Address

3. WHEREFORE, the undersigned Petitioner prays that the Court inquire into the condition of said person and adjudge him or her to be mentally ill and in need of involuntary treatment and order hospitalization and/or other involuntary treatment for him/her in a South Carolina mental health facility for care and treatment or take such actions as may be legally proper.

Dated this 22 day of February, 2023

Jutana A. Fuller  
*Petitioner's Signature*  
205 E. Main Street, Suite 309  
*Address*

at Lexington, South Carolina

Prosecutor  
*Relationship to Alleged Mentally Ill Person*

NOTE: Pursuant to Section 44-17-510 and Section 44-23-10(21), S.C. Code, 1976, as amended, Petitioner must be a parent, guardian, spouse, adult next-of-kin, or nearest friend. If person is presently a patient of a public or private mental facility, Petitioner may be the Director of that facility.

NOTE: This Petition shall be served on the person and his attorney and, if no attorney, then on him and a member of his immediate family.

ELECTRONICALLY FILED - 2024 NOV 22 9:51 AM - RICHLEND - COMMON PLEAS - CASE#2022CP4001397

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

VERIFICATION

I, personally appeared before me, Outania A. Fuller, who being duly sworn, says that he/she is the Petitioner above named, that he/she has read the foregoing Petition, the allegations of which are true to his/her own knowledge, except those stated on information and belief, which Petitioner believes to be true based upon the facts stated by Petitioner herein.

Sworn to before me this 20 day of February, 2022

[Signature]  
Notary

[Signature] (U.S.)  
Notary Public for South Carolina

My Commission expires June 30, 2023

**IMPORTANT NOTICE:** All patients receiving treatment in a State Department of Mental Health Facility will be charged the established fee as approved by the South Carolina Mental Health Commission.

**CERTIFICATE OF LICENSED PHYSICIAN OR DESIGNATED EXAMINER**

**NOTE:** A Designated Examiner is defined by Section 44-23-10(7) as: A physician duly licensed by the Board of Medical Examiners of this State or a person registered by the Commission as specially qualified under standards established by it in the diagnosis of mental or related illnesses.

I, the undersigned, do hereby certify that I personally made an examination of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and in my opinion based on said examination, that said person is mentally ill and because of that condition needs an voluntary, inpatient and/or outpatient treatment and that the following facts are set forth as the basis of my opinion: (print or type)

[Lined area for notes and details]

\_\_\_\_\_  
Signature and Printed Name of Physician or Designated Examiner

Address

EEG0180N16 AUG 19 2024 NOV 12 9 41 AM WERNICHLAND - COMMON PLEAS - CASE 12022CF100135

22

COUNTY OF LEXINGTON

CASE NO. 2023MH3200237

EX PARTE:

SUTANIA A. FULLER, ASSISTANT SOLICITOR  
(Petitioner/Applicant)

**FILED** ORDER

IN THE MATTER OF:

JUN 02 2023

LEGRANTT NESBITT  
(A Person with Mental Illness)

PROBATE JUDGE  
LEXINGTON COUNTY, SC

After a full hearing on the issues involved herein and consideration of the testimony and record,

**THE COURT FINDS, upon clear and convincing evidence, that the above-named person is mentally ill and because of his/her mental illness:**

(Check as appropriate)

- 1. Lacks sufficient insight or capacity to make responsible decisions with respect to treatment; and/or
- 2. There is a likelihood of serious harm to the above-named person or others.

**THEREFORE, IT IS ORDERED, ADJUDGED, and DECREED that:**

(Check as appropriate)

*J*

A. The above-named person shall be committed to a state mental health facility for in-patient care and treatment as provided in S.C. Code § 44-17-580 or S.C. Code § 44-17-610.

B. The above-named person shall be committed a local mental health facility for out-patient treatment for a period not to exceed 12 months as provided in S.C. Code § 44-17-580.

The out-patient treatment facility shall report to this Court any failure of the above named person to adhere to the prescribed out-patient treatment order or program. This Court shall retain jurisdiction over the above-named person to insure compliance with this Order, pursuant to S.C. Code § 44-17-580.

C. The above-named facility is authorized to seek admission for the above-named person at \_\_\_\_\_ and may transfer this patient to such facility without further order of the Court.

