

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel Coble, Circuit Judge

Appellate Case No.: 2024-002139

Vanessa Holloway,

Respondent,

vs.

Legrantt Nesbit

Appellant.

RECORD ON APPEAL

Trevor P. Eddy, Esq
1516 Richland St, Suite B
Columbia, SC 29201
(803)250-5402
trevor@theeddylawfirm.com
SC Bar No. 100069
Attorney for Respondent

Herbert E. Buhl, III, Esq
2204 Devine Street
Columbia, SC 29205
(803) 799-3767
herb@herbbuhl.com
SC Bar No. 1000
Attorney for Appellant

RECEIVED

Sep 15 2025

SC Court of Appeals

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7. On May 8, 2023, Judge Clifton Newman issued a Judgment in favor of the Plaintiff in an amount of Actual Damages of \$750,000 and Punitive Damages in the amount of \$900,000.
8. On June 2, 2023, the Probate Court of Lexington County ordered that Defendant was to be declared mentally ill and legally incompetent.

WHEREFORE,

As Defendant was not declared legally incompetent by the Probate Court until after all relevant events of the procedural history of the present lawsuit above, the May 8, 2023 Default Judgment shall stay in force and not be overturned.

The Honorable Daniel Coble

DATE:



Richland Common Pleas

Case Caption: Vanessa Holloway vs Legrantt Nesbitt
Case Number: 2022CP4001357
Type: Order/Other

So Ordered

s/ Daniel Coble, 2774

Electronically signed on 2024-11-20 14:33:27 page 3 of 3



Richland Common Pleas

Case Caption: Vanessa Holloway vs Legrantt Nesbitt
Case Number: 2022CP4001357
Type: Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774

Electronically signed on 2024-11-18 08:57:36 page 3 of 3

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NO. 2022CP4001357

Vanessa Holloway
PLAINTIFF(S)

Legrantt Nesbitt
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:

After careful consideration of the arguments and written briefs, Defendant's Motion for Relief is DENIED. The prevailing party should submit a more formal order within 10 days.

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 11/18/2024 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

IN THE PROBATE COURT

CASE NO. 2023MH3200237

EX PARTE:

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

FILED ORDER

IN THE MATTER OF:

LEGRANTT NESBITT
(A Person with Mental Illness)

JUN 02 2023

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.

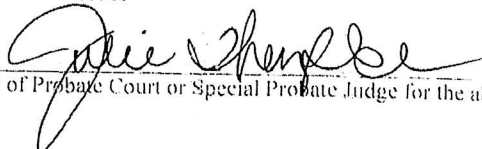
THEREFORE, IT IS ORDERED, ADJUDGED, and DECREED that:
(Check as appropriate)

- A. The above-named person shall be committed to a state mental health facility for
(a public, private, or VA mental health facility) 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
(a public, private, or VA mental health facility) 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.
(a public, private, or VA mental health facility)

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

June, 2023



Judge of Probate Court or Special Probate Judge for the above-named County

(SEAL)

REPORT OF DESIGNATED EXAMINER FOR MENTAL ILLNESS

PAGE 1

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					
Name of Designated Examiner				Degree		Place of Professional Employment					
M. Cherry				MD		Lexington Mental Health Center					
06/01/2023											

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.

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

REPORT OF DESIGNATED EXAMINER FOR MENTAL ILLNESS

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

SIGNATURE OF DESIGNATED EXAMINER MD SC21907 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.

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)**

X 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) X 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]
1st. CL. C.C.O.P. G.S. § 1-210

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:

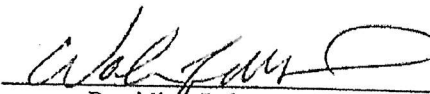
Information for Service of Order on Agency

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

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

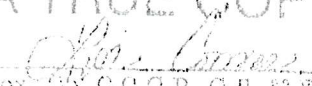
IT IS SO ORDERED.

Date: 2/3/2023


Presiding Judge
11TH Judicial Circuit

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

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

A TRUE COPY

CLERK OF COURT, RICHLAND COUNTY, S.C.

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

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

Plaintiff be awarded the following judgment against Legrantt Nesbitt:

1. An award of **actual damages** of \$750,000.00 for past medical treatment, past pain and suffering, past mental trauma, future pain and suffering and future mental trauma.
2. An award of **punitive damages** in the amount of \$900,000.00

AND IT IS SO ORDERED.

