

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Thomas W. McGee, III, Circuit Court Judge

Case No. 2021-CP-40-05620
Appellate Case No. 2025-000902

Sherman Green,.....Respondent,

v.

City of Columbia and George Simpson,.....Defendants,

of which George Simpson is..... Appellant.

RECORD ON APPEAL - VOLUME I

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP4005620

Sherman Green
PLAINTIFF(S)

City Of Columbia et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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

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

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

See additional information.

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 01/15/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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

This matter appeared before me on the defendant's-- City of Columbia—summary judgment motion. Both sides presented briefs and arguments.

Again, this is a summary judgment motion brought pursuant SCRCP Rule 56. The granting of a Rule 56 motion is only proper when the moving party has established that the record before the court contains no genuine issue of material fact that the moving party is entitled to judgment as a matter of law. The summary judgment standard of review does not allow for a trial judge to weigh the evidence or view the evidence as to which side may or may not be successful at trial. The court must examine the record for the existence of facts/evidence. Moreover, the evidence in the record must be viewed in a light most favorable to the non-moving party—in this motion in a light most favorable to the plaintiff.

When the evidence is viewed through the lens of the summary judgment standard, the present motion cannot be granted.

Prior to the hearing it was agreed that the plaintiff's claims against the defendant City would be limited to False Arrest, Malicious Prosecution and Negligence (there is another defendant which remains—the issues related to that defendant are not part of the present motion). This defendant acknowledged on the record that the officer in question was acting within the scope and course of his employment with the City during the times alleged in the complaint.

The events that lead to the litigation arise from the arrest of the plaintiff on May 4, 2019, for the offense of murder. Extensive discovery has been completed by the parties. It appears that, to a substantial degree, the facts are not in dispute. The meaning of those facts and the inferences to be drawn are disputed. Again, when applying the summary judgment standard, genuine issues of material facts exists that prevent the granting the present motion. While the entire volume of pages presented to this court have not been reviewed, those sections referenced in the briefing have been considered. Those pages support the analysis offered in plaintiff's briefing. Also, the arrest warrant, itself, is questionable-- if it established probable cause for the arrest of the plaintiff on the charge of murder—though a summary judgement, lens it does not allege that plaintiff caused the victim's death and fails to identify the cause of death.---plaintiff also alleges other deficiencies in the warrant affidavit based on facts that were known or should have been known at the time it was presented to the magistrate. Again, for purposes of summary judgment, these other deficiencies are viewed in a light most favorable to the non-moving party. The video refenced in the briefing was not shown to the court. The existence of probable cause is a factual dispute.

The defendant asserts that the Tort Claims Act 15-78-10 et seq., affirmative defenses 15-78-60 (23), and (6), as a matter of law, do not allow the present case to move forward and summary judgment should be granted. Based on the facts presented, this Court does not agree that this defendant is entitled to have the plaintiff's case dismissed as a matter of law. Wyatt v. Fowler is good law for establishing the duty element of negligence as well as Crowley v. Spivey. Under the standard for summary judgment review, Carter v. Bryant is accepted a good law for the False Arrest Claim. Also, see Law v. SCDoc, Wortman, and McBride for support of the malicious prosecution claim. As stated above, the summary judgment standard does not allow a trial court to project on what a jury may do in a case. The defendant may be successful with its Tort Claims Act affirmative defense at trial. For purposes of summary judgment, however, the present motion cannot be granted.

Since this decision is a denial of summary judgment, no further order will be issued.



Richland Common Pleas

Case Caption: Sherman Green vs City Of Columbia , defendant, et al
Case Number: 2021CP4005620
Type: Order/Electronic Form 4

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132

Electronically signed on 2025-01-15 16:18:20 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. 2021CP4005620

Sherman Green
PLAINTIFF(S)

City Of Columbia et al
DEFENDANT(S)

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☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
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- ☐ **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:

On 2/19/25, an in-person hearing was held on Defendant Simpson's Motion for Summary Judgment. Chris Truluck argued on behalf of the Plaintiff and Mary LaFave argued on behalf of the Defendant. Judge McGee reviewed all relevant pleadings, memoranda/exhibits, and other evidence properly before the Court, and also heard arguments from both sides.

Pursuant to SCRCP 56, A Motion for Summary Judgment will be denied where, when viewed in the light most favorable to the non-moving party, there is found to be a genuine issue of material fact. Upon such a finding, the moving party is not entitled to a judgment as a matter of law.

Judge McGee found certain material issues of facts as to the elements of all claims against Mr. Simpson including, but not limited to: (1) whether Simpson conducted a sufficient investigation of the incident before seeking and obtaining a warrant for murder;

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 04/10/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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(2) whether Simpson fully disclosed all relevant, known information before seeking and obtaining a warrant for murder; (3) whether Simpson's actions in seeking and obtaining a warrant for murder included any material omissions or representations; (4) whether Simpson's acts and/or omissions caused or contributed to a false arrest of Plaintiff; and/or (5) whether Simpson's acts and/or omissions caused and/or contributed to a malicious prosecution of the Plaintiff.

Because the Court finds that there are genuine issues of material fact regarding the claims against Defendant Simpson, this Defendant's Motion for Summary Judgment is respectfully DENIED.



Richland Common Pleas

Case Caption: Sherman Green vs City Of Columbia , defendant, et al

Case Number: 2021CP4005620

Type: Order/Electronic Form 4

So Ordered

s/ Thomas W. McGee III, Judge Code 2786

Electronically signed on 2025-04-10 10:16:14 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. 2021CP4005620

Sherman Green
PLAINTIFF(S)

City Of Columbia et al
DEFENDANT(S)

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☐ Other

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

On 6/26/2025, the Court was informed of Defendant's withdrawal of the Motion to Reconsider filed 4/21/2025. This withdrawal was consented to by Plaintiff. As a result, the prior 6/23/2025 Form 4 requiring a proposed order denying the Motion is moot.

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 06/26/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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Richland Common Pleas

Case Caption: Sherman Green vs City Of Columbia , defendant, et al

Case Number: 2021CP4005620

Type: Order/Electronic Form 4

So Ordered

s/ Thomas W. McGee III, Judge Code 2786

Electronically signed on 2025-06-26 12:06:22 page 3 of 3

MIME-Version:1.0

From:SCDEFilingstat@scd.uscourts.gov

To:scd_ecf_nef@localhost.localdomain

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--Case Participants: Jacqueline Marie Pavlicek (geraldine.pleasant@columbiasc.gov, jacqueline.pavlicek@columbiasc.gov, jennifer.hendrix@columbiasc.gov), Christopher Stephen Truluck (brittany@shealeylaw.com, cstruluck1978@gmail.com, cstruluck@trulucklawfirm.com), Steven Richard Spreeuwiers (shelley@crowelafave.com, steve@crowelafave.com), Mary Daniel LaFave (denise@crowelafave.com, diane@crowelafave.com, mary@crowelafave.com, shelley@crowelafave.com), Honorable Joseph F Anderson, Jr (janderson_ecf@scd.uscourts.gov), Magistrate Judge Paige J Gossett (gossett_ecf@scd.uscourts.gov)
--Non Case Participants: tzei (ty_zeigler@scd.uscourts.gov), Magistrate Judge Gossett (gossett_ecf@scd.uscourts.gov)
--No Notice Sent:

Message-Id:<10737997@scd.uscourts.gov>

Subject:Activity in Case 3:21-cv-04085-JFA Green v. Columbia, City of et al Order Ruling on Report and Recommendation

Content-Type: text/html

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NOTE TO PUBLIC ACCESS USERS There is no charge for viewing opinions.

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 5/23/2022 at 4:27 PM EDT and filed on 5/23/2022

Case Name: Green v. Columbia, City of et al

Case Number: 3:21-cv-04085-JFA

Filer:

Document Number: 31

Docket Text:

ORDER adopting the Report and Recommendation (ECF No. 22) and granting Plaintiff's motion to remand (ECF No. 13). Defendant Simpson's motion to amend/correct his answer to the complaint is denied as moot. (ECF No. 25). The case is to be remanded to the Richland County Court of Common Pleas due to Defendants failure to provide timely unambiguous consent to the removal of this action. Signed by Honorable Joseph F. Anderson, Jr. on 5/23/2022. (dist)

3:21-cv-04085-JFA Notice has been electronically mailed to:

Mary Daniel LaFave mary@crowelafave.com, denise@crowelafave.com, diane@crowelafave.com, shelley@crowelafave.com

Steven Richard Spreeuwiers steve@crowelafave.com, shelley@crowelafave.com

Jacqueline Marie Pavlicek jacqueline.pavlicek@columbiasc.gov, Geraldine.Pleasant@columbiasc.gov,

Jennifer.Hendrix@columbiasc.gov

Christopher Stephen Truluck ctruluck@trulucklawfirm.com, brittany@shealeylaw.com,
cstruluck1978@gmail.com

3:21-cv-04085-JFA Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1091130295 [Date=5/23/2022] [FileNumber=10737995-0] [933ba47fbc671dc9e26ded81442e0233901eddad1e2a26fa7e4db423076047f000647052ccc703b24caa1c58f352df4ff0116caa57159076294437d702d363b]]

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STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Sherman Green,

Plaintiff(s),

vs.

City of Columbia & George Simpson,

Defendant(s).

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

SUMMONS

C/A NO: 2021-CP-40-

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, or otherwise appear and defend, and to serve a copy of your Answer to said Complaint upon the subscriber at his office, 1507 Richland Street, Columbia, SC 29201, within thirty (30) days after service hereof, except as to the United States of America, which shall have sixty (60) days, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, or otherwise appear and defend, the Plaintiff in this action will apply to the Court for the relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the Complaint.

s/Chris S. Truluck

Chris S. Truluck, SC Bar# 77829

Of Counsel

Shealey Law Firm

1507 Richland Street

Columbia, SC 29201

Phone: (803) 929-0008

Fax: (888) 745-1381

Attorney for Plaintiff

Columbia, South Carolina

November 15, 2021

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Sherman Green,

Plaintiff(s),

vs.

City of Columbia & George Simpson,

Defendant(s).

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

COMPLAINT

(JURY TRIAL REQUESTED)

C/A NO: 2021-CP-40-

The plaintiff, complaining of the defendant(s) above-named, would respectfully show unto this Honorable Court:

PARTIES, JURISDICTION AND VENUE

1. That Sherman Green ("Plaintiff"), a Richland County, South Carolina resident at the time of the incident alleged below, suffered injury which is the subject of this action in the County of Richland, State of South Carolina.

2. That the City of Columbia ("Department") is a municipal corporation and/or some other type of governmental entity or political subdivision, organized and situated in Richland County, subject to suit, that is responsible for the actions of its agents and employees and is the proper party as the employer of City of Columbia Police Department, their officers and investigators, generally, and/or, specifically, Investigator George Simpson and Officers Raven Brewer, Brad Markevich, Trevor Heustess, Valeria A. Moorer, Zachary J. Jackson and Anthony Branham (collectively referred to as "Employees" and simultaneously referred to as "Department") at all times mentioned herein as employees acting with the scope and course of their employment pursuant to the South Carolina Tort Claims Act which makes the Department and employing entity the proper party for its Employees (S.C. Code § 15-78-70). Department is sued for actual and compensatory damages under state law. Department is further sued for negligent hiring/training/supervision of its Employees pursuant to 42 U.S.C. § 1983 for actual, compensatory and punitive damages.

3. That Investigator George Simpson ("Simpson") was at all relevant times acting under color of federal, state and municipal law and in the course and scope of his duties as

agent/employee of Department and is liable in his individual capacity for actual, compensatory and punitive damages and attorney's fees under 42 U.S.C. § 1983 for conduct committed within the course and scope of his official duties as an employee of Department in relation to this claim.

4. Employees, acting within the course and scope of their official duties as agents of the Department, are collectively liable to Plaintiff as identified as the Department as a result of their actions during the unlawful arrest, deficient investigation, use of excessive force and wrongful confinement of Plaintiff including their agents, principals, employees and/or servants, both directly and vicariously, pursuant to principals of non-delegable duty, corporate liability, apparent authority, agency, bystander liability, joint and several liability, ostensible agency and/or *respondeat superior*.

5. Upon information and belief, agents and/or employees of Department had the right and/or power to direct and control the manner in which its Employees and/or agents executed their duties.

6. The Court has jurisdiction over the subject matter of this action pursuant to Article V, § 11 of the South Carolina Constitution and South Carolina Code §15-78-10; venue is proper pursuant to South Carolina Code § 15-7-30 where the events which give rise to this litigation occurred in Richland County, South Carolina. Plaintiff further invokes this Court's concurrent jurisdiction to hear claims arising under the Fourth and Fourteenth Amendments of the United States Constitution and brought pursuant to 42 U.S.C. §§ 1983 & 1988 against Simpson.

FACTUAL BACKGROUND

7. The above stated allegations are hereby incorporated as if stated herein.

8. On or about December 4, 2019, at approximately 9:37 p.m. Simpson and/or Employees responded to a report of a civil disturbance at The Budget Inn, 1601 Sunset Drive, Columbia, South Carolina 29203 located in Richland County, South Carolina ("Inn").

9. Plaintiff was contemporaneously on scene at the Inn.

10. At all relevant times Plaintiff was residing in Room 115 ("Room") at the Inn.

11. On or about December 4, 2019, at approximately 8:57 p.m. Plaintiff left the Room and permitted Aja Prophet ("Prophet") to meet with Dara Washington ("Washington") in the Room during his absence.

12. At approximately 9:30 p.m., Plaintiff returned to the Room to discover, by looking through the window, Washington unclothed and attacking Prophet.

13. Washington refused to open the door to Plaintiff and prohibited Prophet from exiting the Room.

14. Plaintiff instructed an occupant of a neighboring room to call 911.

15. Prophet was able to get around Washington and open the Room's door.

16. Plaintiff, in protection of Prophet and his property/residence, entered the Room and, using punches and pushes, ejected Washington from the Room.

17. Washington then ran into the parking lot and collapsed.

18. Officer Brewer arrived on the scene to respond to an additional, unrelated domestic dispute, and Plaintiff located Officer Brewer in order to inform Officer Brewer of Washington's location and condition; Plaintiff informed Officer Brewer and/or Employees that Washington was under the influence of crack cocaine.

19. As reported to 911 that Washington was suffering from respiratory arrest due to a possible overdose, Officer Brewer requested EMS assistance and administered Narcan to Washington and it was observed that Washington had injuries to only his hands and feet.

20. Washington was transported to the hospital and declared dead.

21. Plaintiff and Prophet were transported to Department's Headquarters to be interviewed.

22. On or about December 5, 2019, at approximately 10:00 a.m. Officer Zachary Jackson and/or Employees responded to Prisma Health Richland Hospital Morgue to document the autopsy of Washington being conducted by Dr. Durso ("Autopsy").

23. Before seeking an arrest warrant against Plaintiff for homicide, Simpson and/or Employees were without knowledge of the cause of Washington's death, possessed evidence that Washington's death was due to an overdose or, alternatively, were informed that the preliminary findings of the Autopsy revealed that the cause of death was exclusively due to an overdose and not due to any physical attack; a conclusion that remained through to the conclusion of the investigation.

24. On or about December 5, 2019, Simpson ruled Washington's death a homicide and Simpson subsequently applied for an arrest warrant for Plaintiff for homicide with Municipal Court Judge Angela L. Ladson.

25. Upon information and belief, Simpson initially arrested Plaintiff without warrant or probable cause of homicide pursuant to S.C. Code § 16-03-0010 or probable cause of unlawful deadly force pursuant to S.C. Code §16-11-450 and then sought to obtain an arrest warrant.

26. Simpson's affidavit preceding the arrest warrant and arrest warrant omit any factual recitation amounting to a logical connection between Plaintiff's actions and Washington's demise, the reason for Washington's cause of death as a necessary attestation for a warrant for homicide or probable cause that any force then exerted was unlawful.

27. Simpson's affidavit incorrectly stated that Plaintiff was unprovoked, escalated a verbal rather than responded to an ongoing physical confrontation, further omits that Plaintiff acted in defense of others/residence/property, that Washington was under the influence of scheduled narcotics, attempts to revive Washington were made by way of Narcan by Employees, or that the Autopsy revealed Plaintiff was not the cause of Washington's death

28. On or about December 5, 2019, Simpson formally arrested Plaintiff for homicide pursuant to a facially deficient arrest warrant, 2019A4021603910 ("Charge"), as provided above, and incarcerated Plaintiff at the Alvin S. Glenn Detention Center.

29. On or about December 5, 2019, Simpson conducted a mouth swab of Plaintiff pursuant to a facially deficient search warrant.

30. At all times through to the dismissal of the Charge, Simpson misled and/or withheld material information from Judge Ladson and/or the Fifth Circuit Solicitor's Office regarding the homicide investigation and incarceration of Plaintiff.

31. On or about February 12, 2020, a preliminary hearing ("Hearing") was held before the Honorable Susan Porter ("Judge Porter") to determine whether probable cause existed to charge Plaintiff with homicide.

32. Judge Porter dismissed the Charge for lack of probable cause stating, "[t]here's no evidence in the record, whatsoever, that the assault caused the death."

33. Plaintiff alleges that Simpson and/or Department acted in a grossly negligent manner in terminating Plaintiff's liberty and/or in failing to observe the applicable standard of care, failure to investigate, enforce protocols and procedure aimed at preventing wrongful arrests, exercising excessive force, withholding or misrepresenting evidence and wrongful confinement upon which Plaintiff suffered the following injuries and damages:

- a. A violation of his Constitutional rights under the Fourth and Fourteenth Amendment to the United States Constitution and Article 1 of the South Carolina Constitution from his unlawful arrest and use of excessive force;
- b. Loss of liberty;
- c. Physical pain and suffering and emotional trauma and suffering;
- d. Loss of reputation and impunity of character;
- e. Approximately three months of wrongful incarceration;

34. The acts and omission of Simpson and/or Department violated the clearly established and well settled federal and state Constitutional rights of Plaintiff by seizing and confining his person without probable cause and, therefore, the use of excessive force.

FIRST CAUSE OF ACTION

(Violation of 42 U.S.C. § 1983, Unlawful Arrest, Deficient Investigation, Material Misrepresentation in Warrant Application, Withholding/Misleading Evidence from Prosecution, Excessive Force, Malicious Prosecution, Negligent Hiring/Training/Supervision)

35. The above stated allegations are hereby incorporated as if stated herein.

36. At all times as provided above, Simpson and Department acted under color of state law where Simpson was employed and Department hired, supervised and/or trained Employees taxed with various duties to include the observance of individuals First, Fourth, Fifth, Sixth and Fourteenth Amendment Rights, investigation of homicides, presentation of evidence preceding warrants, arrest of persons, with or without warrant, upon a finding of probable cause as required by S.C. Code § 16-03-0010 and S.C. Code §16-11-450 and in the exercise of force in effecting those arrests.

37. There was at all times lacking, as known to Simpson and/or Department, sufficient evidence to establish probable cause for homicide pursuant to S.C. Code § 16-03-0010 or S.C. Code §16-11-450 and/or any other criminal violations and Simpson unlawfully arrested Plaintiff, performed a deficient investigation of known exculpatory evidence, made material omission(s) or misrepresentation(s) in the presentation of information to Judge Ladson in obtaining an arrest warrant for Plaintiff, willfully or recklessly withheld or misrepresented evidence to the Fifth Circuit Solicitor's Office and/or used excessive force against Plaintiff in proximate violation of his First, Fourth, Fifth, Sixth and Fourteenth Amendment Rights.

38. Simpson and/or Department further caused Plaintiff to be seized pursuant to legal process, sufficiently or insufficiently, unsupported by probable cause and that process terminated in Plaintiff's favor.

39. Department failed in its duty to properly hire, supervise and/or train Employees taxed with various duties to include the observance of individuals First, Fourth, Fifth, Sixth and Fourteenth Amendment Rights, investigation of homicides, presentation of evidence preceding warrants, arrest of persons, with or without warrant, upon a finding of probable cause as required by S.C. Code § 16-03-0010 and S.C. Code §16-11-450 and in the exercise of force in effecting those arrests such that it proximately caused violation of Plaintiff's First, Fourth, Fifth, Sixth and Fourteenth Amendment Rights as provided above.

40. Plaintiff is entitled to an award for actual, compensatory and punitive damages as well as attorney's fees in an amount likely to exceed \$25,000.00 pursuant to 42 U.S.C. § 1983 as against Simpson and Department.

SECOND CAUSE OF ACTION

(Gross Negligence and Recklessness)

41. The above stated allegations are hereby incorporated as if stated herein.

42. Department owed a duty to Plaintiff not to infringe upon his constitutional rights as provided above, not to negligently investigate, unlawfully detain, arrest, charge, cause to be incarcerated, obtain warrants upon reckless misrepresentation or misrepresentation, withhold exculpatory information from the Fifth Circuit's Solicitor's Office and/or, otherwise, deprive Plaintiff of liberty without sufficient cause.