The notice required by S.C. Code Ann. § 23-31-1040 (a copy of which is attached to and made a part of this Order) has been provided to the person or his representative.

Dated this 2nd day of

*Julie Sherrill*  
\_\_\_\_\_  
Judge of Probate Court or Special Probate Judge for the above-named County

(SEAL)

June, 20 23.

EXHIBIT 5

27

REPORT OF DESIGNATED EXAMINER FOR MENTAL ILLNESS

Name of Person Examined	Sex	DOB	Age	Race	Height	Weight	Hair	Eyes	SS#	County of Residence
Legrantt Nesbitt	M	01/26/1965	58						249-41-2514	Lexington
Place of Examination					Hour and Date of Examination					
301 Palmetto Park Blvd					9:00am 06/01/2023					
Name of Designated Examiner			Degree		Place of Professional Employment					
M. Cherry			MD		Lexington Mental Health Center					

I, THE UNDERSIGNED EXAMINER, having been directed by Probate Court Order to do so, have examined the above-named person, reviewed the previous hospitalization records (if available), and considered the definitions of "person with mental illness" and "likelihood of serious harm," and am of the opinion that the person:  
(Check appropriate boxes.)

I.  IS MENTALLY ILL, REQUIRING INVOLUNTARY TREATMENT BECAUSE OF HIS/HER DIAGNOSIS OF  
MDD with psychotic features (vs SAD, depressed), PTSD \_\_\_\_\_, AND AT THIS TIME:  
(diagnosis)

He/She lacks sufficient insight or capacity to make responsible decisions with respect to his/her treatment;

AND/OR

There is a likelihood of serious harm to self or others;

AND THEREFORE,

- INVOLUNTARY HOSPITALIZATION IS RECOMMENDED (for persons not already hospitalized),
- FURTHER INVOLUNTARY HOSPITALIZATION IS RECOMMENDED, AND/OR
- UPON DISCHARGE OR COURT ORDER, INVOLUNTARY OUTPATIENT TREATMENT IS RECOMMENDED

My recommendation is based on the following symptoms and specific examples of behavior:

- Threats and/or attempts at suicide or serious bodily harm,
- Homicidal or violent behaviors,
- Self-neglect, inability to care for, and/or protect self, and/or
- Other: Needs continued medication management for psychiatric stability

Describe specifics of each box checked: \_\_\_\_\_

Pt with history of violence when psychiatrically unstable in past

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(Page 2 must be completed.)

All Information MUST be typed or written legibly.

28

II.  IS MENTALLY ILL, BUT NOT TO SUCH AN EXTENT THAT AN ORDER OF INVOLUNTARY TREATMENT IS PRESENTLY REQUIRED.

If the above-named person is currently subject to an Involuntary Outpatient Order, that Order should remain in FULL FORCE AND EFFECT.

My recommendation is based on the following observations and opinions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III.  IS NOT MENTALLY ILL, therefore, DISMISSAL of this Application/Petition and immediate DISCHARGE of this person is recommended.

My recommendation is based on the following observations and opinions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My recommendation for additional treatment on a voluntary basis is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*M. Cherry*

MD SC21907  
SIGNATURE OF DESIGNATED EXAMINER DEGREE MEDICAL OR PROFESSIONAL LICENSE NO.

M. Cherry 803-359-3545  
TYPED OR PRINTED NAME OF DESIGNATED EXAMINER PHONE NUMBER

301 Palmetto Park Blvd. Lexington Lexington 29072  
STREET-ADDRESS CITY COUNTY ZIP

NOTE: (1) "Person with Mental Illness" means a person afflicted with a mental disease to such an extent that, for his own welfare or the welfare of others or of the community, he requires care, treatment or hospitalization. S.C. Code § 44-23-10(21).  
(2) "Likelihood of serious harm" means because of mental illness there is (1) a substantial risk of physical harm to the person himself as manifested by evidence of threats of, or attempts at, suicide or serious bodily harm; (2) a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior and serious harm to them or (3) a very substantial risk of physical impairment or injury to the person himself as manifested by evidence that the person's judgment is so affected that he is unable to protect himself in the community and that reasonable provision for his protection, is not available in the community. S.C. Code § 44-23-10(13).

All Information MUST be typed or written legibly.