The Honorable Clifton B. Newman

Date:



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



Richland Common Pleas

Case Caption: Vanessa Holloway vs Legrantt Nesbitt
Case Number: 2022CP4001357
Type: Order/Entry of Default

So Ordered

s/Jeanette W. McBride, by Virginia F. Belcher,
Chief Deputy Clerk of Court

Electronically signed on 2022-05-18 12:37:32 page 2 of 2

ELECTRONICALLY FILED - 2022 May 18 3:00 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357
ELECTRONICALLY FILED - 2023 Apr 11 1:57 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357
ELECTRONICALLY FILED - 2023 May 08 4:02 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Vanessa Holloway, PLAINTIFF(S), -VS- Legrantt Nesbitt, DEFENDANT.	IN THE COURT OF COMMON PLEAS CASE NO: <u>SUMMONS</u>
--	---

TO: THE DEFENDANT ABOVE NAMED

YOU ARE HEREBY SUMMONED AND REQUIRED to Answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer on the attorney for the Plaintiffs listed below at their office at 1522 Lady Street Columbia, SC 29201, within thirty (30) days after service hereof exclusive of the day of such service. If you fail to answer the Complaint within the time aforesaid, the Plaintiffs in this action will apply to the Court for a Judgment by Default for the relief demanded in the Complaint and any other relief deemed appropriate.

THE EDDY LAW FIRM, LLC

/s Trevor P. Eddy
Trevor P. Eddy, Esquire (S.C. Bar No. 100069)
1522 Lady Street
Columbia, SC 29201
803-250-5402
Trevor@TheEddyLawFirm.com

3/16/2022

neighbor's home to call for emergency services. That Defendant was arrested for and charged with attempted murder.

- 7. That Plaintiff Vanessa Holloway suffered terrible injuries to her body with severe and permanent scarring. That said Plaintiff has suffered mental anguish and emotional distress as a consequence of the attack and continues to do so. That said Plaintiff has suffered continued physical pain since the attack.
- 8. That Plaintiff Vanessa Holloway suffered injuries to her stomach and leg with permanent damage and surgery. That said Plaintiff has suffered mental anguish and emotional distress as a consequence of the attack and continues to do so.

FOR A FIRST AND SECOND CAUSE OF ACTION

ASSAULT AND BATTERY

- 9. The Plaintiff reiterates the above as if fully stated herein.
- 10. The Defendant assaulted the Plaintiff by putting them in reasonable fear of bodily harm by attacking each of them with his fists and a weapon. A person of ordinary reason and firmness would believe themselves to be at risk of bodily harm by such an attack with a gun.
- 11. The Defendant committed battery on the Plaintiffs by unlawfully touching or striking the Plaintiff with his fists and a gun which was done with the intent of harmful or offensive contact. The Plaintiff did not consent to the contact with the fists or weapon and the contact was not privileged.

FOR A THIRD CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

- 12. The Plaintiff reiterates the above as if fully stated herein.

13. That Defendant intentionally or recklessly inflicted severe emotional distress or should have known that such distress was certain or substantially certain to result from the gunshots.

14. The conduct of Defendant by assaulting and shooting his house guest was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

15. The Defendant's assault of the Plaintiff caused emotional distress in the Plaintiff and said distress was, and continues to be, so severe that no reasonable man could be expected to endure it.

16. That the Plaintiff is informed and believes that they are entitled to judgment against the Defendant in the sum of actual damages, and for punitive damages in an appropriate amount for their personal injury and property damage.

WHEREFORE, the Plaintiffs demand judgment against the Defendant for actual and punitive damages for the costs of this action, and for such other and further relief that this Court deems just, equitable, and proper.

THE EDDY LAW FIRM, LLC

/s Trevor P. Eddy
Trevor P. Eddy, Esquire (S.C. Bar No. 100069)
1522 Lady Street
Columbia, SC 29201
803-250-5402
Trevor@TheEddyLawFirm.com

3/16/2022



Office of the Sheriff
LEXINGTON COUNTY
Bryan "Jay" Koon

State of SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

Affidavit of Service

Case #:2022CP4001357

VANESSA HOLLOWAY

-vs-

LEGRANTT NESBITT

The undersigned, being duly sworn, says on oath that he/she served the SUMMONS AND COMPLAINT in this action by delivering same to: THE DEFENDANT, LEGRANTT NESBITT PERSONAL SERVICE And leaving with him/her one copy of same at 521 GIBSON RD (LCDC) LEXINGTON SC 29072 on the 6 of April, 2022 at 14:45 Hrs. And that Defendant/Respondent is not a member of the U.S. Forces.