43. Department failed in their duties when they caused Plaintiff to be unlawfully detained, arrested, charged, incarcerated and, otherwise, deprived of his right to liberty without sufficient cause.

44. Department failed in their duties to reasonably investigate and discover all information reasonably discoverable before charging Plaintiff with murder to include, but not exclusively, information known to be exculpatory.

45. Department failed in their duties to disclose exculpatory information to Judge Ladson and the Fifth Circuit Solicitor's Office.

46. Department's failures were grossly negligent, willful, wanton and reckless in causing injury to Plaintiff.

47. Department's failures were the proximate cause for Plaintiff's above-listed injuries and damages.

48. As a result of Department's gross negligence, willfulness, wantonness and recklessness as noted above, Plaintiff is entitled to an award for actual and compensatory damages.

THIRD CAUSE OF ACTION

(False Imprisonment)

49. The above stated allegations are hereby incorporated as if stated herein.

50. Department falsely imprisoned Plaintiff in that Department restrained Plaintiff, the Department's restraint was intentional and the restraint was unlawful.

51. As a result of the false imprisonment Plaintiff is entitled to an award for actual and compensatory damages.

THIRD CAUSE OF ACTION

(Intentional/Reckless Infliction of Emotional Distress)

52. The above stated allegations are hereby incorporated as if stated herein.

53. Department intentionally or recklessly inflicted severe emotional distress on the Plaintiff or were certain, or substantially certain, such distress would result from their conduct.

54. The conduct 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.

55. Department's action caused the Plaintiff emotional distress.

56. The emotional distress suffered by Plaintiff was severe so that no reasonable person could be expected to endure it.

57. As a result of said intentional infliction of emotional distress, Plaintiff is entitled to an award for actual and compensatory damages.

SIXTH CAUSE OF ACTION

(Defamation/Defamation Per Se)

58. The above stated allegations are hereby incorporated as if stated herein.

59. Department made false and defamatory statements concerning Plaintiff with actual or implied malice.

60. The statements were unprivileged publications to a third party.

61. Department were at fault in publishing the statements.

62. Plaintiff is entitled to an award for general presumed, actual and compensatory damages pursuant to a *per se* analysis.

SEVENTH CAUSE OF ACTION

(Malicious Prosecution)

63. The above stated allegations are hereby incorporated as if stated herein.

64. Department instituted and continued an original criminal proceeding against Plaintiff.

65. The judicial proceeding was at the instance of Department.

66. The criminal proceeding was dismissed in Plaintiff's favor.

67. Department exhibited malice/recklessness in instituting such proceedings.

68. There was a lack of probable cause for said proceeding.

69. Plaintiff suffered injury as a direct and proximate result of said proceeding and is entitled to an award for actual and compensatory damages.

EIGHTH CAUSE OF ACTION

(Gross Negligence, Willful and Wanton Lack of Supervision)

70. The above stated allegations are hereby incorporated as if stated herein.

71. Department harmed Plaintiff in unlawfully, and without probable cause, arresting and causing the confinement and prosecution of Plaintiff.

72. Department acted within the confines of the State of South Carolina and the jurisdiction of the City of Columbia Police Department and, further, used the City of Columbia Police Department Resources' equipment and staff to restrain, transport and confine Plaintiff.

73. Department knew, or had reason to know, of the ability to control their Employees.

74. Department knew, or should have known, of the necessity and opportunity to control their Employees.

75. Department departed from the duties of care required by law enforcement officers and the agencies that hire, train and employ these officers and were thereby negligent, careless, grossly negligent, reckless and acted in violation of the duties owed to Plaintiff in

that they committed one or more of the following acts of omission or commission, any or all of which were departures from the prevailing duties of care:

- a. in failing to have in place proper and adequate policies, procedures and protocols for Employees seeking arrest warrants and executing arrests or, if such policies, procedures and protocols were in place, in failing to use due care to enforce them;
- b. in failing to properly train and educate Employees;
- c. in failing to dismiss or relieve Employees upon previous allegations of misconduct; and
- d. in such other particulars as may be ascertained through discovery procedures undertaken pursuant to South Carolina Rules of Civil Procedure;

76. As a direct and proximate result of the negligence, carelessness, gross negligence, recklessness and departure from the duties of care owed by Department to the Plaintiff, the Plaintiff was unlawfully arrested, restrained, confined and prosecuted such that Plaintiff is entitled to an award of damages sufficient to compensate him for the injuries complained of above in an amount expected to be in excess of \$25,000.00.

NINTH CAUSE OF ACTION

(Abuse of Process)

77. The above stated allegations are hereby incorporated as if stated herein.

78. Department improperly sought to charge Plaintiff in violation of his liberty interests and in the absence of probable cause in order to detain him further amounting to an ulterior purpose.

79. Department willfully acted in the use of the arrest warrant procedure not proper in the regular conduct of the purpose of such warrants.

80. Plaintiff suffered injury as a direct and proximate result of said proceeding and is entitled to an award for actual and compensatory damages.

DAMAGES

81. The above stated allegations are hereby incorporated as if stated herein.

82. As a result of actions of Simpson and Department as set forth above, Plaintiff has suffered damages to include, but not limited to, deprivation of liberty, loss of enjoyment and quality of life, loss of employment, impunity to character and reputation, severe psychological injury and depression, shock, mental anguish, humiliation and other damages

as shall be proven at the trial of this case. Plaintiff is entitled to an award of damages sufficient to compensate him for the injuries complained of in an amount expected to exceed \$25,000.00.

WHEREFORE, having fully set forth his complaint, the Plaintiff prays that this Honorable Court inquire into the matters set forth and that:

1. A jury trial be granted as now requested;
2. The amount of damages sustained by Plaintiff by the actions of Simpson and Department be ascertained and determined under the direction of this Court;
3. An Order be entered in favor of Plaintiff as against Simpson and Department for the amount due as ascertained and determined under the direction of this Court;
4. An Order be entered for such other and further relief as may be just and proper.

s/Chris S. Truluck
Chris S. Truluck, SC Bar# 77829
Of Counsel
Shealey Law Firm
1507 Richland Street
Columbia, SC 29201
Phone: (803) 929-0008
Fax: (888) 745-1381
Attorney for Plaintiff

Columbia, South Carolina
November 15, 2021

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Sherman Green,

Plaintiff,

vs.

City of Columbia & George Simpson,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No. 2021-CP-40-05620

**ANSWER ON BEHALF OF
DEFENDANT GEORGE SIMPSON
(Jury Trial Demanded)**

Defendant George Simpson answers the Plaintiff's Complaint as follows:

FOR A FIRST DEFENSE

1. The Complaint, and each cause of action, fails to state a claim upon which relief may be granted. Therefore, the Complaint must be dismissed pursuant to Rule 12(b)(6), SCRCF.

FOR A SECOND DEFENSE

2. Defendant denies each paragraph and allegation in the Complaint not hereafter specifically admitted, qualified, or explained.

3. As to Paragraph 1, Defendant admits only that Plaintiff is or was a resident of Richland County, South Carolina. The remainder of the Paragraph is denied.

4. As to Paragraph 2, Defendant admits only that he was at all relevant times acting within the scope of his official duties as that term is used in the South Carolina Tort Claims Act and that the City of Columbia is the proper party for any state law claims. The remainder of the Paragraph is denied as stated.

5. Paragraphs 3, 4, 5, and 6 set forth legal conclusions to which no response is required. To the extent a response is deemed required, these Paragraphs are denied.

6. As to Paragraph 7, Defendant reiterates and realleges each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

7. As to Paragraph 8, Defendant admits only that on or around the stated date, personnel from Defendant City's police department, including this Defendant, responded to one or more calls for service regarding a reported civil disturbance in progress in Room 115 of the Budget Inn, located at 1601 Sunset Drive, Columbia, South Carolina ("Budget Inn"). The remainder of the Paragraph is denied as stated.

8. As to Paragraph 9, Defendant admits only that Plaintiff was present at the Budget Inn on the evening of December 4, 2019. The remainder of the Paragraph is denied as stated.

9. Paragraph 10 is denied.

10. As to Paragraph 11, Defendant admits only that prior to Plaintiff leaving Room 115 of the Budget Inn at approximately 8:57 p.m. on December 4, 2019, Plaintiff knew that Aja Prophet ("Prophet") would be meeting with Dara Washington ("Washington") in Room 115 on the evening of December 4, 2019; that Plaintiff permitted such meeting to occur; and that Plaintiff was not present in Room 115 for some of the time that Washington and Prophet met. The remainder of the Paragraph is denied as stated.

11. Paragraph 12 is denied.

12. As to Paragraphs 13, 14, and 15, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore these Paragraphs are denied.

13. As to Paragraph 16, Defendant admits only that Plaintiff punched and struck Washington and pushed/threw him from the room. The remainder of the Paragraph is denied.

14. Paragraph 17 is denied.

15. As to Paragraph 18, Defendant admits only that Officer Brewer arrived on scene pursuant to one or more calls for service received by the Defendant City and that Officer Brewer had an interaction with Plaintiff after his arrival. The remainder of the Paragraph is denied as stated.

16. As to Paragraph 19, Defendant admits only that Officer Brewer requested EMS assistance and administered Narcan to Washington. The remainder of the Paragraph is denied as stated.

17. Paragraphs 20 and 21 are admitted.

18. As to Paragraph 22, Defendant admits only that one or more City of Columbia Police Department officers were in attendance for all or a portion of Washington's autopsy. The remainder of the Paragraph is denied as stated.

19. As to Paragraph 23, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore this Paragraph is denied.

20. As to Paragraph 24, Defendant admits only that Washington's death was determined to be a homicide and that an arrest warrant was sought and obtained for Plaintiff from the stated judge. The remainder of the Paragraph is denied as stated.

21. Paragraphs 25, 26, and 27 are denied.

22. As to Paragraph 28, Defendant admits only that Plaintiff was arrested on or about the stated date and that Plaintiff was transported to Alvin S. Glenn Detention Center. The remainder of the Paragraph is denied.

23. Paragraphs 29 and 30 are denied.

24. As to Paragraph 31, Defendant admits only that a preliminary hearing was held on or about the stated date. The remainder of the Paragraph is denied as stated.

25. As to Paragraph 32, Defendant admits only that the charge against Plaintiff was dismissed on or around the stated date. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations, and therefore the remainder of the Paragraph is denied.

26. Paragraphs 33 (including all subparts) and 34 are denied.

27. As to Paragraph 35, Defendant reiterates and realleges each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

28. Paragraphs 36, 37, 38, 39, and 40 are denied. Defendant denies that Plaintiff is entitled to the requested relief or any other relief.

29. As to Paragraph 41, Defendant reiterates and realleges each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

30. Paragraphs 42, 43, 44, 45, 46, 47, and 48 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

31. As to Paragraph 49, Defendant reiterates and realleges each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

32. Paragraphs 50 and 51 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

33. As to Paragraph 52, Defendant reiterates and realleges each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

34. Paragraphs 53, 54, 55, 56, and 57 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

35. As to Paragraph 58, Defendant reiterates and realleges each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

36. Paragraphs 59, 60, 61, and 62 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

37. As to Paragraph 63, Defendant reiterates and realleges each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

38. Paragraphs 64, 65, 66, 67, 68, and 69 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

39. As to Paragraph 70, Defendant reiterates and realleges each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

40. Paragraphs 71, 72, 73, 74, 75 (including all subparts), and 76 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

41. As to Paragraph 77, Defendant reiterates and realleges each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

42. Paragraphs 78, 79, and 80 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

43. As to Paragraph 81, Defendant reiterates and realleges each Paragraph and affirmative defense in this Answer as if set forth herein verbatim.

44. Paragraph 82 and the WHEREFORE clause (including all subparts) are denied. Defendant denies that Plaintiff is entitled to the requested relief or any other relief.

FOR A THIRD DEFENSE

45. Defendant did not violate any clearly established constitutional rights of which he knew or should have known, and therefore, is entitled to qualified immunity.

46. Defendant's actions were at all times objectively reasonable under the circumstances, and therefore, he is entitled to qualified immunity.

FOR A FOURTH DEFENSE

47. Plaintiff's recovery is barred, in whole or in part, because he failed to mitigate his damages.

FOR A FIFTH DEFENSE

48. To the extent Plaintiff seeks a double recovery for any alleged single wrong, Plaintiff must elect his remedy.

s/ Steven R. Spreewers
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Counsel for Defendant George Simpson

December 20, 2021

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Sherman Green,

Plaintiff(s),

vs.

City of Columbia & George Simpson,

Defendant(s).

3:21-4085-JFA-PJG

[State Court C/A No. 2021-CP-40-05620]

NOTICE OF REMOVAL

Defendant City of Columbia ("Defendant City") by way of removal, pursuant to 28 U.S.C. §§ 1331, 1441(a) and (c), 1443, and 1446(a), (b), and (d), would respectfully show unto this Court:

1. This action was commenced by the filing of a Summons and Complaint on November 15, 2021, in the Court of Common Pleas for Richland County, South Carolina. The Summons and Complaint were served upon Defendant City pursuant to Rule 4, SCRCPP, on or about November 18, 2021.

2. Thirty days have not elapsed since Defendant City's receipt of Plaintiff's Complaint. Defendant City has not yet filed responsive pleadings as to Plaintiff's Complaint.

3. Pursuant to 28 U.S.C. § 1331, the district court has original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States, which includes civil actions arising under the United States Constitution.

4. Pursuant to 28 U.S.C. § 1441(a), Defendant City may remove to the District Court of the United States, for the district and division embracing the place where such action is pending, any civil action brought in a state court of which the district courts of the United States have original jurisdiction. Pursuant to 28 U.S.C. § 1441(c), removal of this entire action, including Plaintiff's claims brought under state law, is proper.

5. By virtue of 28 U.S.C. §§ 1331 and 1443 and 42 U.S.C. § 1983, the United States District Court has original jurisdiction over civil actions concerning civil rights of citizens of the United States and all persons within the jurisdiction thereof. Removal of Plaintiff's claims is not expressly prohibited under the laws of the United States of America and the existence of concurrent jurisdiction in the state court over claims asserting violations of the United States Constitution under 42 U.S.C. § 1983 is insufficient, standing alone, to defeat Defendant City's right of removal under 28 U.S.C. § 1441.

6. By virtue of the foregoing, Defendant City hereby removes, this action to the United States District Court for the District of South Carolina, Columbia Division.

7. This Court has supplemental jurisdiction over Plaintiff's state law claims which derive from a common nucleus of operative facts with Plaintiff's claims based on Federal law. *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966).

8. Defendant City files herewith in this Court a copy of all process, pleadings, and orders served by or upon them in this action, as part of the Notice of Removal, which consists of the following:

- Summons and Complaint, filed Nov. 15, 2021;

9. The Clerk of Court for Richland County, South Carolina, from which this action is removed and Plaintiff's counsel shall promptly be given written Notice that the Notice of Removal has been provided and shall be provided a copy of the Notice of Removal.

WHEREFORE, Defendant City prays that this Notice of Removal be accepted as sufficient for removal of this action to this Court.

s/Jacqueline M. Pavlicek

Jacqueline M. Pavlicek, Esq. (Bar No. 11890)
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Jacqueline.Pavlicek@ColumbiaSC.gov

**ATTORNEY FOR DEFENDANT CITY OF
COLUMBIA**

December 17, 2021

Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Sherman Green,

Plaintiff,

vs.

City of Columbia & George Simpson,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No. 2021-CP-40-05620

**AMENDED ANSWER ON BEHALF OF
DEFENDANT GEORGE SIMPSON
(Jury Trial Demanded)**

Defendant George Simpson answers the Plaintiff's Complaint as follows:

FOR A FIRST DEFENSE

1. The Complaint, and each cause of action, fails to state a claim upon which relief may be granted. Therefore, the Complaint must be dismissed pursuant to Rule 12(b)(6), SCRPC.

FOR A SECOND DEFENSE

2. Defendant denies each paragraph and allegation in the Complaint not hereafter specifically admitted, qualified, or explained.

3. As to Paragraph 1, Defendant admits only that Plaintiff is or was a resident of Richland County, South Carolina. The remainder of the Paragraph is denied.

4. As to Paragraph 2, Defendant admits only that he was at all relevant times acting within the scope of his official duties as that term is used in the South Carolina Tort Claims Act and that the City of Columbia is the proper party for any state law claims. The remainder of the Paragraph is denied as stated.

5. Paragraphs 3, 4, 5, and 6 set forth legal conclusions to which no response is required. To the extent a response is deemed required, these Paragraphs are denied.

6. As to Paragraph 7, Defendant reiterates and realleges each Paragraph and affirmative defense in this Amended Answer as if set forth herein verbatim.

7. As to Paragraph 8, Defendant admits only that on or around the stated date, personnel from Defendant City's police department, including this Defendant, responded to one or more calls for service regarding a reported civil disturbance in progress in Room 115 of the Budget Inn, located at 1601 Sunset Drive, Columbia, South Carolina ("Budget Inn"). The remainder of the Paragraph is denied as stated.

8. As to Paragraph 9, Defendant admits only that Plaintiff was present at the Budget Inn on the evening of December 4, 2019. The remainder of the Paragraph is denied as stated.

9. Paragraph 10 is denied.

10. As to Paragraph 11, Defendant admits only that prior to Plaintiff leaving Room 115 of the Budget Inn at approximately 8:57 p.m. on December 4, 2019, Plaintiff knew that Aja Prophet ("Prophet") would be meeting with Dara Washington ("Washington") in Room 115 on the evening of December 4, 2019; that Plaintiff permitted such meeting to occur; and that Plaintiff was not present in Room 115 for some of the time that Washington and Prophet met. The remainder of the Paragraph is denied as stated.

11. Paragraph 12 is denied.

12. As to Paragraphs 13, 14, and 15, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore these Paragraphs are denied.

13. As to Paragraph 16, Defendant admits only that Plaintiff punched and struck Washington and pushed/threw him from the room. The remainder of the Paragraph is denied.

14. Paragraph 17 is denied.

15. As to Paragraph 18, Defendant admits only that Officer Brewer arrived on scene pursuant to one or more calls for service received by the Defendant City and that Officer Brewer had an interaction with Plaintiff after his arrival. The remainder of the Paragraph is denied as stated.

16. As to Paragraph 19, Defendant admits only that Officer Brewer requested EMS assistance and administered Narcan to Washington. The remainder of the Paragraph is denied as stated.

17. Paragraphs 20 and 21 are admitted.

18. As to Paragraph 22, Defendant admits only that one or more City of Columbia Police Department officers were in attendance for all or a portion of Washington's autopsy. The remainder of the Paragraph is denied as stated.

19. As to Paragraph 23, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore this Paragraph is denied.

20. As to Paragraph 24, Defendant admits only that Washington's death was determined to be a homicide and that an arrest warrant was sought and obtained for Plaintiff from the stated judge. The remainder of the Paragraph is denied as stated.

21. Paragraphs 25, 26, and 27 are denied.

22. As to Paragraph 28, Defendant admits only that Plaintiff was arrested on or about the stated date and that Plaintiff was transported to Alvin S. Glenn Detention Center. The remainder of the Paragraph is denied.

23. Paragraphs 29 and 30 are denied.

24. As to Paragraph 31, Defendant admits only that a preliminary hearing was held on or about the stated date. The remainder of the Paragraph is denied as stated.

25. As to Paragraph 32, Defendant admits only that the charge against Plaintiff was dismissed on or around the stated date. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations, and therefore the remainder of the Paragraph is denied.

26. Paragraphs 33 (including all subparts) and 34 are denied.

27. As to Paragraph 35, Defendant reiterates and realleges each Paragraph and affirmative defense in this Amended Answer as if set forth herein verbatim.

28. Paragraphs 36, 37, 38, 39, and 40 are denied. Defendant denies that Plaintiff is entitled to the requested relief or any other relief.

29. As to Paragraph 41, Defendant reiterates and realleges each Paragraph and affirmative defense in this Amended Answer as if set forth herein verbatim.

30. Paragraphs 42, 43, 44, 45, 46, 47, and 48 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

31. As to Paragraph 49, Defendant reiterates and realleges each Paragraph and affirmative defense in this Amended Answer as if set forth herein verbatim.

32. Paragraphs 50 and 51 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

33. As to Paragraph 52, Defendant reiterates and realleges each Paragraph and affirmative defense in this Amended Answer as if set forth herein verbatim.

34. Paragraphs 53, 54, 55, 56, and 57 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

35. As to Paragraph 58, Defendant reiterates and realleges each Paragraph and affirmative defense in this Amended Answer as if set forth herein verbatim.