REPORT OF DESIGNATED EXAMINER FOR MENTAL ILLNESS

Name of Person Examined Legrantt Nesbitt	Sex M	DOB 01/26/1965	Age 58	Race	Height	Weight	Hair	Eyes	SS# 249-41-2514	County of Residence Lexington
Place of Examination 301 Palmetto Park Blvd					Hour and Date of Examination 9:00am 06/01/2023					
Name of Designated Examiner Tiera Brown			Degree MSW		Place of Professional Employment Lexington Mental Health Center					

I, THE UNDERSIGNED EXAMINER, having been directed by Probate Court Order to do so, have examined the above-named person, reviewed the previous hospitalization records (if available), and considered the definitions of "person with mental illness" and "likelihood of serious harm," and am of the opinion that the person:  
(Check appropriate boxes.)

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(diagnosis)

He/She lacks sufficient insight or capacity to make responsible decisions with respect to his/her treatment;

AND/OR

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- Homicidal or violent behaviors,
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- Other: Needs continous medication management for psychiatric stability

Describe specifics of each box checked: Client expresses extensive history of mental health symptoms and diagnosis however, after restoration period and being prescribed antipsychotic medication client is no longer endorsing symptoms related to psychosis and does not require hospitalization for stability. Client has been compliant with medications since being incarcerated and if released will benefit from continuing medication in the community. Because client is a veteran it is also recommended he receive treatment from Dorn VA.

(Page 2 must be completed.)

All Information MUST be typed or written legibly.

2023 JUN 1 12:31  
 Lexington Mental Health Center  
 Tiera Brown, MSW

30

II.  IS MENTALLY ILL, BUT NOT TO SUCH AN EXTENT THAT AN ORDER OF INVOLUNTARY TREATMENT IS PRESENTLY REQUIRED.

If the above-named person is currently subject to an Involuntary Outpatient Order, that Order should remain in FULL FORCE AND EFFECT.

My recommendation is based on the following observations and opinions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

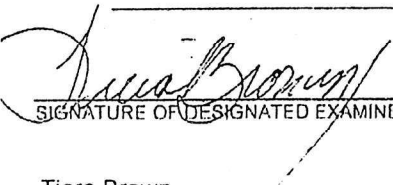
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My recommendation is based on the following observations and opinions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My recommendation for additional treatment on a voluntary basis is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



SIGNATURE OF DESIGNATED EXAMINER

MSW

DEGREE

12423

MEDICAL OR PROFESSIONAL LICENSE NO.

Tiera Brown

TYPED OR PRINTED NAME OF DESIGNATED EXAMINER

803-359-3545

PHONE NUMBER

301 Palmetto Park Blvd.

STREET ADDRESS

Lexington

CITY

Lexington

COUNTY

29072

ZIP

NOTE: (1) "Person with Mental Illness" means a person afflicted with a mental disease to such an extent that, for his own welfare or the welfare of others or of the community, he requires care, treatment or hospitalization. S.C. Code § 44-23-10(21).

(2) "Likelihood of serious harm" means because of mental illness there is (1) a substantial risk of physical harm to the person himself as manifested by evidence of threats of, or attempts at, suicide or serious bodily harm; (2) a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior and serious harm to them or (3) a very substantial risk of physical impairment or injury to the person himself as manifested by evidence that the person's judgment is so affected that he is unable to protect himself in the community and that reasonable provision for his protection is not available in the community. S.C. Code § 44-23-10(13).

All Information MUST be typed or written legibly.



**RECEIVED**

**Feb 07 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Daniel Coble, Circuit Court Judge

---

Appellate Case No. 2024-002139

Case No. 2022-CP-40-01357

---

Vanessa Holloway,

Respondent,

v.

Legrantt Nesbitt,  
By and through his Power of Attorney  
Twanda Nesbitt,

Appellant.

---

PROOF OF SERVICE

---

I certify that I served the Reply upon Counsel for Vanessa Holloway by electronic means a copy sent by email and US mail, postage prepaid on February 7, 2025, to her attorney of record,

Trevor P. Eddy  
The Eddy Law Firm, LLC  
1516 Richland Street Suite B  
Columbia SC, 29201

*S/Herbert E. Buhl, III*  
Herbert E. Buhl, III  
2204 Devine ST.  
Columbia, South Carolina 29205  
803.799.3767  
SC Bar No. 1000  
ATTORNEY FOR APPELLANT  
Legrantt Nesbitt