Signed *John Mobley*
JOHN MOBLEY, LCSD

Sworn to before me on this
6 day of April, 2022

Shota D. Reese
Notary Public for South Carolina
My Commission Expires: 11/10/25



STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Vanessa Holloway,

PLAINTIFF(S),

-VS-

Legrantt Nesbitt,

DEFENDANT.

IN THE COURT OF COMMON PLEAS

CASE#2022CP4001357

NOTICE OF HEARING

Please take notice that a hearing has been scheduled before the Court of Common Pleas in Richland County on March 23, 2023, at 9:30am via video conference, in the above referenced action.

The Eddy Law Firm, LLC

/s Trevor P. Eddy

Trevor P. Eddy, Esq (100069)

1522 Lady Street

Columbia, SC 29201

803-250-5402

Trevor@TheEddyLawFirm.com

Attorney for Plaintiffs

3/7/2023

<p>STATE OF SOUTH CAROLINA</p> <p>COUNTY OF RICHLAND</p> <p>Vanessa Holloway,</p> <p style="text-align: center;">PLAINTIFF(S),</p> <p>-VS-</p> <p>Legrantt Nesbitt,</p> <p style="text-align: center;">DEFENDANT.</p>	<p>IN THE COURT OF COMMON PLEAS</p> <p>CASE#01303-PREMISES LIABILITY</p> <p style="text-align: center;">CERTIFICATE OF MAILING</p>
---	---

I hereby certify a copy of the foregoing Notice of Hearing has been served upon the persons below-listed by mailing a certified copy as addressed as follows:

Greta Nance
Lexington County Sheriff's Department-Civil Process Judicial Services
gnance@lcsd.sc.gov

The Eddy Law Firm, LLC

/s/ Trevor P. Eddy
Trevor P. Eddy, Esq (100069)
1522 Lady Street
Columbia, SC 29201
803-250-5402
Trevor@TheEddyLawFirm.com
Attorney for Plaintiff

3/7/2023



Office of the Sheriff
LEXINGTON COUNTY
Bryan "Jay" Koon

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ELECTRONICALLY FILED - 2023 May 08 4:02 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357

State Of SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

Affidavit of Service

Case #:2022CP4001357

VANESSA HOLLOWAY

-vs-

LEGRANTT NESBITT

The undersigned, being duly sworn, says on oath that he/she served the NOT
OF MOTION.MOTION FOR DEFAULT.CERT in this action by delivering same to: TH
DEFENDANT, LEGRANTT NESBITT PERSONAL SERVICE And leaving with him/her one
copy of same at 521 GIBSON RD (LCDC) LEXINGTON SC 29072 on the 26 of May,
2022 at 09:25 Hrs. And that Defendant/Respondent is not a member of the U.
Forces.

Signed John Mobley
JOHN MOBLEY, LCSD

Sworn to before me on this
26 day of May, 2022
Marta Dauce
Notary Public for South Carolina
My Commission Expires: 11/10/25



STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Vanessa Holloway,

PLAINTIFF(S).

-VS-

Legrantt Nesbitt,

DEFENDANT.

IN THE COURT OF COMMON PLEAS

CASE#2022CP4001357

NOTICE OF HEARING

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The Eddy Law Firm, LLC

/s Trevor P. Eddy

Trevor P. Eddy, Esq (100069)

1522 Lady Street

Columbia, SC 29201

803-250-5402

Trevor@TheEddyLawFirm.com

Attorney for Plaintiffs

3/7/2023

ELECTRONICALLY FILED - 2023 Apr 11 1:57 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357
ELECTRONICALLY FILED - 2023 May 08 4:02 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357

<p>STATE OF SOUTH CAROLINA COUNTY OF RICHLAND</p> <p>Vanessa Holloway, PLAINTIFF(S).</p> <p>-VS-</p> <p>Legrantt Nesbitt, DEFENDANT.</p>	<p>IN THE COURT OF COMMON PLEAS CASE#01303-PREMISES LIABILITY</p> <p>CERTIFICATE OF MAILING</p>
---	---

I hereby certify a copy of the foregoing Notice of Hearing has been served upon the persons below-listed by mailing a certified copy as addressed as follows:

Greta Nance
Lexington County Sheriff's Department-Civil Process Judicial Services
gnance@lcsd.sc.gov

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3/7/2023

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

COUNTY OF RICHLAND)

Vanessa Holloway,)

CIVIL ACTION NO.: 2023-CP-40-01357

Plaintiff,)

vs.)

**MOTION FOR RELIEF
FROM JUDGMENT
PURSUANT TO
SCRCP 55 AND 60(b)**

Legrantt Nesbitt,)

Defendant.)