36. Paragraphs 59, 60, 61, and 62 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

37. As to Paragraph 63, Defendant reiterates and realleges each Paragraph and affirmative defense in this Amended Answer as if set forth herein verbatim.

38. Paragraphs 64, 65, 66, 67, 68, and 69 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

39. As to Paragraph 70, Defendant reiterates and realleges each Paragraph and affirmative defense in this Amended Answer as if set forth herein verbatim.

40. Paragraphs 71, 72, 73, 74, 75 (including all subparts), and 76 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

41. As to Paragraph 77, Defendant reiterates and realleges each Paragraph and affirmative defense in this Amended Answer as if set forth herein verbatim.

42. Paragraphs 78, 79, and 80 are not directed at this Defendant and therefore require no response. To the extent a response is deemed required, these Paragraphs are denied.

43. As to Paragraph 81, Defendant reiterates and realleges each Paragraph and affirmative defense in this Amended Answer as if set forth herein verbatim.

44. Paragraph 82 and the WHEREFORE clause (including all subparts) are denied. Defendant denies that Plaintiff is entitled to the requested relief or any other relief.

FOR A THIRD DEFENSE

45. Defendant did not violate any clearly established constitutional rights of which he knew or should have known, and therefore, is entitled to qualified immunity.

46. Defendant's actions were at all times objectively reasonable under the circumstances, and therefore, he is entitled to qualified immunity.

FOR A FOURTH DEFENSE

47. Plaintiff's recovery is barred, in whole or in part, because he failed to mitigate his damages.

FOR A FIFTH DEFENSE

48. To the extent Plaintiff seeks a double recovery for any alleged single wrong, Plaintiff must elect his remedy.

FOR A SIXTH DEFENSE

49. Plaintiff's recovery is barred, in whole or in part, because the wrongs alleged in the Complaint were caused by someone other than this Defendant. Specifically, this Defendant was following instructions of his supervisor and relying on the advice of others in taking the actions complained of.

FOR A SEVENTH DEFENSE

50. This action must be dismissed pursuant to Rule 12(b)(7), SCRCP, because Plaintiff has failed to join one or more indispensable parties.

s/ Steven R. Spreuwiers
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Steven R. Spreuwiers, SC Bar #101373
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Counsel for Defendant George Simpson

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Sherman Green,

Plaintiff,

vs.

City of Columbia & George Simpson,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No. 2021-CP-40-05620

**DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY
JUDGMENT**

PLEASE TAKE NOTICE that Defendant George Simpson, by and through his undersigned counsel, will move before the Presiding Judge of the Court of Common Pleas, Fifth Judicial Circuit, on the tenth (10th) day after service hereof or at such time and place as is convenient to the Court and counsel for an Order granting Summary Judgment to this defendant, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure.

The Plaintiff maintains one cause of action against this defendant for a Fourth Amendment claim for unlawful arrest, though the Complaint erroneously attempts to deconstruct this cause of action into several partial claims for arrest, investigation, etc. Following completion of discovery, the record is clear that there is no genuine issue of material fact and Defendant Simpson is entitled to judgment as a matter of law on the grounds that the Plaintiff cannot establish the material elements to his cause(s) of action against Defendant Simpson. Specifically, there is no genuine issue of material fact as to whether the officer lacked probable cause to arrest Plaintiff for some crime. Plaintiff's failure to show evidence to create a question of fact on this issue is fatal to his claim(s) and summary judgment for Defendant Simpson is appropriate.

This motion is based upon the pleadings, the discovery responses of the parties, the deposition(s), oral arguments of counsel, memoranda, exhibits and applicable law.

Respectfully Submitted,

s/Mary D. LaFave

Mary D. LaFave, SC Bar #75366

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Attorney for Defendant George Simpson

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Sherman Green,

Plaintiff,

vs.

City of Columbia & George Simpson,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No. 2021-CP-40-05620

**MEMORANDUM OF LAW IN
SUPPORT OF DEFENDANT GEORGE
SIMPSON'S MOTION FOR SUMMARY
JUDGMENT**

QUESTIONS PRESENTED

- I. WHETHER GEORGE SIMPSON HAD PROBABLE CAUSE TO ARREST THE PLAINTIFF FOR ANY CRIMINAL CHARGE BASED ON THE EVENTS OF DECEMBER 4, 2019, AND PLAINTIFF'S §1983 CLAIMS FAIL AS A MATTER OF LAW.**

YES. DEFENDANT GEORGE SIMPSON HAD PROBABLE CAUSE TO ARREST THE PLAINTIFF FOR MURDER AND VARIOUS OTHER CRIMINAL CHARGES BASED ON WITNESS STATEMENTS, VIDEO SURVEILLANCE, AND PLAINTIFF'S OWN STATEMENTS.

- II. WHETHER GEORGE SIMPSON IS ENTITLED TO QUALIFIED IMMUNITY.**

YES. GEORGE SIMPSON'S ACTIONS WERE OBJECTIVELY REASONABLE AND HE IS IMMUNE FROM SUIT AS A MATTER OF LAW.

- III. WHETHER A FINDING OF PROBABLE CAUSE BY A NEUTRAL AND DETACHED MAGISTRATE IS *PRIMA FACIE* EVIDENCE OF THE EXISTENCE OF PROBABLE CAUSE.**

YES. THE WARRANT ESTABLISHES *PRIMA FACIE* EVIDENCE OF PROBABLE CAUSE BY JUDGE LADSON.

- IV. IN THE ALTERNATIVE, WHETHER GEORGE SIMPSON CAN BE INDIVIDUALLY LIABLE FOR THE PURPORTED MISCONDUCT OF HIS SUPERVISOR.**

NO. GEORGE SIMPSON WAS INSTRUCTED BY HIS SUPERVISOR SERGEANT THOMAS TO CHARGE PLAINTIFF WITH MURDER.

STATEMENT OF UNDISPUTED FACTS

This case involves the death of Dara Washington (herein “Victim”). Taking the facts in the light most favorable to the Plaintiff, on December 4, 2019, Plaintiff and Aja Prophet (herein “Prophet”) were sharing a room at the Budget Inn at 1601 Sunset Drive in Columbia. Plaintiff’s deposition, investigative records, and a surveillance video provide the majority of the record for purposes of this motion.

During the time frame in question, Plaintiff and Prophet had been living in Room 115 at the Budget Inn for a “month or two”. **Exhibit A**, Pl’s Depo. p. 47, ln. 1, p. 91, ln. 23. At that time, Plaintiff had an unrelated 2017 pending murder charge and was out on bond. **Exhibit A**, Pl’s Depo. p. 56, ln. 7. On December 4, 2019, Plaintiff testified that, after smoking marijuana and drinking whiskey with Prophet early in the day, he decided to go to the store that evening. **Exhibit A**, Pl’s Depo. pp. 68-69. He recalls that he left the hotel room shortly before 8pm and was aware that Prophet had “company” coming to the hotel room. **Exhibit A**, Pl’s Depo. p. 70, ln. 3-4. Plaintiff walked to the Family Dollar and Burger King and returned 30 minutes later. **Exhibit A**, Pl’s Depo. p. 71 and 73.

The events that occurred in Room 115 after the Plaintiff returned resulted in a multi-disciplinary response by the City of Columbia and are the subject of the instant action. The investigating officer was Investigator George Simpson, and the Victim died at the scene. The encounter between Plaintiff, Prophet, and the Victim that fateful night can best be understood using the three-part description provided by eye-witness Prophet in her statement to investigators. *See Exhibit B, Prophet’s Statement*. There is no factual discrepancy in the record to Prophet’s statement.

PART 1: PROPHET AND THE VICTIM

The first part of the altercation occurs when Plaintiff is still at the store and the Victim does not permit Prophet to leave the hotel room. Specifically, she described that after she and the Victim had sex multiple times, they would smoke crack cocaine. According to Prophet, after the second “hit” that night, the Victim “freaked out” thinking he was being set up by Prophet. **Exhibit B**, Prophet’s Statement. She explained that she tried to get out of the room, but he wouldn’t let her. At that time, her “brother” (sic) also referred to in her statement as her “cousin” which is the Plaintiff, was trying to “figure out a way to get in the room”. **Exhibit B**, Prophet’s Statement. Plaintiff yelled at her from outside the door of the motel room to lock herself in the bathroom. She did so and waited for everyone to calm down. **Exhibit B**, Prophet’s Statement.

During this period, the motel’s video surveillance shows Plaintiff outside the hotel room in an orange shirt yelling, kicking the door, and causing a disturbance¹. **Exhibit C**, Budget Inn Surveillance Video (see video timestamp around 5 minutes)². Plaintiff admits that he was yelling loud enough that another patron of the hotel called and made a complaint causing the night manager to respond. **Exhibit A**, Pl’s Depo. p. 104; **Exhibit C**, Budget Inn Surveillance (see video timestamp up through 9 minutes and 58 seconds).

PART 2: THE CALM

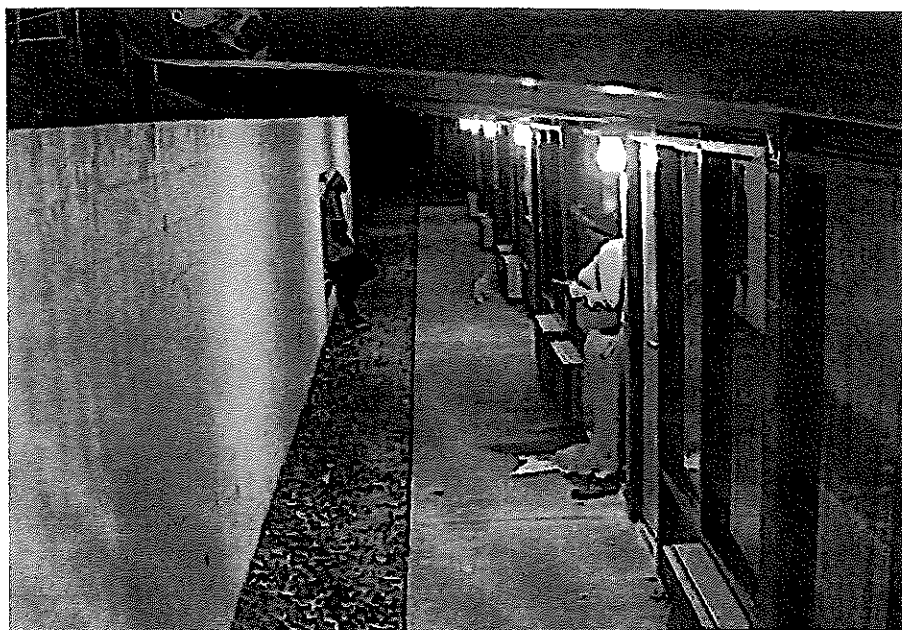
The second part of these events consists of about 15 minutes of peace where everyone had calmed down. *See* **Exhibit B**, Prophet’s Statement. Plaintiff corroborates Prophet’s description that there was a lull in the excitement for about 15 minutes while she was in the bathroom, and he

¹ Plaintiff identifies himself in the video at 5:11. *See* **Exhibit A**, Pl’s Depo. p. 96, ln. 16.

² WARNING: THIS VIDEO CONTAINS EXPLICIT CONTENT.

testified that he and the Victim were calm while waiting on the police. Around this time, Plaintiff is informed by the night manager that he has also called the police before he leaves the immediate vicinity. **Exhibit A**, Pl's Depo. p. 98, ln. 9, p. 102, ln. 22; **Exhibit C**, Budget Inn Surveillance (see video timestamp up through 12 minutes 8 seconds).

Minutes pass and the scene is calm enough that the Plaintiff leans against the nearby retaining wall with his leg casually propped up. **Exhibit A**, Pl's Depo. p. 104, **Exhibit C**, Budget Inn Surveillance (see video timestamp up through 14 minutes and 27 seconds).



See **Exhibit C**, Budget Inn Surveillance.

Plaintiff describes the scene at that moment:

"She was in the bathroom, he was there, everything was calm. It was calm. Everybody was calm. Waiting on the police right now, really."

See **Exhibit A**, Pl's Depo. p. 108, ln. 12-14.

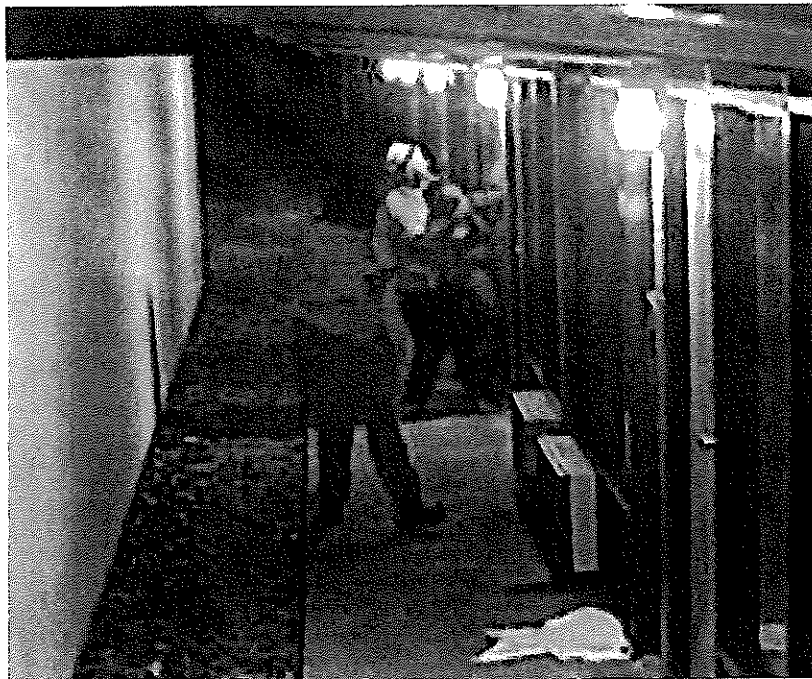
At this point, it is uncontested that the Plaintiff knew that the Columbia Police Department had been summoned to the scene and that Prophet was locked behind a door out of harm's way. **Exhibit A**, Pl's Depo. p. 90, ln. 16. During this calm, the Victim made a phone call using the hotel phone line.

PART 3: PLAINTIFF SHERMAN GREEN AND THE VICTIM

Everything would change as Plaintiff can be seen approaching the motel room door. Prophet hears Plaintiff yelling threats to the Victim and she exited the bathroom to "check" on things opening up the door to the hotel room. **Exhibit B**, Prophet Statement; **Exhibit D**, Prophet Video Interview at 23:40:20 - 23:42:54. A few seconds before Prophet opens the door, the Plaintiff can be seen yelling at the door on video. Then he quickly rushes into the hotel room. **Exhibit C**, Budget Inn Surveillance. At this moment, the Victim is high on crack cocaine and naked. Prophet recalled in her statement that the Plaintiff rushed into the hotel room and "roughed" up the Victim. **Exhibit B**, Prophet's Statement. The Plaintiff would initially lie to law enforcement about this moment, though he would come clean at the station later. *See* **Exhibit A**, Pl's Depo. p. 122 (Plaintiff admits that he lied in this manner).

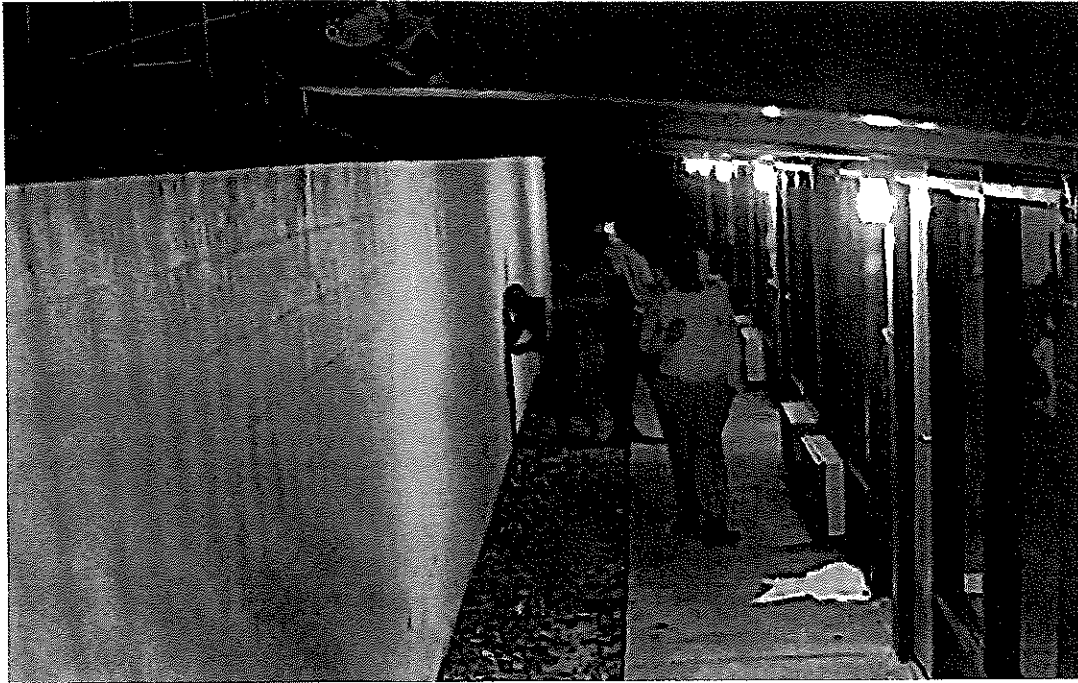
Plaintiff explained that he lied when "[t]he officer asked me at the hotel did I hit him, I say no." **Exhibit A**, Pl's Depo. p. 122, ln. 12-13. Plaintiff explained he did so "[b]ecause I was out on a murder bond and I didn't want nothing to do with that. **Exhibit A**, Pl's Depo. p. 122 -124. Eventually, the Plaintiff told the truth and explained, just as Prophet described, that he rushed into the hotel room and physically fought the Victim. Plaintiff testified that the officer "manipulated (him) into telling the truth". **Exhibit A**, Pl's Depo. p. 129, ln. 4-7. He also admitted that it would be reasonable for the officer to conclude that if he lied about one portion of these events, that he lied about other details such as the severity of the attack. **Exhibit A**, Pl's Depo. p. 126, ln. 25.

In the video recording of her statement to Defendant Simpson, Prophet described the Plaintiff's actions in more detail. Prophet described the calm as she sat in the bathroom for about 15 minutes. She could hear the Victim on the phone with 911 and the Plaintiff still trying to get in the room. Importantly, she informed investigators that she heard the Plaintiff threaten the Victim stating "[w]ait until you come outside, I got something for you because this is some f*cking sh*t you pulling." Shortly thereafter, once the door was open, Plaintiff followed through on his threat. Prophet said that the Plaintiff "bumrushed" the naked Victim and "jacked him up a little bit". **Exhibit D**, Prophet Video Interview at 23:40:20 - 23:42:54. She recalled that Plaintiff was so aggressive that she had to intervene to get Plaintiff off the Victim who had "learned his lesson". **Exhibit D**, Prophet Video Interview 23:48:09. Consistent with Prophet's statement, Plaintiff recalled under oath that Prophet also told him to "calm down". **Exhibit A**, Pl's Depo. p. 113, ln. 23. Video surveillance reflects that Plaintiff (orange shirt) then drug the naked Plaintiff out of the hotel room.



See **Exhibit C**, Budget Inn Surveillance.

Then, Plaintiff slung the Victim into the retaining wall. Plaintiff readily admits that the Victim's head and hand hit the concrete retaining wall. **Exhibit A**, PI's Depo. p. 126.



See **Exhibit C**, Budget Inn Surveillance.

After hitting his head, the Victim crumples to the ground, gets to his feet clumsily, and stumbles erratically toward the camera. The Victim appears clearly disoriented and confused. **Exhibit C**, Budget Inn Surveillance. Moments later, the Victim dies on scene at the Budget Inn parking lot in the presence of EMS. Simpson provided a synopsis of these facts in his case summary³ maintained by the City of Columbia as a business record that sets out his mental impressions of the investigation:

³ Simpson adopted this summary in his deposition. See **Exhibit E**, Simpson Depo. p. 85.

MEMORANDUM



To: Solicitors Office
From: Inv. G. Simpson
cc:
Date: December 19, 2019
Re: Case Summary

On 12/04/2019 at 1601 Sunset Dr. (Budget Inn motel), officers were dispatched to the location and observed the victim Mr. Dara Washington lying in the parking lot at the location unresponsive. He was transported to Prisma hospital (Richland Memorial) for treatment but was later pronounced deceased. Contact was made with Mr. Green who stated that while inside of room 115 at the location, a physical assault took place which led to him punching and kicking the victim several times inside of the room prior to throwing him outside of the room where his body struck a concrete wall just outside of the room. The victim was extremely dazed and disoriented and was extremely unsteady on his feet as he retreated from the room before collapsing in the parking lot area where he was ultimately contacted by EMS and transported to the hospital where he was pronounced deceased. Mr. Green stated that he assaulted the victim because he observed the victim physically assaulting a witness who was also inside of the room (Ms. Aja Prophet) and he felt the need to protect her from the victim.