The Defendant, through counsel, moves this Court for an Order setting aside the entry of default on May 16, 2022, and to set aside the Judgment by Default entered on May 8, 2023, pursuant to Rules 55 and 60 of the South Carolina Rules of Civil Procedure. The Defendant is entitled to relief from the Default and the Judgment by Default.

Rule 55 (b)(2) provides in pertinent part:

(2) all other cases

In all other cases, the party entitled to a judgment by default shall apply to the Court therefore, but no judgment by default shall be entered against a minor or incompetent person unless represented in the action by a Guardian *Ad litem* who has appeared therein... (emphasis added).

Rule 60(b) of the South Carolina Rules of Civil Procedure provides in pertinent part:

60(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc.

On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

1. mistake, inadvertence, surprise, or excusable neglect;
 2. newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);
 3. fraud, misrepresentation, or other misconduct of an adverse party;
 4. the judgment is void;
1. That the Defendant, through counsel, would show unto the Court that the Defendant granted, Twanda P. Nesbitt, a Durable Power of Attorney, appointing her as his attorney-in-fact,

on June 20, 2020, which was filed on January 18, 2022, in Book R2707, at Page 431, in the Clerk of Courts Office for Lexington County, South Carolina.

2. That the Defendant, was served with a copy of the Summons and Complaint on April 6, 2022, while he was incarcerated at the Lexington County Detention Center, Lexington, South Carolina.

3. That the Defendant, was served the Notice of Hearing on March 7, 2023 while incarcerated at the Lexington County Detention Center, Lexington, South Carolina.

4. The entry of default by the Clerk of Court was entered on May 16, 2022, in violation of the Rule 55 (b)(2) which mandates that no entry of default shall be entered against an incompetent person unless represented by a Guardian *Ad litem*. The Defendant submits that he has been previously evaluated and determined to be incompetent according to several reports submitted to the Lexington County Court of General Sessions.

5. That on February 3, 2023, the Court of General Sessions for Lexington County, South Carolina issued its finding of Lack of Competence to Stand Trial for the foreseeable future, and ordering Probate Commitment proceedings.

6. That the Probate Court thereafter initiated Civil Commitment Proceedings.

7. The Defendant was found to be an incapacitated individual by the Probate Court and committed to the South Carolina Department of Mental Health.

8. The Defendant, through counsel, would allege and show unto the Court that the entry of Default and the entry of the Judgment by Default should be set aside.

9. The entry of Default and Judgment by Default are void. A judgment of a court without subject matter jurisdiction or personal jurisdiction is void and constitutes grounds for the court to vacate the judgment under Rule 60 (b)(4). Thomas & Howard Co., Inc. vs. T.W. Graham & Co.,

318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995); Rule 60 (b)(4) (stating a court may relieve a party from a final judgment if the judgment is void). “A void judgment is one that, from its inception, is a complete nullity and is without legal effect and must be distinguished from one which is merely “voidable.”” Thomas & Howard Co., 318 S.C. at 291, 457 S.E.2d at 343 (1995) (citation omitted).

In the instant case, Plaintiff obtained a default judgment against an individual who was not only incarcerated, but was found to be incompetent and incapacitated. According to the South Carolina Rules of Civil Procedure, a Guardian *Ad litem* should have been appointed or at the least his attorney-in-fact notified of the proceedings.

The Defendant further alleges that the procedural flaws deprived him of his day in court and deprived this Court of jurisdiction, and the Judgment is therefore void.

The language of Rule 60 specifically excluded Motions under Rule 60 (b)(4) from the one-year limitation and indicates these Motions must be brought within a reasonable time. Perry vs. Heirs at Law of Gadsden, 590 S.E., 2d 502 (Ct. App. 2003).

10. In determining whether to grant relief under Rule 60 (b)(1) the court must consider the following factors: (1) the promptness with which relief is sought, (2) the reason for the failure to act promptly (3) the existence of a meritorious defense and (4) the prejudice to the other party. Tobias vs. Rice, 655 S.E. 2d 216 (Ct. App. 2008).

The Defendant’s attorney-in-fact only recently discovered the Plaintiff’s Judgment by Default and has acted in a reasonable period of time. There will be no prejudice to the Plaintiff to set aside the Judgment by Default and the Defendant has a meritorious defense.

“Under Rule 60 (b)(4) and (5), the court may grant a party relief from judgment if the party makes a motion seeking the relief within a reasonable time.” The Smith Companies of Greenville, Inc. vs. Hayes, 311 S.C. 358 S.E.2d 900, 902 (Ct. App. 1993).

11. The Order and Judgment by Default void.

“A void judgment is one that, from its inception, is a complete nullity and is without legal effect.” “The definition of void under the rule only encompasses judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction.” “Generally, a person against whom a judgment or order is taken without notice may rightly ignore it and may assume that no court will enforce it against his person or property.” “Belle Hall Plantation Homeowner’s Ass., Inc. vs. Murray, __ S.C., _ S.E.2d_ (Ct. App. 2017), 2017 WL 510553, at *5 (S.C. Ct. App. Feb. 8, 2017).

“A void judgment is one that, from its inception, is a complete nullity and is without legal effect...” Katzburg vs. Katzburg, 410 S.C.184, 187, 764 S.E.2d 3, 5 (Ct. App. 2014), reh’g denied (Sept. 18, 2014).

Rule 60 (b)(4), SCRCP provides the court may relieve a party or his legal representation from a final judgment, order, or proceeding if the judgment is void. “The definition of “void” under the rule only encompasses judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction.” Linda Mc Company, Inc. vs. Shore, 390 S.C. 543, 553, 703 S.E.2d 499, 503 (2010). See also: McDaniel vs. US Fidelity & Guaranty Co., 324 S.C. 639, 478 S.E.2d 868, 871 (Ct. App. 1996).

12. The Order and Judgment by Default is Void for lack of Personal Jurisdiction, SCRCP 60 (b)(4) provides the Court may relieve a party from a judgment which is void for lack of personal, jurisdiction, or subject matter jurisdiction or in circumstances in which the Court’s action amounts to a plain usurpation of power constituting a violation of due process. US vs. Boch Oldsmobile, Inc. 909 F2d 657, 661 (1st Cir 1990). Where Rule 60 (b)(4) is properly invoked on the basis that

the underlying judgment is void “relief is not a discretionary matter, it is mandatory...” ORNER vs. Shalala, 30 F3d 1307, 1310 (10th Cir 1994). The Plaintiff’s failure to request the appointment of a Guardian *Ad litem* or contact the Defendant’s attorney-in-fact, deprived the Defendant of proper due process; the opportunity to have his day in court, and deprived the Court of Personal Jurisdiction. “The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.* (quoting South Carolina Dep’t of Soc. Servs. Vs. Holden, 319 S.C. 72, 78, 459 S.E.2d 846, 849 (1986)). No particular form of procedure is required to satisfy due process. *Id.* However, the following minimum elements must be present to satisfy due process: (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence; and (4) the right to confront and cross examine witnesses.

Conclusion

For all of the foregoing reasons the ORDER AND JUDGMENT by Default should be set aside and vacated.

Respectfully submitted,

Columbia, South Carolina

January 22, 2024

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Legrantt Nesbitt by and through
Twanda Nesbitt, as Attorney-in-fact

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel Coble, Circuit Judge

Case No.: 2022CP4001357

Vanessa Hollaway..... Respondent

Vs.

Legrantt Nesbitt..... Appellant
By and through his Power of Attorney Twanda Nesbitt.

NOTICE OF APPEAL

The Appellant, Legrantt Nesbitt, by and through his Power of Attorney Twanda Nesbitt appeals the order of the Honorable Daniel Coble, Dated November 20,2024. Appellant received written notice of entry of this order on November 20, 2024.

Other Counsel of Record:

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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

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Attorney for the Plaintiff,

None Present

Attorney for the Defendant.

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1 PROCEEDING

2 THE COURT: Holloway v Nesbitt.

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

5 THE COURT: Yes, sir.

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

9 (Whereupon, brief pause in the proceedings.)

10 MR. EDDY: Ready to proceed, Your Honor.

11 THE COURT: Okay. Okay. You may proceed.

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

17 THE COURT: Um-hum.

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

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

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

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

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

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.

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)

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

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS
C.A. NO.: 2022-CP-40-01357

VANESSA HOLLOWAY,

PLAINTIFF,

VS.

LEGRANTT NESBIT,

DEFENDANT.