An interview was conducted with Ms. Prophet who stated that she did not feel that her life was in danger and she didn't feel that she needed to be protected from the victim but the victim was upset and was paranoid after he had smoked crack cocaine after they had sex and Mr. Green came to the room upset and the victim believed that Ms. Prophet had set him up to be robbed so he did not want for Mr. Green to come inside of the room due to his fear that Mr. Green was there to rob him. Ms. Prophet stated that as Mr. Green entered the room, the victim was not a threat to him and did not attempt to assault him prior to observing Mr. Green attack the victim with his fists while the victim covered in a corner and dropped to the ground. Ms. Prophet stated that she pulled Mr. Green off due to the assault appearing to be excessive and Mr. Green then drug him out of the room and tossed him out. Prior to entering the room, Mr. Green spoke with management at the location who came to the room and looked inside through the window and stated that everything appeared to be fine inside so he was not authorized to open up the door and he stated that the police had already been notified and were responding. During the 911 call for service, Mr. Green is heard on the recording threatening the victim while outside of the room stating that he better hope that the police gets there before he gets inside of the room.

See Exhibit F, Simpson Case Summary; Exhibit G, Full CPD Report.

Thereafter, the Victim would be taken for autopsy, but the toxicology screen would not be completed by the third-party lab until February 2020⁴. In the interim, Prophet and Plaintiff were taken for interrogation. After his rights were read to him, Plaintiff finally admitted that he assaulted

⁴ Deputy Solicitor Goldberg testified that these toxicology screens, in his experience, come back in a week. This case's toxicology took nearly three (3) months presumably due to the COVID-19 pandemic. Exhibit N, Goldberg Depo. p. 53.

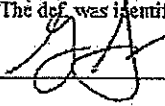
the Victim in the hotel room and the officers could see the Plaintiff throwing the Victim into the wall. **Exhibit E**, Simpson Depo. p. 89 – 94. Plaintiff even testified in his deposition that he would have considered a charge of assault and battery reasonable, he just did not agree with murder. **Exhibit A**, Pl's Depo. p. 165, ln. 17-23.

Following the investigation, Simpson consulted with his supervisor Sergeant Arthur Thomas along with Fifth Circuit Solicitor Lamar Fyall regarding the charges and probable cause. Simpson disclosed all the information known to him to his supervisor. **Exhibit E**, Simpson Depo. p. 269 – 280. Fyall agreed with a finding of probable cause at the time and maintains, even in light of the finalized autopsy, that the Defendants had probable cause to make an arrest of the Plaintiff for a crime. **Exhibit H**, Fyall Depo. p. 25-29, 75-79. After full review of the investigation, including the pending toxicology and Plaintiff's statements that he was defending Prophet, it was the decision of Sergeant Thomas to charge the Plaintiff with murder. **Exhibit E**, Simpson Depo. p. 280, ln. 15.

On December 5, 2024, a warrant was sworn by Defendant Simpson and signed by Judge Angela Ladson against the Plaintiff for the charge of murder. **Exhibit I**, Warrant. The warrant was based on the information known to the officer at the time:

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 12/04/2019 at 1601 Sunset Dr. located within the city limits of Columbia, county of Richland, the def. did act with malice aforethought; after escalating a verbal confrontation with the victim which turned physical without being provoked to do so by striking the victim several times with his hands before having to be pulled away from the victim by a witness of the incident. The def. then proceeded to grab the victim who he then threw out of a room at the location which caused the victim's body to strike a wall and fall down, after being assaulted. The victim then ran away from the def. before collapsing a short distance later where he was found by medical personnel who pronounced him deceased on scene. The def. knew that police were already on the way and still verbally stated to the victim "you better hope the police get here before I get in there" moments prior to the attack being initiated. The incident was partially captured on surveillance footage. The def. was identified at the scene of the incident.

Signature of Affiant 	
STATE OF SOUTH CAROLINA	) Affiant's Address #1 Justice Square Columbia, SC 29201- Affiant's Telephone _____
County _____ Municipality of ☒	
City of Columbia	

See **Exhibit I**, Warrant.

On December 5, 2024, Dr. Amy Durso conducted the autopsy and deemed the death of the Victim pending toxicology results and noted findings of *blunt force injuries*. **Exhibit J**, Durso Depo. p. 13; **Exhibit K**, Preliminary Autopsy Report. She testified that she needed more information at the time. **Exhibit I**, Durso Depo. p. 13-15. She also testified, consistent with this preliminary report, that she found physical evidence of assault and battery on the Victim in the form of “abrasions and lacerations”. **Exhibit J**, Durso Depo. p. 56.

At the preliminary hearing on February 12, 2020, the murder charge was dismissed since toxicology, and consequently the cause of death, remained pending. **Exhibit M**, Prelim Transcript, p. 36. Seven (7) days after the preliminary hearing was held, on February 19, 2020, the toxicology results were received, and the final cause of death was “excited delirium due to cocaine abuse and **physical altercation**”. **Exhibit L**, Amended Autopsy Report. (emphasis added). Dr. Durso testified that in the *thousands* of autopsies that she has performed in her career, she had never rendered this conclusion before. **Exhibit J**, Durso Depo. p. 47, ln. 23.

Upon receipt of the final autopsy, the Fifth Circuit Solicitor, Deputy Dan Goldberg elected not to pursue a direct indictment as to murder, and specifically, because of the of questions surrounding the February 2020 excited delirium autopsy conclusion. **Exhibit N**, Goldberg Depo. p. 44 – 53⁵.

INSTANT ACTION

On November 15, 2021, this action commenced against the City of Columbia and Investigator George Simpson. Plaintiff has only alleged one cause of action against Defendant Simpson for unlawful arrest. Specifically, Plaintiff alleges that that Defendant Simpson violated

⁵ Depositions Exhibit A, Pl’s Depo., Exhibit E, Simpson’s Depo., Exhibit H, Fyall Depo., Exhibit J, Durso Depo., and Exhibit N, Goldberg Depo. are available for production to the Court in their entirety and are fully incorporated herein as supplemented by this reference.

Plaintiff's constitutional rights pursuant to 42 U.S.C. §1983 when he arrested the Plaintiff without probable cause. *See* Pl's Compl. ¶¶ 36-40.

Simpson asserts that he acted appropriately and reasonably at all relevant times and categorically denies that he violated Plaintiff's constitutional rights since he had probable cause to make an arrest. Further, Simpson contends that he is entitled to qualified immunity and is wholly immune from suit in his individual capacity. Consequently, this Defendant Simpson now moves for summary judgment pursuant to Rule 56, FRCP.

STANDARD OF REVIEW

As here, “when there is no dispute about the historical facts—the who, what, where and when of what happened—the objective reasonableness of officers’ conduct is a matter of law to be decided by the court.” In *Scott v. Harris*, the Supreme Court said “[a]t the summary judgment stage, [] once we have determined the relevant set of facts and drawn all inferences in favor of the nonmoving party to the extent supportable by the record, [] the reasonableness of [the officer’s] actions—or, in Justice STEVENS’ parlance, [w]hether [respondent’s] actions have risen to a level warranting deadly force []—is a pure question of law.” 550 U.S. 372, 381 n.8 (2007). the party seeking summary judgment bears the initial burden of demonstrating that there is no genuine dispute of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). “A fact is ‘material’ if proof of its existence or non-existence would affect disposition of the case under applicable law. An issue of material fact is ‘genuine’ if the evidence offered is such that a reasonable jury might return a verdict for the non-movant.” *Wai Man Tom v. Hosp. Ventures LLC*, 980 F.3d 1027, 1037 (4th Cir. 2020) (citations omitted). But “courts must view the evidence in the light most favorable to the nonmoving party [].” *Variety Stores, Inc. v. Wal-Mart Stores, Inc.*, 888 F.3d 651, 659 (4th

Cir. 2018) (cleaned up). These basic principles apply in Fourth Amendment cases, like in all civil cases. *Tolan v. Cotton*, 572 U.S. 650, 656–56 (2014) (*per curiam*).

“In Fourth Amendment cases, disputes over historical facts can be material. So, if there are genuine disputes over what happened factually, courts must construe all historical facts in favor of the non-moving party to determine whether the dispute affects the outcome under governing law. That is no different in Fourth Amendment cases than in any other civil case. But unlike in tort law, in Fourth Amendment cases, objective reasonableness [of an officer’s actions] is not a jury question—it is a question of law. Said differently, the court must decide, under the nonmovant’s version of the facts, the purely legal issue of whether a constitutional violation has occurred.” *See Scott*, 550 U.S. at 381 n.8; *Putman v. Harris*, 66 F.4th 181 at 186–87 (4th Cir.2023); *Henry*, 652 F.3d at 531; and *Cloaninger*, 555 F.3d at 333.

I. PLAINTIFF HAS FAILED TO STATE CAUSES OF ACTION AGAINST THE DEFENDANT SIMPSON FOR FOURTH AMENDMENT DEPRIVATIONS UNDER 42 U.S.C. §1983

A. Generally

The Supreme Court instructs that the more specific constitutional source should be the basis for analyzing a §1983 claim as opposed to the more general section. *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 842 (1998) (“[W]here a particular Amendment provides an explicit textual source of constitutional protection against a particular sort of government behavior, that Amendment, not the more generalized notion of substantive due process, must be the guide for analyzing these claims.”). *See also Albright v. Oliver*, 510 U.S. 266, 273 (1994).

Consistent with the Supreme Court, the Fourth Circuit has also made it clear that claims for an unlawful seizure of property or the person should be analyzed as a more specific “violation of the 4th Amendment”. *Rogers v. Pendleton*, 249 F.3d 279, 294 (4th Cir. 2001); *see also Brown*

v. Gilmore, 278 F.3d 362, 367 (4th Cir. 2002) (stating that to establish an unreasonable search and seizure under the 4th Amendment, the plaintiff must show he was arrested without probable cause). Accordingly, despite the catch-all nature of the Complaint, the law requires that the more specific constitutional 4th Amendment is more appropriately analyzed for Plaintiff's claim against Simpson.

Here, Plaintiff alleges that Simpson violated his Fourth Amendment rights when he was unlawfully arrested. Claims for violation of federal constitutional rights by state actors arise under 42 U.S.C. § 1983, which is the mechanism for asserting such rights. *See, Albright v. Oliver*, 510 U.S. 266, 271 (1994) ("Section 1983 is not itself a source of substantive rights, but merely provides a method for vindicating federal rights elsewhere conferred."). Under the Fourth Amendment, the people are "to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, ... and no Warrants shall issue, but upon probable cause. . ." U.S. Const. amend. IV.

There is no question that at the time of this incident, the right to be free from arrest absent probable cause was clearly established. Therefore, this court must determine whether the facts, taken in the light most favorable to Plaintiff, indicate that a "police officer acting under the circumstances at issue reasonably could have believed that he had probable cause to arrest" the subject. *Sevigny v. Dicksey*, 846 F.2d 953, 956 (4th Cir. 1988).

An event which triggers the protections of the Fourth Amendment occurs "when there is a governmental termination of freedom of movement through means intentionally applied." *Brower v. County of Inyo*, 489 U.S. 593, 597 (1989). "Probable cause, for Fourth Amendment purposes, means facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing, in the circumstances shown, that the

suspect has committed, is committing, or is about to commit an offense.” *Pritchett v. Alford*, 973 F.2d 307, 314 (4th Cir. 1992) (internal quotations and citations omitted).

Here, there is a single cause of action alleged against Defendant Simpson—a Fourth Amendment claim for unlawful arrest. Plaintiff was arrested pursuant to a warrant; thus, this claim is analyzed under the rubric of a malicious prosecution claim. In other words, Plaintiff must plead and prove that Simpson (1) caused (2) a seizure of Plaintiff pursuant to legal process unsupported by probable cause, and (3) criminal proceedings terminated in Plaintiff’s favor. *Evans v. Chalmers*, 703 F.3d 636, 647 (4th Cir. 2012)⁶. In the case at bar, Plaintiff’s failure to overcome the second element, that probable cause is lacking, is fatal to his claim rendering summary judgment appropriate.

B. Undisputed Facts

The City of Columbia Police Department was dispatched to the scene of a disturbance by multiple callers at the Budget Inn. Upon arrival, the body of the Victim is found in the parking lot, and he dies on the scene. Contact was made with Plaintiff who initially lied to investigators about his interactions with the Victim. The only other eyewitness, Aja Prophet, explains that Plaintiff assaulted the Victim by punching him after the initial disturbance subsided and she had to get the Plaintiff off of the Victim. Immediately before the assault, Prophet reported that she heard Plaintiff threaten the Victim from outside the room that he had something coming. Eventually, when confronted with this evidence, Plaintiff told the truth stating that an altercation occurred in Room 115, and that he kicked and punched the Victim shortly before his death. Surveillance video was

⁶According to a recent Supreme Court case, the favorable termination requirement no longer requires Plaintiff to show that the proceedings terminated in manner consistent with Plaintiff’s innocence. Rather, all the Plaintiff needs to show for the third element is that the prosecution ended without a conviction. *See Thompson v. Clark*, 142 S. Ct. 1332, 1341 (2022).

obtained from the motel on scene which showed the Victim being thrown head first into a concrete retaining wall by the Plaintiff. Simpson observed the video of the Victim's head and hand hit the wall just minutes before the Victim stumbled to the parking lot and died. Physical evidence of assault was noted by the coroner on the Victim's body. These facts are not in dispute because the Plaintiff admits in his deposition that he lied, that he punched the Victim, and that he threw the victim headfirst into a concrete wall shortly before the Victim's death.

See, Supra.

C. Probable Cause

Probable cause exists if the "facts and circumstances within the officer's knowledge... are sufficient to warrant a prudent person ... in believing, in the circumstances shown, that the suspect has committed, is committing, or is about to commit an offense." *Michigan v. DeFillippo*, 443 U.S. 31, 37 (1979).

"The validity of the arrest does not depend on whether the suspect actually committed a crime; the mere fact that the suspect is later acquitted of the offense for which he is arrested is irrelevant to the validity of the arrest." *Id.* at 36. "In assessing the existence of probable cause, courts examine the totality of the circumstances known to the officer at the time of the arrest." *Taylor v. Waters*, 81 F.3d 429, 434 (4th Cir.1996).

"Probable cause requires more than 'bare suspicion,' but requires less than evidence necessary to convict." *Porterfield v. Lott*, 156 F.3d 563, 569 (4th Cir.1998) (internal citations omitted). Reasonable law officers need not "resolve every doubt about a suspect's guilt before probable cause is established." *Torchinsky*, 942 F.2d at 264. "Whether probable cause exists in a particular situation ... always turns on two factors in combination: the suspect's conduct as known to the officer, and the contours of the offense thought to be committed by that conduct." *Rogers*

v. Pendleton, 249 F.3d 279, 290 (4th Cir.2001) (quoting *Pritchett v. Alford*, 973 F.2d 307, 314 (4th Cir.1992)).

A court's inquiry should be made based on the information possessed by the officer at the time of the arrest that was then reasonably available to him at the time of arrest, and “in light of any exigencies of time and circumstance that reasonably may have affected the officer's perceptions.” *Pritchett*, 973 F.2d at 312.

In Plaintiff's first cause of action in his Complaint, he contends that probable cause was lacking to charge him with murder because Simpson performed a deficient investigation of known exculpatory evidence and made material omissions or misrepresentations in the presentation of the information to the Judge. *See* Pl's Compl. Pursuant to S.C. Code Ann §16-3-10, murder is the “killing of any person with malice aforethought, either express or implied.” Here, Prophet clearly articulated a threat by the Plaintiff outside the motel room that “[w]ait until you come outside, I got something for you because this is some f*cking sh*t you pulling.” Shortly thereafter, once the door was open, Plaintiff rushed in and assaulted the Victim which included throwing him into a brick wall. The Plaintiff then stumbled around the other side of the building and died. *See, Supra*.

This information is provided in the warrant and is substantiated by the surveillance video, the statements of Prophet, Plaintiff's own admissions, and the preliminary findings of the autopsy report. There is no question of fact as to what information the officer knew at the time of the arrest. Probable cause for any crime is sufficient to defeat a malicious prosecution claim, even if the crime as to which probable cause exists is not the crime for which the plaintiff was arrested. *See Jackson v. City of Abbeville*, 366 S.C. 662, 666, 623 S.E.2d 656, 658, n. 4 (Ct. App. 2005) (“[A] malicious prosecution action fails if the plaintiff cannot show malice and lack of probable cause.”).

The only outstanding information in this matter was the toxicology test, which was pending, and which would not be received for over two (2) months. Plaintiff contends that this test was “exculpatory” and was ignored for purposes of the investigation. First, the toxicology results, even now that they are known, are not “exculpatory” nor do they upend the initial probable cause determination which is analyzed at the time of arrest. See *Supra*, Fyall Depo. However, taking the facts in the light most favorable to the Plaintiff, the fact that Simpson did not conduct a more thorough investigation by waiting on the toxicology results before seeking arrest does not negate the probable cause established by Prophet’s statement and the surveillance video. See, *Wadkins v. Arnold*, 214 F.3d 535, 543 (4th Cir.2000) (“The question before us is not whether [the officer] exhausted every potential avenue of investigation.”); *Torchinsky*, 942 F.2d at 264 (“It will, of course, always be possible to contend in court that an arresting officer might have gathered more evidence, but judges cannot pursue all the steps a police officer *might* have taken that *might* have shaken his belief in the existence of probable cause.”)

Just because Simpson was aware of the existence of a pending toxicology test does not establish that Simpson was aware of, much less that he ignored, exculpatory evidence. See, *Wadkins*, 214 F.3d at 541 (“Although an officer may not disregard readily available exculpatory evidence of which he is aware, the failure to pursue a potentially exculpatory lead is not sufficient to negate probable cause.”). See, *McKinney v. Richland Cty. Sheriff's Dep't*, 431 F.3d 415, 418-19 (4th Cir. 2005) (“The district court erred in concluding that Livingston ignored exculpatory evidence when he failed to conduct more interviews or discuss the incident with the school's representatives. At most, these omissions amounted to a failure to pursue potentially exculpatory leads, and such does not negate probable cause.”) See *Battle v. Jones*, No. 6:15-CV-4960-BHH-KDW, 2016 WL 7800306, at *6 (D.S.C. Dec. 20, 2016), report and recommendation

adopted, No. CV 6:15-4960-BHH, 2017 WL 167930 (D.S.C. Jan. 17, 2017) (“Were the court to find otherwise and place a duty on an officer to investigate further despite having sufficient probable cause for a warrant, any suspect could defeat probable cause and delay an arrest simply by saying, ‘I didn’t do it.’”); *see also*, *Ruszala v. Walt Disney World Co.*, 95 F. Supp. 2d 1323, 1326 (M.D. Fla. 2000) (“When weighed against the evidence supporting probable cause at the time of Plaintiff’s arrest, however, Plaintiff’s self-serving statement was simply too little, too late. To be sure, if probable cause was defeated every time a criminal suspect cried “*I didn’t do it*,” police officers would never have probable cause to make an arrest.”). (Emphasis in original).

Plaintiff is also expected to argue that he was defending himself or others, and specifically Prophet, from the Victim. Again, a statement by the Plaintiff, an admitted liar, that he was defending Prophet at the time he assaulted the Victim does not negate probable cause. *See Exhibit F*, Simpson Case Summary. Simpson investigated this aspect of Plaintiff’s claim and Prophet stated that she did not feel like she was in danger during the specific time frame that Plaintiff assaulted the victim and threw him into a concrete wall. In fact, Prophet explained that she had to try to get Plaintiff to stop hitting the Victim and that the Victim had “learned his lesson”. *See, Supra*.

Assuming *arguendo*, even if probable cause were to be in question as to the offense of murder, such would still not render Plaintiff’s arrest unlawful. It is well settled that *that probable cause may be based on uncharged conduct* (bolded for emphasis). *See, Martin v. Lott*, 2010 WL 547175 (D.S.C. 2010), citing *Davenpeck v. Alford*, 543 U.S. 146, 154-56 (2004), also citing *Jackson v. City of Abbeville*, 623 S.E.2d 656, 660 (S.C. App. 2005). In other words, as the United States Supreme Court has manifestly held: “an arresting officer’s state of mind (except for the facts

that he knows) is irrelevant to the existence of probable cause. That is to say, [Simpson's] subjective reason for making the arrest *need not be the criminal offense as to which the known facts provide probable cause.*" See *Devenpeck, Supra* at 153 (2004) (bolded for emphasis).