H E A R I N G
BEFORE THE HONORABLE DANIEL COBLE

DATE: NOVEMBER 12, 2024
LOCATION: SOUTH CAROLINA CIRCUIT COURT 5
TRANSCRIBER: PAM GRAY

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EXHIBITS

(NONE MARKED)

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

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

2 THE COURT: Next up, number 20, *Holloway versus Nesbitt*,
3 2022-1357.

4 MR. EDDY: Good afternoon, Your Honor.

5 THE COURT: Mr. Eddy.

6 MR. BUHL: Can you hear me?

7 THE COURT: I can hear you, Mr. Buhl.

8 MR. BUHL: Okay. Your Honor, we filed this motion to
9 set aside the default judgment entered in this case, relying
10 on Rule 55 and Rule 60 of South Carolina Rules of Civil
11 Procedure. We filed some exhibits in the record this
12 morning. We also sent them to your office. I don't know
13 whether you've gotten them or not.

14 THE COURT: I've reviewed those -- those exhibits so far
15 and reviewed this motion. You go right ahead, Mr. Buhl, with
16 your arguments.

17 MR. BUHL: Your Honor, the record in the case would show
18 that the Defendant was served at the Lexington County
19 Detention Center on April 6th of 2022. Default -- entry of
20 default was on May 16th of 2022, and then a motion for
21 default damages was filed on May 24, 2022. And that was also
22 served at the Lexington -- Lexington County Detention Center.
23 Mr. Nesbitt was incarcerated at the -- at the detention
24 center. He was awaiting trial for the charges that resulted
25 in the incident that this lawsuit is involved and discusses.

1 On February 22nd of 2023, the -- a petition was filed in
2 the Probate Court for Lexington County to determine whether
3 or not he was capable of standing trial. Court of General
4 Sessions in Lexington made a finding of lack of competence to
5 stand trial on February 3, 2022, and he was determined --
6 found to be incapacitated by the probate court on June 2nd of
7 2023.

8 Obviously, this gentleman was served in jail. Case
9 proceeded without any response from him. All the notices
10 that he was sent were sent to him in jail. Under Rule 55, he
11 should have had a guardian ad litem appointed to -- in the
12 civil proceeding here in this case, which was not done. And
13 we think that that's one reason to set aside the judgment.
14 And we think the judgment was void for that reason.

15 He didn't have his day in court. And obviously he's
16 incapacitated. He's still in the State Department of Mental
17 Health at -- at the present time. This judgment was issued
18 on May 8th of 2023, by Judge Newman. And actual damages were
19 awarded over -- awarded of \$750,000 and punitive damages of
20 \$900,000. So \$1.65 million by default judgment. We don't --
21 we feel that's denial of his due process, his right to have a
22 fair trial, and be heard.

23 It may not change the outcome. I don't know. But
24 surely he should have had a guardian, and surely he should
25 have gotten -- someone should have picked up on the fact that

1 all his paperwork was served on -- on him while he was in --
2 in jail. We're asking The Court to set aside the judgment
3 and let him have his day in court.

4 THE COURT: All right. Thank you. Yes, sir, Mr. Eddy.

5 MR. EDDY: Thank you, Your Honor. So starting off with
6 service of process on the Defendant while he's incarcerated.
7 Rule 4(d)(2) clearly gives instructions and the means by
8 which an incarcerated individual can be served. The
9 Plaintiff complied with those rules by coordinating with The
10 Department of Corrections to affect proper service on the
11 Defendant. So there's no ifs, ands, or buts that The Court
12 has personal and subject matter jurisdiction in this case
13 because Mr. Nesbitt was properly served in this case.

14 Now, the timeline that the defense attorney has laid out
15 here is very important. And you only need to look at the
16 first exhibit that they filed along this morning, and that is
17 the probate court order. This is the order adjudicating the
18 Defendant as an incompetent individual for all purposes. The
19 date of this order is June of 2023. The default judgment
20 that we obtained in this case was in May of 2023.

21 The criminal court's decision that he was not competent
22 to stand trial for, in that case, is not a broad finding that
23 across all legal aspects is an incompetent individual.
24 There's only one court that can adjudicate that decision and
25 that is the probate court. They filed that procedure. They

1 got him being incompetent in probate court, but that order is
2 after the suit was filed, after service was perfected, after
3 the default hearing was scheduled, after notice of the motion
4 for default, and notice of the default hearing were served
5 upon the Defendant while in prison. And of course, after the
6 default judgment hearing and Judge Newman granting the actual
7 default judgment here, Your Honor.

8 So throughout the whole scope of the important parts of
9 this case, from inception, service, find the motion, notice
10 of the motions, attendance of the hearing and the actual
11 judgment, there was nothing that said that Mr. Nesbitt, the
12 defendant in this case, was incompetent across the broad
13 spectrum of his legal abilities.

14 So for those reasons, Your Honor, we're asking that The
15 Court decline to reopen the underlying case, as he was not
16 incompetent deemed by the probate court at any reasonable
17 point during the pendency of this case. Thank you.