The Fourth Circuit has echoed this sentiment in recent years deeming an arrest valid if "based on the facts known to the officer, objective probable cause exist[s] as to *any* crime." See *United States v. McNeill*, 484 F.3d 301, 311 (4th Cir. 2007) (emphasis in original). Based upon these parameters, the pertinent Fourth Amendment analysis is whether there had been probable cause for any criminal charge to arrest Plaintiff. Simpson submits that Plaintiff's conduct not only ran afoul the murder statute, but also violated South Carolina common law and South Carolina statutory law, *to wit*:

- i. *There was adequate probable cause to charge the Plaintiff with Manslaughter or Involuntary Manslaughter.*

The law provides for crimes involving the death of another person without the essential element of malice (even though Plaintiff's threat reported by Prophet certainly constituted a plan to injure the Victim). Taking that fact in the light most favorable to the Plaintiff, the facts lend themselves to a charge of Manslaughter under S.C. Code Ann. §16-3-50, for the unlawful killing without malice, or Involuntary Manslaughter under S.C. Code Ann. §16-3-60, a reckless disregard for the safety of others.

- ii. *There was adequate probable cause to charge the Plaintiff Assault and Battery.*

Even if the Plaintiff's position that if the City of Columbia or the investigating officer had waited on the toxicology results, there was probable cause to arrest Plaintiff for Assault and Battery, Third Degree. S.C. Code Ann. §16-3-600(E)(1) provides that it is a criminal offense if a person unlawfully injures another person or attempts to injure another person with the present

ability to do so. The surveillance video shows the Plaintiff throwing the Victim into a concrete wall. Plaintiff admits that he threw the Victim headfirst into the wall. Plaintiff admits that he kicked and punched a naked man's body that ultimately bore signs of that assault at autopsy.

iii. *There was adequate probable cause to charge the Plaintiff with Obstruction of Justice.*

Even if the Victim's death cannot be attributed to the Plaintiff, which is what Plaintiff principally argues, he admits that he **lied to the police** during the investigation. This is a fact that is not in dispute given Plaintiff's admission under oath to the same. Under common law obstruction of justice, "it is an offense to do any act which prevents, obstructs, impedes, or hinders the administration of justice." *State v. Lyles-Gray*, 328 S.C. 458, 492 S.E.2d 802, 805 (Ct. App.1997) (emphasis in original) (citing *State v. Cogdell*, 273 S.C. 563, 567, 257 S.E.2d 748, 750 (1979)).

The Fourth Circuit Court of Appeals recognized South Carolina's "common law crime of obstruction of justice" in *Hess v. Medlock*, 820 F.2d 1368, 1373 (4th Cir.1987). There, the Court defined obstruction of justice as a crime "committed whenever a defendant intentionally performs any act which prevents, obstructs, impedes, or hinders the administration of justice." *Id.* (internal citation omitted); *see also, Cousar v. Richland Cnty. Sheriff's Dep't*, No. 3:08-392-CMC, 2009 WL 982414, at *8 (D.S.C. Apr.10, 2009) (finding probable cause existed to arrest defendant for common law obstruction of justice where defendant refused to follow officers' directive to allow a child to go to hospital by ambulance). In some cases, South Carolina courts appear to treat common law hindering and common law obstruction of justice as the same offense. *See e.g., State v. Singleton*, 430 S.C. 546, 553 (Ct.App.2021) (evidence of Singleton's lies to police about the identity of a perpetrator were sufficient to warrant a conviction for obstruction of justice).

In this instance, probable cause existed to arrest Plaintiff for common law obstruction of justice because Plaintiff lied to the police about the events inside Room 115 once the door was opened. Plaintiff knew that the Victim either died or was suffering from major medical issues at the time these questions were asked given the presence of EMS on the scene. With this knowledge, Plaintiff attempted to obstruct and hinder Simpson's efforts to investigate by concealing and lying about his interactions with the Victim immediately before his death. *See, Supra.*

iv. *There was adequate probable cause to charge the Plaintiff with Public Disorderly Conduct.*

The pertinent part of the Public Disorderly Conduct statute, S.C. Code Ann. § 16-17-530 sets forth: "Any person who shall [] be found [] at any public place [] conducting himself in a disorderly or boisterous manner [] shall be deemed guilty of a misdemeanor..."

Taking the facts in a light most favorable to Plaintiff -- and by his own admission in his deposition and in the surveillance video - his conduct was willfully and outright disorderly as he engaged in a verbal altercation or argument with the Victim. *See, Supra.*

v. *There was adequate probable cause to charge the Plaintiff with Breach of the Peace.*

A breach of the peace is a common law offense. *State v. Randolph*, 239 S.C. 79, 121 S.E.2d 349 (1961). "The term 'breach of the peace' is a generic one embracing a great variety of conduct destroying or menacing public order and tranquility. In general terms, it is a violation of public order, a disturbance of the public tranquility, by any act or conduct inciting to violence. Although it includes acts likely to produce violence in others, actual violence is not an element of breach of peace." *See, State v. Peer*, 466 S.E.2d 375, 379 (S.C. Ct App. 1996). "Whether conduct constitutes a breach of the peace depends on the time, place, and nearness of other persons." *Id.* (citing 3 S.C. Juris. *Breach of Peace* § 7 (1991)). However, despite including "acts likely to produce violence in others, actual

violence is not an element of breach of peace.” *Id.* (citations omitted); *see also*, *State v. Langston*, 195 S.C. 190, 11 S.E.2d 1 (1940).

Simpson also had probable cause to arrest Plaintiff for breach of peace. Plaintiff knew that the police had been called by multiple people, he knew that everything inside Room 115 had calmed down, and he knew that Prophet was locked safely in the bathroom. This peace evident to investigators the minute that Plaintiff propped his leg up on the side of the wall. Plaintiff recalls clearly that he was calm and waiting on the police. Seconds later, unprovoked, Plaintiff went to the door and began yelling threats to the Victim and then “bumrushed” and assaulted the Victim. At that point, Plaintiff escalated the circumstances, and as a result, clearly violated public order and disturbed the public tranquility.⁷ *See, Supra.*

II. PURSUANT TO *HARLOW V. FITZGERALD*, THE DEFENDANT SIMPSON IS ENTITLED TO QUALIFIED IMMUNITY AND IS ABSOLUTELY IMMUNE FROM SUIT AS A MATTER OF LAW

The United States Supreme Court in *Harlow v. Fitzgerald*, 457 U.S. 800 (1982), set forth objective standards for the utilization of the qualified immunity defense and gave specific

⁷ Where aggravating circumstances exist, however, the General Assembly has permitted a defendant to be prosecuted in circuit court. *See*, S.C. Code Ann. § 22-5-150 (“Magistrates may cause to be arrested (a) all affrayers, [] disturbers and breakers of the peace, [] and otherwise dangerous and disorderly persons.”) In *State v. Simms*, 412 S.C. 590, 596, 774 S.E.2d 445, 448 (2015), the South Carolina Supreme Court held, “It makes no difference that the aggravators are not expressly defined by statute. Rather, the law only requires that a breach of the peace be ‘of a high and aggravated nature.’ Thus, a wide variety of factual circumstances could render a simple breach of the peace triable in circuit court because of its ‘high and aggravated nature.’” Here, the Plaintiff’s breaching of the peace could reasonably be considered that of a high and aggravated nature when his deliberately criminal behavior of throwing a nearly incapacitated man head-first into a concrete wall increased the risk of serious injury.

benchmarks to the judiciary in determining when to protect public officials from undue interference with the exercise of their official duties.

In setting forth its guidelines, the Supreme Court ruled that "government officials performing discretionary functions are shielded from liability for civil damages insofar as their conduct does not violate a clearly established statutory or constitutional right of which a reasonable person should have known." *Id.* at 818. The Court further held that "[r]eliance on the objective reasonableness of an official's conduct is measured by reference to clearly established law, and should avoid excessive disruption of government and permit the resolution of many insubstantial claims on summary judgment." *Id.*

Subsequently, the Supreme Court held in *Anderson v. Creighton*, 483 U.S. 635 (1987), that a court must look for the "'objective legal reasonableness' of the action assessed in light of the legal rules that were 'clearly established' at the time it was taken." *Id.* at 639. "The contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right. ... [This] is to say that in the light of preexisting law the unlawfulness must be apparent." *Id.* at 640.

In *Torchinsky v. Siwinski*, 942 F.2d 257 (4th Cir. 1991), the Fourth Circuit explained the rationale for qualified immunity:

The grant of qualified immunity to government officials ensures that these officials can perform their duties free from the specter of endless and debilitating lawsuits. Without such an immunity, the operations of government would be immobilized. Permitting damages suits against government officials can entail substantial social costs, including the risk that fear of personal monetary liability and harassing litigation will unduly inhibit officials in the discharge of their duties.

942 F.2d at 260-261. (Citations omitted, emphasis added).

In determining whether an individual defendant is entitled to qualified immunity, the courts have employed a two-step process as set forth in *Saucier v. Katz*, 533 U.S. 194 (2001). First, the court must first determine "whether a constitutional right would have been violated on the facts alleged." 533 U.S. at 200. If the facts viewed in a light most favorable to the plaintiff do not establish a constitutional violation, the inquiry ends, and the plaintiff cannot prevail. *Parrish v. Cleveland*, 372 F.3d 294, 301 (4th Cir. 2004). "Next, assuming that the violation of the right is established, courts must consider whether the right was clearly established at the time such that it would be clear to an objectively reasonable officer that his conduct violated that right." *Bailey v. Kennedy*, 349 F.3d 731, 739 (4th Cir. 2003).

Plaintiff alleges that Simpson violated his federal constitutional rights by arresting him without legal justification. Simpson submits, based upon the foregoing grounds, that the evidence taken in a light most favorable to the Plaintiff expressly fails to demonstrate any violation of such rights. *See, Supra*. In fact, Defendant Simpson's consultation with his supervisor prior to arresting Plaintiff and the act of seeking arrest warrants from a neutral and detached magistrate are further evidence of objective reasonableness, solidifying Simpson's entitlement to qualified immunity. *See Torchinsky v. Siwinski*, 942 F.2d 257, 264-65 (4th Cir. 1991) (holding that an officer seeking the advice and judgment of his supervisor and obtaining warrants from a neutral and detached magistrate "satisfy the requirements of objective reasonableness on which qualified immunity rests."). *See also Gomez v. Atkins*, 296 F.3d 253, 264 (4th Cir. 2002).

Here, the facts do not support Plaintiff's allegations of any constitutional injury; thus, the qualified immunity analysis need not proceed further, and Simpson is entitled to judgment as a matter of law.

The second prong of the qualified immunity analysis requires this Court to determine "whether the conduct alleged by the plaintiff violates clearly established statutory or constitutional rights of which a reasonable person would have known." *Owens v. Lott*, 372 F.3d 267, 279 (4th Cir. 2004). "The determination is an objective one, dependent not on the subjective beliefs of the particular officer at the scene, but instead on what a hypothetical, reasonable officer would have thought in those circumstances." *Id.*

In *Gould v. Davis*, 165 F.3d 265 (4th Cir. 1998), the Fourth Circuit explained as follows: Under our court's precedent, the right must be defined with some specificity: "In determining whether the specific right allegedly violated was 'clearly established,' the proper focus is not upon the right at its most general or abstract level, but at the level of its application to the specific conduct being challenged. *Id.*, at 269, citing *Pritchett v. Alford*, 973 F.2d 307 (4th Cir. 1992). "The second prong of the qualified immunity analysis must take into account the specific facts and context of the alleged violation." 165 F.3d at 269-270. In *Edwards v. City of Goldsboro*, 178 F.3d 231 (4th Cir. 1999), the Court further explained that "[i]n analyzing the applicability of a qualified immunity defense, we must first identify the specific right that the plaintiff asserts was infringed by the challenged conduct at a high level of particularity." *Id.*, at 250-251.

"In determining whether the right violated was 'clearly established,' we define the right in light of the specific context of the case, not as a broad general proposition." *Parrish v. Cleveland*, 372 F.3d 294, 301 (4th Cir. 2004). "If the right was not 'clearly established' in the specific context of the case -- that is, if it was not clear to a reasonable officer that the conduct in which he allegedly engaged was unlawful in the situation he confronted -- then the law affords immunity from suit." *See, Id.*

Though Plaintiff will likely attempt to argue otherwise, it would be erroneous to analyze the facts from the Plaintiff's perspective that he was acting in defense of others and that the Victim's cause of death was pending. Rather, the only proper analysis is from Simpson's perspective that Plaintiff's actions described by witnesses, his lies, the injurious conduct on the video surveillance, and the evidence of assault found at autopsy warranted Plaintiff's arrest. By charging into the motel room after everything was calm and with police on the way while yelling threats at the Victim, Plaintiff escalated the situation unnecessarily and unlawfully. Furthermore, Plaintiff readily admits that he intentionally lied to police, which is a crime and warranted his arrest even when all inferences regarding any other crime and his defenses related to the injuries to the Victim are construed in his favor. It is inescapable that, under these circumstances and the overwhelming evidence of criminal conduct by the Plaintiff, a reasonable police officer in Simpson's position would not know that their conduct was unlawful.

In the context of probable cause to arrest, actual probable cause is a more stringent standard than the objective reasonableness entitling a defendant to qualified immunity. *Torchinsky v. Siwinski*, 942 F.2d 257, 261 (4th Cir. 1991). *See also Hunter v. Bryant*, 502 U.S. 224, 227 (1991) ("Even law enforcement officials who reasonably but mistakenly conclude that probable cause is present are entitled to immunity.") (internal quotation marks and citation omitted); *Smith v. Reddy*, 101 F.3d 351 (4th Cir. 1996) (in qualified immunity context, "[t]he reasonableness of [defendant's] conduct does not turn on whether probable cause was, in fact, present"). To receive qualified immunity, an officer need not have actual probable cause, but only arguable probable cause. *See, e.g., Gomez v. Atkins*, 296 F.3d 253, 261-62 (4th Cir. 2002) ("In our assessment of whether Atkins is entitled to qualified immunity, however, the question is not whether there actually was probable

cause for the murder warrant against [Gomez], but whether an objective law officer could reasonably have believed probable cause to exist.”⁸

As the Fourth Circuit has observed, “officials are not liable for bad guesses in gray areas, they are liable for transgressing bright lines.” *Maciariello v. Sumner*, 973 F.2d 295, 298 (4th Cir. 1992). Here, Simpson did not transgress any bright line especially against the backdrop of a Plaintiff who admits to lying to law enforcement and that he would have agreed with a charge of assault and battery.

In sum, the ‘unconstitutionality’ of Simpson’s conduct was not clearly established such that a reasonable police officer in Simpson’s position would have known that his conduct was unlawful. Further, Simpson possessed not only arguable probable cause, but actual probable cause; therefore, he is entitled to qualified immunity for Plaintiff’s Fourth Amendment false arrest claim. Based on these two conclusions, together or separate, Plaintiff’s claim fails and summary judgment for Defendant Simpson is warranted.

III. A FINDING OF PROBABLE CAUSE BY A NEUTRAL AND DETACHED MAGISTRATE IS *PRIMA FACIE* EVIDENCE OF THE EXISTENCE OF PROBABLE CAUSE.

Simpson is entitled to Plaintiff’s false arrest claim on the grounds that South Carolina law does not allow a claim for false arrest where the arrest is effectuated by a facially valid warrant. On

⁸ See also, *Brown v. City of Huntsville*, 608 F.3d 724, 734 (11th Cir. 2010) (“To receive qualified immunity, an officer need not have actual probable cause, but only ‘arguable’ probable cause.”); *Kuehl v. Burtis*, 173 F.3d 646, 650 (8th Cir. 1999) (“The issue for immunity purposes is not probable cause in fact but arguable probable cause.”); *Lea v. Kirby*, 171 F. Supp. 2d 579, 583 (M.D.N.C. 2001) (“[I]n determining whether or not an officer is entitled to qualified immunity under Section 1983, the issue is whether arguable probable cause exists.”). This is true because it is “inevitable that law enforcement officials will in some cases reasonably but mistakenly conclude that probable cause is present, and in such cases those officials should not be held personally liable.” *Brown*, 608 F.3d at 734-35.

December 5, 2019, Judge Angela Ladson issued Arrest Warrant 2016A4010203929 for Public Disorderly Conduct under S.C. Code Ann. § 16-17-530 and Arrest Warrant 2019A4021603910 for Murder under S.C. Code Ann. § 16-03-0020⁹. *See Exhibit I*, Warrant.

South Carolina law has “definitively decided” and long recognized “that where one is properly arrested by lawful authority, an action for false imprisonment cannot be maintained against the party causing the arrest. *See, Bushardt v. United Inv. Co.*, 121 S.C. 324, 113 S.E.2d 637, 639 (1922); *see also, Manley v. Manley*, 291 S.C. 325, 353 S.E.2d 312 (1987) (“Where one is arrested by lawful authority, an action for false imprisonment cannot be maintained.”). In the instant case, there existed probable cause as Plaintiff was arrested by a facially valid arrest warrant. Therefore, Plaintiff cannot recover on his false arrest claim because he was arrested pursuant to a facially valid warrant. Similarly, in *Porterfield v. Lott*, 156 F.3d 563 (4th Cir. 1998), this Court held that “a claim for false arrest may be considered only when no arrest warrant has been obtained.” 156 F.3d at 568. The Court explained that “a public official cannot be charged with false arrest when he arrests a defendant pursuant to a facially valid warrant.”

In *Baker v. McCollan*, 443 U.S. 137 (1979), the United States Supreme Court explained that “since the probable-cause standard for pretrial detention is the same as that for arrest, a person arrested pursuant to a warrant issued by a magistrate on a showing of probable cause is not constitutionally entitled to a separate judicial determination that there is probable cause to detain him pending trial.” *See, Id.*, at 143. Accordingly, the *Baker* Court affirmed the constitutionality of a plaintiff’s arrest as he was arrested pursuant to a facially valid warrant.

⁹ *See also, Exhibit O*, Search Warrants. There were two other findings of probable cause associated with this investigation signed by Judge Ladson.

There is no evidence that the magistrate who issued the arrest warrants against Plaintiff was not neutral and detached from the underlying criminal matter. Here, Plaintiff has not alleged in his Complaint, nor can he demonstrate in the record that the arrest warrant issued by Judge Ladson was void, facially deficient, or not facially valid. *See, Supra*. Therefore, Simpson would show that the determination by the magistrate is a marked demonstration of the existence of probable cause rendering summary judgment for Simpson appropriate.

IV. IN THE ALTERNATIVE, EVEN IF PROBABLE CAUSE IS LACKING AND QUALIFIED IMMUNITY DOES NOT APPLY, GEORGE SIMPSON CANNOT BE INDIVIDUALLY LIABLE FOR THE PURPORTED MISCONDUCT OF HIS SUPERVISOR.

Plaintiff brought this suit against Investigator George Simpson and no other individual officer defendants despite the fact that the decision to charge Plaintiff with murder, the only action by Simpson being challenged by the Plaintiff, was made by Simpson's supervisor, Sergeant Arthur Thomas¹⁰.

Plaintiff appears to try to combine Simpson's actions in with his supervisor Sergeant Thomas (possibly even Solicitor Lamar Fyall as well) and does not attribute any separate specific conduct to Simpson. Therefore, Plaintiff fails to plead facts sufficient to allow the Court to draw reasonable inferences that this defendant, George Simpson, is liable for the misconduct alleged that Plaintiff was falsely arrested. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *see also Thomas v. Maryland*, No. GJH-17-1739, 2017 WL 6547733, at *5 (D. Md. Dec. 20, 2017) *citing Vinnedge v. Gibbs*, 550 F.2d 926, 928-29 (4th Cir.1977) (noting that for § 1983 claims, plaintiffs must allege a "personal connection" between each individual defendant and the violation of a constitutional right).

¹⁰ Sergeant Thomas was never deposed and never added as a party despite Simpson's identification of his supervisor in the Answer to the Plaintiff's Complaint and his deposition testimony.

There is no question of fact in the record that Sergeant Thomas made the decision for which Plaintiff's claim arises and that Simpson disclosed all information in his possession at the time, to include, pending toxicology and the claims of defense of others. Accordingly, there is no specific conduct that can be attributable to Simpson, who was following the instructions and decisions of his commanding officer.

Simpson's testimony on this issue is straight forward:

Q: Was there anything that you knew at that time that you omitted from your conversation with Prosecutor Fyall?

A: No, it was very in depth between Sergeant Thomas and I explaining it from both of our angles to Solicitor Fyall.

Q: And it was the decision of Sergeant Thomas to charge murder after he consulted with Prosecutor Fyall?

A: Yes.

See **Exhibit E**, Simpson Depo. p. 273, 279-280.

This is fatal to Plaintiff's cause of action against Simpson for unlawful arrest since Simpson did not make the decision to arrest Plaintiff. Therefore, even if Plaintiff is able to overcome the foregoing arguments regarding probable cause and qualified immunity (which he cannot), summary judgment is still appropriate.

CONCLUSION

Simpson is entitled to summary judgment as to Plaintiff's cause of action for Fourth Amendment violations pursuant to 42 U.S.C. §1983 on the following grounds:

- I. Simpson had probable cause and arguable probable cause to arrest the Plaintiff for any criminal charge and could have arrested the Plaintiff for a number of criminal charges;
- II. Simpson acted objectively reasonable and is entitled to qualified immunity as a matter of law and is absolutely immune from suit in his individual capacity;

- III. A finding of probable cause by Judge Ladson, a neutral and detached magistrate, is prima facie evidence of the existence of probable cause; and/or
- IV. Simpson cannot be individually liable for the alleged misconduct of his supervisor.

Respectfully Submitted,

s/ Mary D. LaFave

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Counsel for Defendant George Simpson

August 23, 2024

SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON
CIVIL ACTION NUMBER: 2021-CP-40-05620
MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT
EXHIBIT A – PLAINTIFF'S DEPO

In The Matter Of:
Green v.
City of Columbia, et al

Sherman Green
July 11, 2023

Gina M. Smith Court Reporting, LLC
117 Harmon Creek Court
Lexington, SC 29072
803-359-5705

Original File 230711SG.txt
Min-U-Script® with Word Index

1 STATE OF SOUTH CAROLINA

2 COUNTY OF RICHLAND

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

3
4 SHERMAN GREEN,

5 Plaintiff,

Case No.: 2021-CP-40-05620

6 vs

7 CITY OF COLUMBIA AND GEORGE SIMPSON,

8 Defendants.

9
10 D E P O S I T I O N

11 WITNESS: SHERMAN GREEN

12 DATE: Tuesday, July 11, 2023

13 TIME: 10:11 a.m.

14 LOCATION: Law Offices of
Crowe LaFave Garfield & Bagley, LLC
2019 Park Street
15 Columbia, South Carolina

16 TAKEN BY: Attorneys for the Defendants

17 REPORTED BY: GINA M. JOHNSON
Certified Shorthand Reporter
18 Registered Professional Reporter

19
20
21
22
23 -----
Gina M. Smith Court Reporting, LLC
24 117 Harmon Creek Court
Lexington, SC 29072
25 803-359-5705

1 A. About a month or two.

2 Q. Month or two?

3 A. Yes, ma'am.

4 Q. So sometime October, November of 2019 is
5 when you started staying there?

6 A. Yes, ma'am.

7 Q. And was Aja staying with you the whole
8 time?

9 A. Yes, ma'am.

10 Q. Was she helping pay for the room?

11 A. Yes, ma'am. When she did hair, yes,
12 ma'am.

13 Q. Were -- did you have all of your stuff in
14 that room?

15 A. Yes, ma'am.

16 Q. So that's where you were living full time?

17 A. Yes, ma'am, because my uncle lived like
18 two blocks up the street. He lived in Byrneswood,
19 which is right here. So I just walked to his
20 house.

21 Q. So you stayed at the Budget Inn full time
22 October to December of 2019, your uncle lived
23 nearby, and you'd be able to walk over there and
24 help take care of him?

25 A. And still go to work, yes, ma'am.

1 friends with Aja?

2 A. Yes, ma'am.

3 Q. Did you write her back?

4 A. I can't remember.

5 Q. In December of 2019, did you have any
6 pending criminal charges?

7 A. Murder.

8 Q. Okay. And was that the murder that we
9 talked to -- talked about earlier for Benjamin
10 Johnson?

11 A. Yes, ma'am.

12 Q. You were out on bond for murder at the
13 time that this incident occurred?

14 A. Yes, ma'am.

15 Q. And when was the murder charge for
16 Benjamin Johnson dismissed?

17 A. May -- well, I got -- it got dropped
18 May 2021, I think, because I was on probation for
19 three years, I think.

20 Q. You were on probation for three years for
21 what?

22 A. They dropped it to -- I forgot the charge
23 they dropped it to, but the murder charge got
24 dismissed in 2021 -- no, '20, May 13, 2020.

25 Q. And what did they drop the charge down to?

1 were just hanging out that day at the Budget --

2 A. Yes, ma'am.

3 Q. -- Inn?

4 Okay. Was Aja there the whole day?

5 A. Yes, ma'am.

6 Q. Did you guys do any drinking, any drugs?

7 Was there anything like that going on there?

8 A. We had a bottle, but I don't even think we
9 actually drank like that. We had some smoke,
10 but -- we smoked, but it was just chill day. I
11 left to go see Unc a couple times. Other than
12 that, it was just chill.

13 Q. Okay. What was the bottle of?

14 A. I think E&J or Paul. I can't remember.

15 Q. Is that liquor or beer?

16 A. Liquor.

17 Q. Okay. What kind of liquor is that?

18 A. Brown.

19 Q. Whiskey?

20 A. Yes, ma'am.

21 Q. Okay. So you have a bottle of whiskey and
22 you said you had some smokes, so you had some
23 marijuana?

24 A. Yes, ma'am.

25 Q. And you smoked that that day?

1 A. Yes, ma'am.

2 Q. When before seven or eight o'clock when
3 you left was the last time you had a drink of
4 liquor or smoke?

5 A. Way earlier that day.

6 Q. Okay.

7 A. It was earlier that day.

8 Q. Okay. Like when?

9 A. Probably one or two.

10 Q. Okay. So one or two o'clock you guys had
11 a little bit to drink, had a little bit to smoke.
12 Were you messed up?

13 A. No, ma'am.

14 Q. All right. So by seven, eight o'clock you
15 were sober?

16 A. Yes, ma'am.

17 Q. All right. And by seven or eight o'clock
18 you had what you feel like you remember as being
19 good judgment?

20 A. Yes, ma'am.

21 Q. Okay. And so what was the conversation at
22 seven or eight o'clock about you going somewhere
23 with Aja?

24 A. I went by myself. I was going to the
25 store. I wanted some snacks and stuff from the

1 store.

2 Q. Did you know somebody was coming over?

3 A. She said she had company coming over, yes,
4 ma'am.

5 Q. Did she say who it was?

6 A. No, ma'am.

7 Q. Did you know Mr. Washington?

8 A. No, ma'am.

9 Q. Had you ever seen him before in your life?

10 A. No, ma'am.

11 Q. But you knew she had invited somebody over
12 to your place?

13 A. She told me she had somebody coming.

14 Q. Okay. You didn't have a problem with
15 that?

16 A. No, ma'am.

17 Q. Did she sometimes invite people over?

18 A. Yes, ma'am. She have her company, I go
19 see my company or I have company. Like that was my
20 friend, so like it wasn't no problem.

21 Q. Okay. Were you trying to give her some
22 privacy by leaving?

23 A. Yes, ma'am.

24 Q. Okay. So did you know they were going to
25 have relations?

1 A. No, ma'am.

2 Q. Did she say anything about scoring any
3 drugs or anything like that?

4 A. No, ma'am.

5 Q. All right. All right. So seven or
6 eight o'clock you said it was dark, right?

7 A. Yes, ma'am.

8 Q. And then tell me what happened when you
9 left. Where did you go?

10 A. I went to Family Dollar first.

11 Q. What did you buy at Family Dollar?

12 A. If I told you -- I mean, I can't remember
13 what I bought.

14 Q. I don't want you to make it up.

15 A. I can't even remember, but I do remember
16 going across the street to Burger King and getting
17 two ice creams because they made one wrong and
18 fixed another one. So I know what I got from
19 there, but Family Dollar, I don't remember what I
20 got from there.

21 Q. I think I saw you on the video actually
22 eating an ice cream, so I think that's probably
23 right. But you don't remember what you got at
24 Family Dollar?

25 A. No, ma'am.

1 remember paying directly, like you go to the
2 counter and you knew it was, you know, Bob or Tom
3 or somebody at the front desk?

4 A. No, ma'am, just --

5 Q. Wasn't like that?

6 A. No, ma'am.

7 Q. Okay. You just give them money and you're
8 back in your room minding your business?

9 A. Yes, ma'am.

10 Q. So did you pay by the day or the week?

11 A. Sometimes day, sometimes week. It depends
12 on Labor Finders, how busy the work was, I pay by
13 the week. If I know it wasn't going to be a busy
14 week, I pay daily.

15 Q. So you paid them money when you had it?

16 A. Yes, ma'am.

17 Q. All right. How long are you gone? You go
18 to Family Dollar and Burger King and then you come
19 back to the motel?

20 A. Yes, ma'am.

21 Q. How long were you gone?

22 A. I can't say how long. 30 minutes, 40
23 minutes, I don't know. I just walked to the store.
24 The store right up the street. Budget Inn right
25 here, Family Dollar's like ten minutes away, Burger

1 I was on the phone with them a bit. All this
2 happened a good five to 10 minutes to 15 minutes.
3 The police station right there, and I didn't hear
4 no sirens, so I figured they planned -- because I
5 told you the people upstairs was fighting all day
6 and police coming for them. So I feel they thought
7 it was them again, they was like lackadaisical. So
8 I was making -- make sure she's safe, get out my
9 room.

10 Q. Okay. But there was a neighbor that was
11 on the phone with the police also?

12 A. I think they said it was, but, again, I
13 don't know.

14 Q. Okay. But you knew when you entered the
15 room that the police had been called?

16 A. Yes, ma'am, because I called them.

17 Q. And you knew that when you entered the
18 room that the police had been called and that you'd
19 asked for help?

20 A. Yes, ma'am.

21 Q. Okay. And that the police station was
22 close by?

23 A. Yes, ma'am.

24 MS. LaFAVE: All right. Let's -- do y'all
25 want to take a little break? Let's go off the

1 record for a second.

2 (A recess transpired.)

3 (DEPO. EXH. 3, Video, was marked for
4 identification.)

5 BY MS. LaFAVE:

6 Q. Mr. Green, I am showing you up on the
7 screen what is marked as Exhibit Number 3. Do you
8 recognize what's in that picture?

9 A. Yes, ma'am.

10 Q. What is that that we're looking at?

11 A. The Budget Inn.

12 Q. All right. So what I can see here is
13 Room 111 right here on the right-hand side.

14 A. Yes, ma'am.

15 Q. Do you see that?

16 A. Yes, ma'am.

17 Q. And you were staying in what room that
18 night on December 4, 2019?

19 A. I think -- I can't remember what room we
20 was in, but it was further down that way.

21 Q. Okay. I'll represent to you that the
22 record reflects 115. Does that sound about right?

23 A. Yes, ma'am.

24 Q. Okay. So your room is a few doors down on
25 this video. Is that right?

1 A. I don't know. I don't know.

2 Q. And at this point in time you're upstairs
3 because people upstairs are arguing?

4 A. Yes, ma'am. I think that's when she or
5 somebody else told me somebody downstairs arguing.

6 Q. Who told you that somebody downstairs was
7 arguing?

8 A. I think it was her or somebody else.
9 You'll see me when I walk by and they say it. Or
10 either it was upstairs. I don't know where I was.
11 But somebody said somebody was downstairs arguing
12 and that's when I came down there. I was upstairs
13 helping the other lady with her dude.

14 Q. Okay. And is this you again here in the
15 orange shirt at 5:11?

16 A. Yes, ma'am. That's the girl that told me
17 somebody was out there fighting.

18 Q. All right. So she tells you somebody's
19 fighting and that's you banging on the door really
20 hard at 5 minutes and 26 seconds. Is that right?

21 A. Yes, ma'am.

22 Q. Honestly, you look like you're ready to
23 fight right there. Is that right?

24 A. That's when I seen him hit her and I told
25 her to back up and go in the bathroom. And I'm

1 physical altercation between Aja and Mr. Washington
2 had stopped?

3 A. Not until she came out and he tried to
4 grab her.

5 Q. Right. But at that point, it had stopped
6 for a minute?

7 A. That's when I calmed down.

8 Q. That's when you calmed down?

9 A. Yes, ma'am.

10 Q. But you're still arguing with him here, is
11 that right, 7:15?

12 A. No. I'm telling her to go in the bath --
13 she keep coming out the bathroom. I keep telling
14 her to go back in the bathroom.

15 Q. Why does she keep coming out of the
16 bathroom?

17 A. She wanted to get out the room.

18 Q. What's she saying to you?

19 A. Who, Aja?

20 Q. Yes.

21 A. She's just looking at me for help, help
22 her and looking at me.

23 Q. Who is this guy that enters at 7:33?

24 A. That's the dude that was beating up his
25 girlfriend upstairs.

1 This is Exhibit Number 6.

2 (DEPO. EXH. 6, Screenshot of Video, was
3 marked for identification.)

4 BY MS. LaFAVE:

5 Q. This is the night manager --

6 A. Yes, ma'am.

7 Q. -- in Exhibit Number 6?

8 And what did you explain to him?

9 A. I don't know what was going on, there was
10 fighting, he wouldn't let her out the room, she's
11 locked in the bathroom and can you open the door so
12 she can get out the bathroom.

13 Q. So you asked the night manager to open the
14 door?

15 A. (Nodding head.)

16 Q. Is that a yes?

17 A. Yes, ma'am.

18 Q. Did the manager open the door?

19 A. No, ma'am.

20 Q. What was his reason?

21 A. He didn't give me one. Said he called the
22 police, police will handle it.

23 Q. So at this point in time you know there's
24 been at least two calls to the police?

25 A. Yes, ma'am, and no one still didn't show

1 Q. How did the manager -- why did the manager
2 know that something was going on in your room?

3 A. He didn't. He just came around the
4 corner. But it was a bunch of noise because all he
5 had heard was Aja screaming for help. So everybody
6 knew something was going on. Wasn't just me.

7 Q. And you were hollering at Mr. Washington
8 through the window --

9 A. Yes, ma'am.

10 Q. -- to get out?

11 A. Yes, ma'am.

12 Q. Okay. So the manager comes because of all
13 the noise?

14 A. Yes, ma'am.

15 Q. So that means somebody maybe called in a
16 complaint?

17 A. Probably so.

18 Q. All right. So the manager leaves without
19 opening the door. What are you doing right here?

20 A. Just standing at my door making sure she's
21 staying in the bathroom, make sure he's straight.

22 Q. All right. We're at 12 minutes and 8
23 seconds. And you seem to be just standing,
24 waiting?

25 A. (Nodding head.)

1 Q. But what do you mean with him with the
2 craziness? Looking out the window?

3 A. Sitting on the floor -- looking out the
4 window, sitting on the floor, touching himself --
5 he was naked -- touching himself like -- if I could
6 give you all the details from that night in my
7 brain, I would, but --

8 Q. But he was sitting on the floor touching
9 himself and looking weird at that point in time?

10 A. At that point in time right there, yeah.

11 Q. Okay.

12 A. She was in the bathroom, he was there,
13 everything was calm. It was calm. Everybody was
14 calm. Waiting on the police right now, really.

15 Q. 14:27. Let's see. Hang on. You lean
16 up -- just before that, you lean up against the
17 wall to wait. Exhibit Number 8.

18 (DEPO. EXH. 8, Screenshot of Video, was
19 marked for identification.)

20 BY MS. LaFAVE:

21 Q. I can back up the video if you want me to,
22 but you'll be able to see. Is that you right there
23 in Exhibit Number 8?

24 A. Yes, ma'am.

25 Q. So at this point you are waiting?

1 A. Yes, ma'am.

2 Q. Okay. I'm going to hand you 9 and 10.

3 All right. Do you see 9 and 10?

4 A. Yes, ma'am.

5 Q. What's the picture of 9?

6 A. Me throwing him out the room.

7 Q. Okay. And what's the picture of 10?

8 A. Me throwing him out the room.

9 Q. Okay. In the picture of 10, it's showing
10 him hitting the brick wall?

11 A. Yes, ma'am.

12 Q. All right. We're going to play -- I tried
13 to back it up a little bit. It happens kind of
14 fast and I can't go frame by frame, but -- did Aja
15 ever tell you at any point to get off of him?

16 A. No, ma'am.

17 Q. She ever tell you it was too much?

18 A. No.

19 Q. Do you remember her saying anything to
20 you?

21 A. Yes.

22 Q. What do you remember her saying to you?

23 A. Calm down, just put him out the room.

24 Q. All right. So you go back in your room at
25 15:07, and that's Mr. Washington there on the

1 Q. In fact, you were actually asked that
2 question a number of times, weren't you?

3 A. I was asked once before I left the hotel.

4 Q. You were asked only one time before you
5 left the hotel whether you had physically struck
6 Mr. Washington?

7 A. Yes, ma'am.

8 Q. And you're sure that between the time that
9 they arrived on scene and the time you were
10 formally arrested you were only asked and you only
11 lied one time?

12 A. The officer asked me at the hotel did I
13 hit him, I say no.

14 Q. Okay. And why did you lie about that?

15 A. Because I was already out on a murder bond
16 and didn't want nothing to do with that.

17 Q. Okay. Did you lie because you knew that
18 it was going to look bad that the guy died a few
19 minutes after he had been in a fight with you?

20 A. I didn't even know he was deceased. When
21 he left, he was getting worked on. I didn't even
22 know.

23 Q. Okay. Well, maybe you didn't know he was
24 dead, but you knew he had been serious enough
25 injured to be in an ambulance, didn't you?

1 A. Yes.

2 Q. Okay. So did you lie because you knew
3 that he had been seriously injured enough to go to
4 the hospital short time after you put your hands on
5 him?

6 A. No.

7 Q. What about when you threw him into the
8 brick wall?

9 A. No.

10 Q. Is that why you lied --

11 A. No.

12 Q. -- because you were afraid it looked bad?

13 A. No.

14 Q. Okay. Then why did you lie?

15 A. Because I was out on a murder bond and I
16 didn't want nothing to do with that. Everything
17 that happened in that video was me defending me and
18 her. I don't care about that part. Me not wanting
19 to be involved with that because I was already out
20 on a murder bond, I care about that part.

21 Q. Well, you told them everything else.

22 A. Yeah.

23 Q. Right?

24 A. Yeah.

25 Q. You told them about yelling at him, right?

1 A. Uh-huh.

2 Q. Is that a yes?

3 A. Yes, ma'am.

4 Q. Told them about beating on the door?

5 A. Yes, ma'am.

6 Q. You told them that Aja went into the
7 bathroom?

8 A. Yes, ma'am.

9 Q. Okay. But you told them everything else
10 except when you rushed into the room and were
11 hitting him?

12 A. Yes, ma'am.

13 Q. And the only reason you didn't tell that
14 one thing is just because you were on the murder
15 bond?

16 A. Yes, ma'am.

17 Q. Then why did you tell them about all the
18 other stuff, about hollering at him, about banging
19 on the door? Why did you tell all the other stuff
20 except that one detail? Why did you do that?

21 A. No reason. I just didn't tell him about
22 that because I didn't want nothing to do with it.

23 Q. You would agree that a reasonable officer
24 could conclude that you were lying about other
25 parts of this, don't you?

1 A. Hand, head, it really wasn't --

2 Q. We can look at it. Here, let's get the
3 Number 10.

4 A. His hand is in front of his face. So
5 hand, head.

6 Q. But, Mr. Green, look at Exhibit 10.

7 A. Uh-huh.

8 Q. You agree that that's his head hitting
9 that wall right there?

10 A. Hand.

11 Q. His hand's on the wall too, but you agree
12 his head hit the wall too, right?

13 A. Yeah.

14 Q. I mean, the man drops down in the parking
15 lot on the other side, he's acting weird, we agree
16 about that, but police officer wasn't there to see
17 what was happening in that room, right?

18 A. No, ma'am.

19 Q. And they got one person who's lied about
20 one thing in that room, right?

21 A. Yes, ma'am.

22 Q. And so it would be reasonable for the
23 officer to conclude that you were lying about other
24 parts of this, right?

25 A. You can say, yes, ma'am.

1 telling him, no, no, no. And then I just said
2 whatever. After he charged me with murder anyway,
3 I was like, you know what, we fought, whatever.

4 Q. So the only reason why you decided to tell
5 the truth is because it's your testimony that the
6 officer manipulated you into telling the truth?