18 THE COURT: All right. Thank you. Any response to
19 that, Mr. Buhl?

20 MR. BUHL: (Indiscernible) provided The Court was a
21 finding by The Court of General Sessions that he lacked the
22 competence to stand trial. That was February 2nd or February
23 3rd of 2022. And in addition, Rule 55 -- 55(b)(2) clearly
24 says no judgment by default shall be entered against a minor
25 or incompetent person unless represented in the action by a

1 guardian ad litem, who has appeared therein. I don't know
2 how you get around that.

3 MR. EDDY: It's very simple, Your Honor. It just comes
4 right from the caption from the criminal case, finding a lack
5 of competence to stand trial for the foreseeable future in
6 this case. That is for this criminal case. Has nothing to
7 do with any civil actions that could later be instituted
8 against him.

9 MR. BUHL: (Indiscernible)

10 MR. EDDY: Hold on. It's specifically that order,
11 finding him incompetent for that criminal trial refers him to
12 the probate court for (indiscernible) proceedings.

13 Those (indiscernible) proceedings had not taken place at
14 the time that our lawsuit had begun, or that default judgment
15 had been ordered. So that criminal -- that criminal decision
16 has no bearing on his competency to stand in that civil
17 trial.

18 MR. BUHL: Your Honor, the petition to transfer or find
19 yet a finding of incapacity, was filed on February 3, 2023.
20 Same day that the judge decided that he could not stand trial
21 because he was -- lack of competence, and we think that he's
22 entitled to a new trial.

23 THE COURT: Okay. All right. Let me -- let me take
24 this under advisement, review the exhibits, and the -- the
25 law. See what we got there. So let me try to review it and

1 I'll get something to you as quick as I can.

2 MR. EDDY: Thank you, Your Honor.

3 THE COURT: Thank you.

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15 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED.)

16

CERTIFICATE OF TRANSCRIBER

I, Pam Gray, 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 the trial of the captioned case, relative to appeal, in the Circuit Court for Richland County, South Carolina, on the 12th day of November, 2024.

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

April 14, 2025

Pam Gray

Pam Gray
Certified Transcriber

Instrument Number: 2022002665 Book/Page: R 2707/430 Date Time: 01/18/2022 11:25:01:777

Block 2707-430
2022002665 1/18/2022 11:25:01:777 Power of Attorney
Fee: \$25.00 County Tax: \$0.00 State Tax: \$0.00
2022002665 John T. Hopkins II Richland County R.O.D.

DURABLE POWER OF ATTORNEY

I, LEGRANTT NESBITT, a resident at 626 Crawford Road, Columbia, SC 29203, hereby appoint Twanda R. Nesbitt, a resident at 120 Jeffcoat Road, Wagener, SC 29164, as my true lawful Attorney In Fact.

As Attorney In Fact, she is to execute all documents, including but not limited to, my business and personal affairs; execution of deeds, mortgages, and all other documents that may affect title to real or personal property. In addition, I do hereby give the Attorney In Fact authority to release all my rights of homestead, sale, appraisal and redemption respectfully, to any and all property that I have an interest in.

As Attorney In Fact, she is to conduct and engage in any banking transactions, including but not limited to, the signing of my name, and to withdraw money deposited in my name in any bank. This includes entering into my safe deposit box; opening new and closing existing bank accounts; pay any debts, claims and demands for which I may be held liable. To sign, endorse, execute and deliver any written instrument that I would execute or endorse. This includes but not limited to promissory notes, acceptances, renew checks or other evidence of indebtedness, and settle any and all claims and demands for which I am held liable.

As Attorney In Fact, she may grant extensions in various situations such as debts owed to me, claims that are made by me, or any demands that are due to me. She may execute and deliver any bond, note, or other written evidence of debt, prepare, sign and file income and other tax returns, and pay taxes such as federal, state, city, municipal, county and property.

Regarding my life insurance policies, the Attorney In Fact has the authority to pay premiums, start, modify or terminate policies, and manage all cash pay-outs.

I give the Attorney In Fact authority to handle all of my incoming and outgoing mail on my behalf.

Instrument Number: 2022002665 Book/Page: R 2707/431 Date Time: 01/18/2022 11:25:01:777

LEGRANTT NESBITT'S DURABLE POWER OF ATTORNEY CONTD. PAGE 2

This Power of Attorney becomes effective on the 29 day of June 2020, and shall not be affected by my subsequent disability or incapacity.