7 A. Yeah.

8 Q. When the EMS is on scene working on
9 Mr. Washington, did anyone ask you what happened?

10 A. Not really, but I know they immediately
11 gave him Narcan.

12 Q. Yeah.

13 A. Immediately they checked him. They was
14 like possibly drug overdose.

15 Q. Yeah.

16 A. They immediately gave him Narcan.

17 Q. Okay. But on scene --

18 A. That was on scene.

19 Q. You're talking to the police. Were you
20 talking to the EMS also?

21 A. The police and EMS is talking and I was
22 standing right here.

23 Q. Okay. And they said, tell us what
24 happened?

25 A. No, they was talking to the -- they wasn't

1 A. I didn't have a co-D. It wasn't nobody
2 blaming me for doing nothing. It was me. And the
3 situation that happened was that I went through a
4 lot. It really messed me up, the whole situation.

5 Q. Okay. I didn't quite understand your
6 answer. So my question was why did your murder
7 charge for Dara Washington stress you out more than
8 the murder charge for Benjamin Johnson?

9 A. I know somebody lied on me about doing
10 that charge. And with this charge, I know I really
11 didn't do nothing and was locked up for no reason.

12 Q. Okay. So you knew that someone had lied
13 on you with regard to Benjamin Johnson's --

14 A. Yes, ma'am.

15 Q. -- death?

16 A. But this one, the officer, like he just
17 locked me up. Like he didn't hear me, didn't
18 listen to me, didn't believe me, just murder. If
19 it was something else besides murder, I get it, but
20 murder, no.

21 Q. If it was something else like assault and
22 battery or something like that?

23 A. Yes, ma'am.

24 Q. Okay. And did any physician that's
25 treated you for this peptic ulcer disease, did they

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SIGNATURE OF DEPONENT

I, the undersigned, SHERMAN GREEN, do hereby certify that I have read the foregoing deposition and find it to be a true and accurate transcription of my testimony, with the following corrections, if any:

[illegible]

SHERMAN GREEN, Date

1 CERTIFICATE OF REPORTER

2
3 I, Gina M. Johnson, Registered Professional
4 Reporter and Notary Public for the State of South
Carolina at Large, do hereby certify:

5 That the foregoing deposition was taken
6 before me on the date and at the time and location
7 stated on page 1 of this transcript; that the
8 deponent was duly sworn to testify to the truth,
9 the whole truth and nothing but the truth; that the
10 testimony of the deponent and all objections made
11 at the time of the examination were recorded
stenographically by me and were thereafter
transcribed; that the foregoing deposition as typed
is a true, accurate and complete record of the
testimony of the deponent and of all objections
made at the time of the examination to the best of
my ability.

12 I further certify that I am neither related
13 to nor counsel for any party to the cause pending
or interested in the events thereof.

14 Witness my hand, I have hereunto affixed my
15 official seal this 26th day of July, 2023, at
Columbia, Richland County, South Carolina.

16
17
18 

19 _____
20 Gina M. Johnson
21 RPR, CSR, Notary Public,
22 State of South Carolina
23 at Large.
24 My Commission expires
25 October 1, 2023.

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SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON

CIVIL ACTION NUMBER: 2021-CP-40-05620

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT**

EXHIBIT B – PROPHET'S STATEMENT

WITNESSES



3 YEAR DRIVER RECORD



WITNESS

Customer No: 32688463 Driver License No: [REDACTED]
Name: PROPHET, AJA TIARA
Address: [REDACTED]
City: EASTOVER State: SC Zip: 290449127
County: RICHLAND
DOB: [REDACTED] Sex: F Driver Training: N
Height: 5'05 Weight: 150 Eye Color: BRO Race: BLACK
Status - DL: NO SUSPENSION CDL: NO DISQUALIFICATION

Address Change - Date Changed: 06/19/2018
Address: 6958 RED HILL RD
City: CAMDEN State: SC Zip: 290207871

Point Summary
Total Current Points: 0
Driver Credit: -0
Adjusted Current Points: 0

End of Report

INTERROGATION; ADVICE OF RIGHTS

YOUR RIGHTS

PLACE: Columbus Police Dept
DATE: 12 / 4 / 19
TIME: 23:30 pm

Before we ask you any questions, you must understand your rights.

✓ You have the right to remain silent.

✓ Anything you say can be used against you in court.

✓ You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

✓ If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

✓ If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

✓ I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Witness: Jason Davidson

Witness: _____

Time: _____

Signed

Aja Prophet
AJA Prophet

ELECTRONICALLY FILED - 2024 Aug 23 3:15 PM - RICHLAND - COMMON PLEAS - CASE#2021CP4005620

COLUMBIA S.C. POLICE DEPARTMENT
STATEMENT FORM

Page 1 of 2

Date: 12/1/19 Time: 23:30 Place: Columbia Police Dept

I am Aja Tiara Prophet My birthday is [REDACTED]

My address and phone number are: 803 - [REDACTED]
Columbia SC, 29203

I am giving this statement concerning Assault
to W.H. Montgomery who has identified himself as Police Investigator

Today I called my boyfriend to come over and chill as soon as he walked in the room he says Hi How was your day? I said good and proceeded on after the first round he wanted to hit the crack pipe "OK" I said go ahead after he was done ^{AP} we went for round two and then he hit the pipe again after that second hit he freaked out. So I tried to exit the room but he wouldn't let me all he kept saying was that I was trying to set him up which that never was the case. about 15 mins later my brother walked up to the door trying to get him out as well even though he was outside the door trying to figure out a way to get in the room...

Sworn and subscribed to me this
1 day of DECEMBER 20 19

NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES: 11/29/2026

AJA PROPHET received a copy of this statement consisting of 2 pages
from WV. SIMPSON , /s/ [Signature]

2 OF 2

COLUMBIA S.C. POLICE DEPARTMENT
STATEMENT CONTINUATION

Then after I should say 20 mins
 of waiting for everybody to calm down
 I came out of the bathroom to
 check and that's when ~~the~~^{my} my boyfriend
 was on the hotel phone so I ran to
 open the room door my cousin came in
 and laughed a little bit before he
 actually ran out into the front. My
 cousin walked out just to see if he was
 alright even though the police was already
 on the way he came back to the room
 to say step outside for awhile because
 the police was here and he thinks the
 men is passed or dead.

END

OF

STATEMENT

Sworn and subscribed to me this

4 day of DECEMBER 20 19

NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES: 11/24/2026

ISI Aja Prophet

ISI Aja Prophet

AJA PROPHET

received a copy of this statement consisting of 2 pages

from WU. SIMPSON

ISI

88POL03

Reference: 05M600004E
Msg Key : XREF
Date/Time: 20191205033507
Source : DMV3

05M600004E,DMV3,XREF,20191205033507.
TO: CLMFD001-01379429 20191205 03:35:07 0731390C5F
FROM: DMV3 20191205 03:35:07
TXREF SC [REDACTED]
XREF [REDACTED]
ID NO [REDACTED] DD# 4000620100268168540
PROPHET,ATA TIARA [REDACTED]

EASTOVER SC 290449127 RICH CNTY
SEX F HGT 5 05 WGT 150 BIRTH [REDACTED] EYE BRO
SSN ***-**-6462 RACE BLACK
STATUS-DL:NO SUSPENSION CDL:NO DISQUALIFICATION
*** IDENTIFICATION ONLY *** ISSUED 10/08/2019 DD# 4000620100268168540

** MORE **

Reference: 05M600004E
Msg Key : QWA
Date/Time: 20191205033508
Source : NC2K

05M600004E.NC2K.QWA.20191205033508.
TO: CLMPD001-01379430 20191205 03:35:08 00068137E0
FROM: NC2K 20191205 03:35:08
1101187E05444B2QWA
SC0400100

NO NCIC WANT NAM/PROPHET, AJA TIARA DOB [REDACTED] RAC/D SEX/E
***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

Reference: OSM600004E
Mag Key : XREF
Date/Time: 20191205033508
Source : DMV3

OSM600004E.DMV3.XREF.20191205033508.
TO: CLMPD001-01379431 20191205 03:35:08 0731390C60
FROM: DMV3 20191205 03:35:07
TXREF SC0400100187E05444B
XREF
OLN - 0102633413 DDI 4000620100260168540
SUBJ Failure to Pay Traffic Ticket BEG 11/24/2011 END 02/04/2013 CAU 07/22/2011
** END OF INQUIRY **

Reference: 05M600004K
 Msg Key : 1CHS
 Date/Time: 20191205033549
 Source : SCCH

05M600004K.SCCH.1CHS.20191205033549. 003FDE571G
 TO: CIMFD001-01379434 20191205 03:35:49

FROM: SCCH 20191205 03:35:49
 ICHS/CH INQUTRY OF SCLED CCH FILES USING:

ATTN-INV GILLIAM EMMITT

ORI-SC0400100 POR-C

NAM-PROPHET, AJA TIARA

SEX-F RAC-B DOB- [REDACTED]

NO RECORD FOUND TO DISSEMINATE USING:

NAM (NAME), SEX, RAC (RACE), DOB (DATE OF BIRTH)

REQUESTED FOR CRIMINAL JUSTICE PURPOSES MAY OCCUR DAILY. A NEW INQUTRY

SHOULD BE MADE AND NO SUBSEQUENT USE OF THIS RECORD IS ALLOWED.

REQUEST FORWARDED TO NCTC

ANY OUT-OF-STATE IDENT INFORMATION TO FOLLOW FROM NCTC VIA YOUR TERMINAL

** END OF MESSAGE **

Reference: UNKNOWN
Msg Key : QH
Date/Time: 20191205033553
Source : III

UNKNOWN.111.QH.20191205033553.
TO: CLMPD001-01379435 20191205 03:35:53 003577744A
FROM: III 20191205 03:35:52

7LO1187E0544402QH
SC0400100

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
INQUIRY ON NAM/PROPHET,AJA TIARA SEX/F RAC/R DOB [REDACTED] POR/C
NAME FBI NO. INQUIRY DATE
PROPHET,AJA TIARA W97R4J065 2019/12/05

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	PHOTO
M	B	[REDACTED]	500	150	BRO	BLK	N

BIRTH PLACE
SOUTH CAROLINA

FINGERPRINT CLASS PATTERN CLASS

SOCIAL SECURITY
[REDACTED]

IDENTIFICATION DATA UPDATED 2017/02/01

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING:
SOUTH CAROLINA - STATE ID/SC02277249.

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

Reference: 05M600004Q
Mag Key : ICHR
Date/Time: 20191205033638
Source : SCCH

05M600004Q.SCCH.ICHR.20191205033638.
TO: CLMPD001-01379437 20191205 03:36:38 003FDE5717
FROM: SCCH 20191205 03:36:37

ICHR REQUEST FOR RAP SHEET
ORI-SC0400100 FBI-W97R4J065 PUR-C
ATN-INV GILLIAM EMMIT

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/05/2019 TIME-03:36:37
REQ ORI-SC0400100 COLUMBIA PD
SID-SC02277249 FBI-W97R4J065
NAME-PROPHET, AJA TIARA SEX-M RACE-B BORN-SC
HEIGHT-500 WEIGHT-150 EYES-BRO HAIR-BLK SKIN- HENRY-
FPC-
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCARIS

DATE RECORD ENTERED--02/01/2017 DATE OF LAST UPDATE--04/20/2017

ADDITIONAL IDENTIFIERS	BIRTH DATE	MARKS	SOC SEC	MTSC NUM
NAME				

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
PROPHET, AJA TIARA	02/01/2017

SC0310000 LEE CMFY SO
CARF-17020002
ATN-43D300076440
WARR-A03326
CIT-47-1-40 (R)-FELONY

ARREST CHARGE 1-ILL TREATMENT
OF ANIMALS (TORTURE)
OFFENSE DATE-02/01/2017
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

CIT-47-01-0040 (A)-MISDEMEANOR
DOC-17G53100035
WARR-2017A3110100025

COURT CHARGE 01-ANIMALS/ILL
TREATMENT OF ANIMALS 1ST
OFFENSE
COURT DISP-CONVICTED; credit
for time served
COURT DATE-04/17/2017
ATN-43D300076440

BASED ON SEARCH OF SCLD CJIS CCH FILE USING FBI/W97R4J065
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLD CJIS RECORD INDICATES SUBJECT HAS NO OUT-OF-STATE ARREST INFORMATION

INQUIRY WILL BE FORWARDED TO: N C T C W A N T E D P E R S O N S

** S C C J I S E N D O F R E C O R D **

Reference: UNKNOWN
Msg Key : QWA
Date/Time: 20191205033643
Source : NC2K

UNKNOWN.NC2K.QWA.20191205033643
TO: CLMPD001-01379439 20191205 03:36:43 00068137ED
FROM: NC2K 20191205 03:36:43
1101187E05444F2QWA
SC0400100

NO NCIC WANT FBI/69784J065
NO NCIC WANT SOC/ [REDACTED]
MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON

CIVIL ACTION NUMBER: 2021-CP-40-05620

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT**

EXHIBIT C – BUDGET INN SURVEILLANCE

SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON
CIVIL ACTION NUMBER: 2021-CP-40-05620
MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT
EXHIBIT D – PROPHET VIDEO INTERVIEW

SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON
CIVIL ACTION NUMBER: 2021-CP-40-05620
MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT
EXHIBIT E – SIMPSON DEPO

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF RICHLAND) C/A #: 2021-CP-40-05620

Sherman Green,)
)
 Plaintiff,)
)
v.)
)
City of Columbia and)
George Simpson,)
)
 Defendants.)
)
)

DEPOSITION OF
GEORGE SIMPSON

Wednesday, October 4, 2023
10:05 a.m. - 3:52 p.m.

The deposition of GEORGE SIMPSON, taken on behalf of the Plaintiff, at the law offices of Crowe LaFave, 2019 Park Street, Columbia, South Carolina, on the 4th day of October, 2023 before Amanda Creel Godfrey, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.



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APPEARANCES

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 Columbia, South Carolina 29201
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Plaintiff's Exhibit Number 2	85, 97
(Memorandum and Investigative Notice)	
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(Aja Prophet Video)	
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STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby not waived. Signature sheet is attached at page 281.



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GEORGE SIMPSON

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1 purportedly is the memorandum that you drafted
2 with some handwritten notes. City 001, 0186,
3 and 0187 as a group. Do these look familiar to
4 you at all?

5 **(Plaintiff's Exhibit Number 2 was referenced.)**

6 A: Yes.

7 Q: Okay. And what are you looking at there?

8 A: The memorandum is a case summary that I would
9 have included in the case file to send to the
10 solicitor's office.

11 Q: When would that have been submitted to them?

12 A: On December 19, 2019.

13 Q: Okay. So -- and let me clarify this. When I
14 say communication with the solicitor's office,
15 even if just one way doesn't have to be on a
16 telephone or in person or anything, so, you
17 would have had communication with them on
18 December 19th, 2019, as well as the other
19 communications we discussed, correct?

20 A: Well, when we send the case files, we don't
21 usually have any communication. We just put
22 the case file in a box and it gets sent to
23 them.

24 Q: Okay. For the purposes of communication, let's
25 include one-way transmissions of information,



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GEORGE SIMPSON

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1 A: I found out that Ms. Prophet's statements to me
2 appeared to be more credible, just because of
3 her overall demeanor compared to his. I mean,
4 it was very obvious to me that he was
5 withholding information that happened. And
6 during the course of my interview with him, I
7 could tell that he wasn't giving me the full
8 scope of what happened.

9 Q: Okay. So, when you were evaluating Mr. Green
10 and Ms. Prophet, you believe Ms. Prophet was
11 truthful, is that accurate?

12 A: Yes.

13 Q: Okay. Was there anything about what Ms.
14 Prophet informed you or your Department --
15 informed you about what she discussed to be
16 untruthful?

17 A: Not that I was ever able to determine. The
18 only question I had as far as Ms. Prophet was
19 concerned was whether or not this was a meet up
20 for prostitution. And I -- it was my belief
21 that it probably was a prostitution event, but
22 I never could confirm or deny that.

23 Q: Is that fact particularly relevant to you in
24 the charge of murder or involuntary?

25 A: No.



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GEORGE SIMPSON

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1 Q: Okay. So, whether or not she was telling truth
2 about that, that wasn't material in your
3 determination that the other facts she told you
4 is believable?

5 A: Correct. And also, just to expand on that a
6 little bit, when I spoke to Mr. Green, Mr.
7 Green did not have any recollection of what Ms.
8 Prophet had already mentioned to investigators.
9 He mentioned the same thing. He referred to
10 her as being his cousin and they had a family
11 connection, that they just refer to themselves
12 as cousins. So, that statement was consistent
13 between both of them, which helped her
14 credibility a little bit more.

15 Q: Okay. So, she seemed consistent and he seemed
16 to be holding back some of the facts she was
17 telling you?

18 A: Yes. She mentioned that -- well, when I say
19 she, Ms. Prophet mentioned to the investigators
20 that Mr. Green was physically assaulting Mr.
21 Washington prior to grabbing him and pushing
22 him out of the room. He mentioned that he
23 grabbed him -- well, Mr. Green mentioned that
24 he grabbed Mr. Washington and pushed him out of
25 the room, but he never admitted to assaulting



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GEORGE SIMPSON

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1 Mr. Washington. He didn't admit that to me
2 until the very tail end of the interview, then
3 he finally told me that he punched him.

4 Q: This ---

5 A: Mr. Green finally told me that he punched Mr.
6 Washington, he kicked Mr. Washington, and he
7 wanted to do more than that to him.

8 Q: And, again, we're about to start looking at
9 some of these documents specifically. Do you
10 recall him -- was there anything else other
11 than punching and kicking Mr. Washington that
12 was inconsistent in your mind about what he
13 told you?

14 A: Meaning Mr. Green?

15 Q: Yes.

16 A: Can you repeat that ---

17 Q: Sure.

18 A: --- question?

19 Q: With the exception of his late statement about
20 punching and kicking Mr. Washington, was there
21 anything else about what he told you
22 unbelievable?

23 MS. LAFAVE: Objection.

24 A: Not that I can recall. I wouldn't be able to
25 say for certain right -- right now.



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GEORGE SIMPSON

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1 Q: Well, and I'm -- and I can represent to you and
2 then we'll look at this here in a second, from
3 the videos, it does appear like the one fact
4 that's a sticking point for you is that it's
5 his inability to tell you, yes, I punched or
6 kicked Mr. Washington. Is that a fair
7 statement about your investigation?

8 A: Yes.

9 Q: Okay. And, otherwise, Ms. Prophet and Mr.
10 Green appeared to be substantially on the same
11 page with all the other facts, correct?

12 A: Yes. But also, it wasn't just the mere fact
13 that he punched or kicked him, Mr. Washington.
14 I was also trying to figure out what was his
15 motive behind punching and kicking him, and I
16 never could get that out of him either. I'm
17 referring to Mr. Green.

18 Q: Did you ever get a motive of why he punched or
19 kicked him from Ms. Prophet?

20 A: No.

21 Q: All right. Let's go manual today. All right.
22 Seeing all this memorandum, in this, you
23 indicated to the solicitor's office that Ms.
24 Prophet -- and this is the second paragraph,
25 first sentence, that she did not feel her life



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GEORGE SIMPSON

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1 was in danger and she didn't feel that she
2 needed to be protected from the victim. Is
3 that correct?

4 A: I was referring to the moment that Mr. Green
5 came into the room and began assaulting Mr.
6 Washington. I was referring to that moment.

7 Q: Okay. So, having specified that you're talking
8 about the moment Mr. Green came in, would you
9 say that it would be true that otherwise Ms.
10 Prophet was at certain times in fear for her
11 safety?

12 MS. LAFAVE: Objection.

13 A: When I watched the interview with Investigator
14 Montgomery, she did express that she hit him,
15 Mr. Washington, a couple of times to try to get
16 him to open the door because he was freaking
17 out and was acting strange to her. She was
18 just trying to get out of the room. And that
19 moment, she did mention that she did not feel
20 safe at that particular moment, but she said
21 that she went to the bathroom. After coming
22 out of the bathroom, she was able to walk to
23 the door without restriction. She opened up
24 the door. Mr. Green came in. And, at that
25 moment, she didn't indicate that she was in



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GEORGE SIMPSON

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1 danger at all.

2 Q: Okay. Again, I think you're trying to answer
3 this, but at some point during the interaction
4 with Mr. Washington, she did fear for her
5 safety. Do you think that's a fair statement?

6 MS. LAFAVE: Objection.

7 A: I don't recall her ever saying she feared for
8 her safety.

9 Q: Was she afraid?

10 A: She did recall that she was somewhat --
11 something along the lines of being afraid. I
12 don't recall the exact terminology, but ...

13 Q: Okay.

14 A: Like, if you're trying to ask if it's my
15 understanding that she felt he was going to
16 kill her or hurt her really bad, I can't say
17 anything to that.