This contract shall be governed by the laws of the State of South Carolina, the City of Columbia, in the County of Richland, and any applicable Federal Law.

Legrantt Nesbitt
Name of Principle (Print)
[Signature] 29 June 2020
Signature of Principle Date

By accepting this appointment and acting under it, I, the Attorney In Fact (Agent) do hereby assume the legal responsibilities of an Agent.

Shaundrea Nesbitt
Name of Attorney In Fact or Agent (Print)
[Signature] 6/29/2020
Signature of Attorney In Fact or Agent Date

Shaundrea Nesbitt 6/29/2020
Signature of Attorney In Fact or Agent Date
WITNESS #1
Carroll H... 6-29-2020
WITNESS #2 Date

I, a Notary Public, in the County of Richland, in the State of South Carolina, do hereby certify that the herein Grantor Legrantt Nesbitt personally appeared before me on this date and did acknowledge the execution of this Instrument.

Sworn to before me on this 29 day of June, 2020
Lori Ann Bailey
Name of Notary (Print)
[Signature]
Signature of Notary

My Commission expires on the 26 day of August, 2029

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

IN THE PROBATE COURT

EX PARTE:

Putnam A. Fuller 11th Circuit Solicitor
Petitioner *office*

PETITION FOR JUDICIAL ADMISSION

FILED (PART I)

IN THE MATTER OF:

Legrantt Nesbitt
An Alleged Mentally Ill Person

FEB 22 2023

The undersigned respectfully shows to the Court:

1. That Legrantt Nesbitt PROBATE JUDGE
LCDC 521 Gibson Pkwy, Lexington, SC LEXINGTON COUNTY, SC who is presently found or residing
Street of Route City County 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 _____
Husband or Wife

Legal Guardian _____ Address _____

Nearest Other Relative or Friend Twanda & Sharon Nesbitt
Relationship Sisters 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 action as may be legally proper.

Dated this 22 day of February, 20 23 at Lexington, South Carolina.

X Putnam A. Fuller Petitioner's Signature
205 E Main Street, Suite 309 Address
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.

MUST PRINT ON BLUE STOCK ONLY

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STATE OF SOUTH CAROLINA

COUNTY OF

Lexington

VERIFICATION

Personally appeared before me Sutania 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 of 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 22

day of February 20 23

X Sutania Fuller
Petitioner

Melissa B...
Notary Public for South Carolina

(L.S.)

My Commission expires: June 7, 2031

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 it is my opinion, based on said examination, that said person is mentally ill and because of that condition needs involuntary inpatient and/or outpatient treatment and that the following facts are set forth as the basis of my opinion: (print or type)

Multiple horizontal lines for providing facts of the examination.

X

Signature and Printed Name of Physician or Designated Examiner

Address

MUST PRINT ON BLUE STOCK ONLY

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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					
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 continous medication management for psychlatric 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.

REPORT OF DESIGNATED EXAMINER FOR MENTAL ILLNESS

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

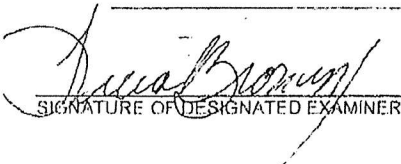
If the above-named person is currently subject to an Involuntary Outpatient Order, that Order should remain in FULL FORCE AND EFFECT.

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.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Richland County Court of Common Pleas
Daniel Coble Circuit Court Judge

Appellate Case No. 2024-002139

Vanessa Holloway,

Respondent,

v.

Legrantt Nesbitt,


Appellant.

CERTIFICATE OF SERVICE

I, Herbert E. Buhl, III, Attorney for Appellant, do certify that I have this day served a copy of the attached Record on Appeal listed below by causing same to be deposited in the United States mail, postage prepaid, and by email addressed as follows:

Trevor P. Eddy, Esq.
1516 Richland St., Suite B
Columbia, SC 29201
trevor@theeddylawfirm.com

September 15, 2025



Herbert E. Buhl, III
2204 Devine Street, Suite B
Columbia, SC 29205
(803) 799-3767
herb@herbbuhl.com
SC Bar No. 1000

ATTORNEY FOR APPELLANT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Richland County Court of Common Pleas
Daniel Coble Circuit Court Judge

Appellate Case No. 2024-002139

Vanessa Holloway,

Respondent,

v.

Legrantt Nesbitt,

Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

September 15, 2025



Herbert E. Buhl, III
2204 Devine Street, Suite B
Columbia, SC 29205
(803) 799-3767
herb@herbbuhl.com
SC Bar No. 1000
ATTORNEY FOR APPELLANT