18 Q: Okay. And we're kind of mid paragraph here,
19 far right, Ms. Prophet stated that she pulled
20 Mr. Green off due to the assault appearing to
21 be excessive. Mr. Green then drug him out of
22 the room and tossed him out. She's -- do you
23 recall in the investigation that she
24 characterized it as an excessive attack on Mr.
25 Washington?



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GEORGE SIMPSON

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1 Simpson as to what charge to seek against
2 plaintiff. Much like my last question, are you
3 laying any blame, if there ever is blame
4 determined, at the feet of Sergeant Arthur?

5 **MS. LAFAVE:** Objection.

6 A: Well, here's how I articulate this and you can
7 correct me if I'm wrong, you're asking if
8 Sergeant Thomas or Lamar Fyall's actions led me
9 to charge him? Is that what you're asking me?

10 Q: Answer that question. Sure, let's do that.

11 A: I mean, I personally, believe that Mr. Green's
12 actions lead up -- if no assault ever happened,
13 we would have never had to have any of those
14 conversations.

15 Q: Okay.

16 A: So that's -- that's what I mean by saying no is
17 I personally believe that Mr. Green led up to
18 him being charged.

19 Q: Okay. Well, I'll ask it and it'll have to be
20 a hypothetical because this is -- it's a
21 defense that hasn't been proven just like my
22 case hasn't been proven, okay. So, we've got
23 to time travel a little bit. If, and it's
24 always a big if, if I were successful on behalf
25 of my client in proving that what you did was



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GEORGE SIMPSON

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1 unconstitutional, and, again, I'm playing the
2 if game, would it be your contention that the
3 liability with that would be shared with
4 Sergeant Thomas, or any other party?

5 **MS. LAFAVE:** Objection.

6 A: I mean, I couldn't even say yes to that,
7 because, I mean, I literally hold that nothing
8 that was done was unconstitutional.

9 Q: You have to -- but you have to play with me.
10 If it is determined that it's unconstitutional,
11 I understand you can say that you didn't do
12 anything wrong at any time even if I prove my
13 case and win, so if with me. If I do that,
14 would your position be that liability would be
15 shared with Sergeant Thomas or that if your
16 actions were found to be unconstitutional, that
17 you are the one solely responsible?

18 **MS. LAFAVE:** Objection.

19 A: I mean, I would have to say that the
20 Solicitor's Office made the determination that
21 probable cause existed and if that
22 determination wasn't given from them, we would
23 have never went forward with -- either me or
24 Sergeant Thomas would have ever went forward
25 with the murder one. But just with all the



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1 facts that was given, probable cause existed,
2 which is what we were instructed and that's why
3 the warrant was drafted. Regardless of whether
4 or not I wanted that charge or not, we still
5 were -- we're told that probable cause existed
6 from the solicitor's office.

7 Q: Do you have to charge murder if the solicitor's
8 office tells you they think there's probable
9 cause?

10 A: Well, that part of it would be based on what I
11 was informed as far as my supervisor's decision
12 to charge for what we have probable cause for
13 and then allow the solicitor's office to work
14 whatever charges or lesser charges that they
15 work on their end.

16 Q: So, hear me out. My question is, you know, how
17 you handle -- I didn't ask you if you had to,
18 so, if the solicitor's office tells you you
19 have probable cause for murder, does that mean
20 you have to charge Mr. Green with murder?

21 MS. LAFAVE: Objection.

22 A: But that would be the charge that you would go
23 with if probable cause exists for -- I don't --
24 I mean, I don't understand how you're trying to
25 ask ---



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GEORGE SIMPSON

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1 Q: Do you have ---

2 A: --- but if probable cause exists for any
3 charge, that's what we would go with.

4 Q: Okay. But I'm asking you if the solicitor's
5 determination dictates what you do. Are you
6 not a separate branch? You ultimately make
7 decisions, correct?

8 **MS. LAFAVE:** Objection.

9 A: We make -- we make decisions, but in our
10 Department, we have to consult with the
11 solicitor's office for authorization for all
12 murder cases.

13 Q: Okay. Which you didn't agree with?

14 A: I mean, I agree with reaching out to the
15 solicitor's office because that's how it's
16 always been ever since I've been here. I got
17 put into investigation in 2016 and we've always
18 did it that way.

19 Q: There's one -- there's one word. Either I'm
20 not saying the question right or you're
21 answering the wrong question. But you didn't
22 agree with the charge of murder. You agreed
23 with charge of involuntary?

24 A: I wanted to charge a involuntary manslaughter.

25 Q: Okay.



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GEORGE SIMPSON

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1 A: I'm not saying I didn't agree with murder, but
2 I wanted involuntary manslaughter. I
3 personally felt like it was a better fit. But
4 I understand that probable cause existed for
5 murder.

6 Q: I think you focused on the solicitor's office.
7 Let me ask this in terms of Sergeant Thomas.
8 Again, the if scenario, if I prove my case and
9 we were to find that what you did was
10 unconstitutional, and, again, I'm not trying to
11 make this a competition, I'm just -- if we were
12 to prove that, would you say that liability was
13 shared with Sergeant Thomas at all or are you
14 acting on your own?

15 MS. LAFAVE: Objection.

16 A: Well, he, obviously, had a say in the -- in the
17 charge and he being my supervisor told me what
18 I was going to charge, so I followed that
19 direction as far as charging.

20 Q: Okay. So, he's in it with you, too?

21 MS. LAFAVE: Objection.

22 A: Yes.

23 Q: Okay. If you'll give me just a second. All
24 right. Investigator, I think I questioned
25 myself out and, of course, pending any



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GEORGE SIMPSON

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1 questions from Ms. LaFave or Ms. Pavlicek, I'll
2 leave it to that.

3 A: Okay.

4 MS. LAFAVE: I think it's you, Jax, you're next.

5 MR. TRULUCK: Am I going to distract you guys if I
6 load up while y'all ---

7 MS. LAFAVE: No, I think she's reviewing her notes,
8 so take your time and we'll go off the record
9 for a second.

10 (Off the record from 3:42 p.m. until 3:45 p.m.)

11 SERGEANT SIMPSON - EXAMINATION BY MS. LAFAVE:

12 Q: Sergeant, I just have a couple of clarification
13 questions for you. You were answering some
14 questions about the autopsy. Madam Court
15 Reporter, can we see Exhibit Number 8, please?

16 (Plaintiff's Exhibit Number 8 was referenced.)

17 MS. LAFAVE: Looks like this.

18 COURT REPORTER: That's all of them after that too.

19 MS. LAFAVE: Okay.

20 Q: Sergeant Simpson, the Exhibit 8's been handed
21 to you. This is the professional pathology
22 services report. I'm going to direct your
23 attention to final anatomical diagnosis. Okay.
24 Do you see subsection two there where it says,
25 blunt force injuries?



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GEORGE SIMPSON

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1 A: Yes.

2 Q: Can you tell me by reading that paragraph there
3 any of the findings that are consistent with
4 assault?

5 A: Just read subsection 8?

6 Q: No. Can you, in your experience, training and
7 your professional opinion as an investigative
8 officer, tell me if there are any physical
9 signs of assault that were found on this body
10 and noted in this report?

11 A: Yes.

12 Q: Tell me what those are.

13 A: Abrasions, lacerations to the skin, to the
14 torso and extremities.

15 Q: And although Mr. Truluck was asking you about
16 whether or not you agreed or disagreed with the
17 coroner's findings and conclusions about Mr.
18 Washington's death, you're not medically
19 trained?

20 A: Correct.

21 Q: And so to the extent that you call into
22 question their conclusions, is that based on
23 what you saw it to be questionable procedures
24 at the beginning of the autopsy?

25 A: Correct.



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GEORGE SIMPSON

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1 Q: And even if you did not have the conclusory
2 results of toxicology, is it your opinion,
3 based on your experience, that the stumbling
4 and behavior by Mr. Washington could have been
5 just as much a result of blunt force trauma to
6 the head as it could be from a drug overdose?

7 A: Yes.

8 Q: Can you tell me about any knowledge that you
9 had about this particular motel prior to this
10 night involving Mr. Green?

11 A: Yeah, so it's called the Budget Inn, 1601
12 Sunset Drive. I've been familiar with this
13 hotel ever since I got hired with the
14 Department in 2011. I started out in North
15 Region. That hotel is in North Region. It's
16 predominantly used by people who engage in
17 prostitution; drug addicts go there to sell
18 drugs. We actually made a lot of drug arrests
19 there before. I haven't personally made any
20 prostitution cases, but I am aware of
21 prostitution operations that have happened
22 there. And it's just basically a high crime
23 area where people just kind of go there to
24 frequently do crime.

25 Q: And when there's a death where autopsy is



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GEORGE SIMPSON

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1 necessary, is it common to charge someone
2 before results of an autopsy are received?

3 A: You mean as far as the toxicology or just the
4 autopsy?

5 Q: The toxicology, thank you for correcting me.
6 So, let me rephrase my question. Is it common
7 for you to proceed with a murder charge even
8 though you're still waiting on toxicology
9 results?

10 A: Yes.

11 Q: Okay. And why is that?

12 A: Just because of the fact that sometimes the
13 toxicology will be weeks out to months out.
14 And, in that meantime, you know, if we're
15 dealing with somebody who is actually our
16 suspect, and somebody that we should be placing
17 in jail, the longer that they're out, the
18 harder it is for us to track them down to find
19 them. And it also gives them more time to do
20 other crimes and hurt others and also try to
21 evade arrest.

22 Q: And so, when you have probable cause to make an
23 arrest for murder, that's also to protect
24 against further danger to the public?

25 A: Yes.



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GEORGE SIMPSON

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1 Q: Would the warrant in this case have read the
2 same whether it was murder or involuntary
3 manslaughter?

4 A: Essentially, without the malice aforethought
5 portion of it.

6 Q: Do you recall the video that showed the outside
7 of the hotel room?

8 A: Yes, I do.

9 Q: Was Mr. Green's behavior outside of the hotel
10 room consistent with Aja Prophet's description
11 that everything had calmed down before Mr.
12 Green came in and assaulted Mr. Washington?

13 A: Yes.

14 Q: Mr. Green was leaning up against the wall, is
15 that right? You remember that?

16 A: Yeah, there was one point where he positioned
17 his body on the wall with his leg propped up.
18 I believe he was looking at his cell phone or
19 something in his hand.

20 Q: Looked like he was just casually waiting for a
21 train?

22 A: Yes.

23 Q: Mr. Truluck was asking you about Mr. Green and
24 I think he used the term, shying away or being
25 inconsistent or withholding information, but



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GEORGE SIMPSON

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1 Mr. Green was essentially being untruthful in
2 responding to your questions initially about
3 whether he assaulted Mr. Washington, isn't that
4 right?

5 A: That's correct. He told me he did not
6 initially do anything to Mr. Washington other
7 than guide him out at first, and then he
8 changed his story, but several hours later.

9 Q: And, ultimately, he admitted that he had lied?

10 A: Yes.

11 Q: I think that Mr. Truluck asked you this
12 question, but I don't know if your answer got
13 fully into the record, so I just want to make
14 sure to clarify. When Mr. Green is in
15 investigative detention and you and your
16 supervisor, Thomas, and Prosecutor Fyall are
17 having a telephone conversation, do you
18 remember this moment?

19 A: Yes.

20 Q: And you're discussing what you're going to
21 charge him with, right?

22 A: Yes.

23 Q: And did you explain to the prosecutor that
24 there was the involvement of drugs in this
25 situation?



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GEORGE SIMPSON

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1 A: Yes.

2 Q: And that the witness, Aja Prophet, had reported
3 that the decedent had been smoking crack
4 cocaine?

5 A: Yes.

6 Q: Was there anything that you knew at that time
7 that you omitted from your conversation with
8 Prosecutor Fyall?

9 A: No, it was very in depth between Sergeant
10 Thomas and I explaining it from both of our
11 angles to Solicitor Fyall.

12 Q: And it was the decision of Sergeant Thomas to
13 charge murder after he consulted with
14 Prosecutor Fyall?

15 A: Yes.

16 MS. LAFAVE: I don't have any further questions.
17 Anything else from you?

18 MR. TRULUCK: Just in time. No.

19 (There being no further questions, the deposition
20 concluded at 3:52 p.m.)
21
22
23
24
25



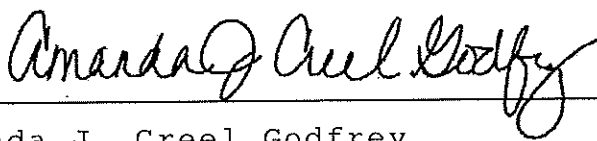
CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / contact@creelreporting.com

CERTIFICATE

This is to certify that the deposition of **GEORGE SIMPSON**, consisting of two hundred eighty (280) pages, is a true and correct transcript of the testimony given by said deponent after being duly sworn; said deposition was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on October 20, 2023.



Amanda J. Creel Godfrey
Court Reporter

Notary Public for South Carolina
My Commission Expires: May 27, 2031



CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / contact@creelreporting.com

SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON

CIVIL ACTION NUMBER: 2021-CP-40-05620

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT**

EXHIBIT F – SIMPSON CASE SUMMARY

MEMORANDUM



To: Solicitors Office
From: Inv. G. Simpson
cc:
Date: December 19, 2019
Re: Case Summary

On 12/04/2019 at 1601 Sunset Dr. (Budget Inn motel), officers were dispatched to the location and observed the victim Mr. Dara Washington lying in the parking lot at the location unresponsive. He was transported to Prisma hospital (Richland Memorial) for treatment but was later pronounced deceased. Contact was made with Mr. Green who stated that while inside of room 115 at the location, a physical assault took place which led to him punching and kicking the victim several times inside of the room prior to throwing him outside of the room where his body struck a concrete wall just outside of the room. The victim was extremely dazed and disoriented and was extremely unsteady on his feet as he retreated from the room before collapsing in the parking lot area where he was ultimately contacted by EMS and transported to the hospital where he was pronounced deceased. Mr. Green stated that he assaulted the victim because he observed the victim physically assaulting a witness who was also inside of the room (Ms. Aja Prophet) and he felt the need to protect her from the victim.

An interview was conducted with Ms. Prophet who stated that she did not feel that her life was in danger and she didn't feel that she needed to be protected from the victim but the victim was upset and was paranoid after he had smoked crack cocaine after they had sex and Mr. Green came to the room upset and the victim believed that Ms. Prophet had set him up to be robbed so he did not want for Mr. Green to come inside of the room due to his fear that Mr. Green was there to rob him. Ms. Prophet stated that as Mr. Green entered the room, the victim was not a threat to him and did not attempt to assault him prior to observing Mr. Green attack the victim with his fists while the victim cowered in a corner and dropped to the ground. Ms. Prophet stated that she pulled Mr. Green off due to the assault appearing to be excessive and Mr. Green then drug him out of the room and tossed him out. Prior to entering the room, Mr. Green spoke with management at the location who came to the room and looked inside through the window and stated that everything appeared to be fine inside so he was not authorized to open up the door and he stated that the police had already been notified and were responding. During the 911 call for service, Mr. Green is heard on the recording threatening the victim while outside of the room stating that he better hope that the police gets there before he gets inside of the room.

SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON

CIVIL ACTION NUMBER: 2021-CP-40-05620

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT**

EXHIBIT G – FULL CPD REPORT



COLUMBIA POLICE DEPARTMENT

Incident Report
Case Number 190035076



INCIDENT TYPE	COMPLETED	PREMISE TYPE	FORCED ENTRY
MURDER	Completed	HOTEL/MOTEL	

Incident Location: 1601 SUNSET DR, COLUMBIA, SC, 29203

Incident Date	Disp Date	Time Arrived
From: 12/04/2019 21:37:00, To: 12/04/2019 21:37:00	12/04/2019 21:37:00	12/04/2019 12:57:00

VICTIM INFORMATION								
Last Name		Relationship to Subject		Race	Sex	Age	Eth.	Date of Birth
WASHINGTON, DARA, DISHON		OTHERWISE KNOWN		B.	M	42	N	1977
Address:			Work Phone		Cell Phone			
Height	Weight	Hair Color	Eye Color	Home Phone	Marker	Injury	Injured	
806	160	BLACK	BROWN			NO		
Victim Using Alcohol:				Officer Victim / FOIA Data				
Offense				Is Victim the Corporal?				
				NO				

BUSINESS INFORMATION	
Business Name	
Business Address	
Business Phone	
Offense	

SUSPECT INFORMATION								
Suspect Name		Marker		Race	Sex	Age	Age To Eth.	Date of Birth
GREEN, SHERMAN, ANTONIO				B	M	33	N	1986
Address:		Apartment:						
Height	Weight	Hair Color	Eye Color	Home Phone Number	Cell Phone Number	Work Phone Number		
Type Drug Used		Condition		Suspected of Using during offense		Suspect Arrested		
Related Offense								
Suspect Name		Marker		Race	Sex	Age	Age To Eth.	Date of Birth
GREEN, SHERMAN, ANTONIO				B	M	33	N	1986
Address:		Apartment:						
		COLUMBIA, SC, 29203-						



COLUMBIA POLICE DEPARTMENT

Incident Report
Case Number 190035076



Height 508,	Weight 155,	Hair Color BLACK,	Eye Color BROWN	Home Phone Number	Cell Phone Number	Work Phone Number
Type Drug Used	Condition	Suspected of Using during crime	Suspect Arrested			
Related Offense,						

MISC. ASSOCIATED NAMES INFORMATION

Name: W [REDACTED] E [REDACTED]	Relationship to Subject	Race B	Sex F	Age 45	Eth. N	Date of Birth [REDACTED] 1974
Address: [REDACTED] COLUMBIA, SC, 29223-	Apartment #					
Height 501,	Weight 207,	Phone Number [REDACTED]	Moniker	Relationship to Victim		

MISC. ASSOCIATED NAMES INFORMATION

Name: PROPHET, AJA, TIARA	Relationship to Subject	Race B	Sex F	Age 28	Eth. N	Date of Birth [REDACTED] 1993
Address: [REDACTED] COLUMBIA, SC, 29203	Apartment #					
Height [REDACTED]	Weight [REDACTED]	Phone Number [REDACTED]	Moniker	Relationship to Victim		

COMPLAINANT INFORMATION

Name: GREEN, SHERMAN, ANTONIO	Relationship to Subject	Race B	Sex M	Age 33	Eth. N	Date of Birth [REDACTED] 1986
Address: [REDACTED] COLUMBIA, SC, 29203-	Apartment #					
Height 500,	Weight 155,	Phone Number [REDACTED]	Moniker	Relationship to Victim		

MISC. ASSOCIATED NAMES INFORMATION

Name: [REDACTED]	Relationship to Subject	Race W	Sex M	Age 18	Eth. N	Date of Birth [REDACTED]
Address: [REDACTED]	Apartment #					
Height [REDACTED]	Weight [REDACTED]	Phone Number [REDACTED]	Moniker	Relationship to Victim		



COLUMBIA POLICE DEPARTMENT

Incident Report
Case Number 190035076



NARRATIVE

INITIAL NARRATIVE

ON THE ABOVE DATE AND TIME, REPORTING OFFICER WAS DISPATCHED TO THE ABOVE INCIDENT LOCATION IN REFERENCE TO A CIVIL DISTURBANCE.

R/O WAS NOTIFIED BY MR. GREEN THAT R/O NEEDED TO GO MAKE CONTACT WITH THE VICTIM BECAUSE HE WAS HIGH AND JUST ASSAULTED HIS COUSIN, R/O OBSERVED THE VICTIM WITHIN THE PARKING LOT MOTIONLESS AND WITHOUT A PULSE.

NARRATIVE

ADDITIONAL NARRATIVE

BREWER 23999 / SUSPICIOUS DEATH

R/O RECEIVED TWO SEPARATE CALLS FOR SERVICE AT THE SAME INCIDENT LOCATION FOR THE SAME REASON. R/O INITIALLY WENT TO ROOM 212 AT THE INCIDENT LOCATION TO MAKE CONTACT WITH ANOTHER FEMALE INVOLVING A DOMESTIC DISPUTE (CASE NUMBER 190035075). WHILE R/O WAS SPEAKING WITH THAT FEMALE, MR. GREEN CAME INTO THE ROOM AND TOLD R/O THAT THE MALE I WAS LOOKING FOR WAS ON THE GROUND AND I NEEDED TO GO GET HIM. MR. GREEN INFORMED R/O THAT HIS COUSIN, MS. PROPHET, WAS JUST ASSAULTED BY THE VICTIM AND HE GOT HIM OUT THE ROOM. HE TOLD R/O THAT I NEEDED TO GET HIM BEFORE HE DID BECAUSE THE VICTIM WAS HIGH ON CRACK AND JUST ATTACKED HIS COUSIN FOR NO REASON. R/O WENT DOWNSTAIRS AND FOUND THE VICTIM UNRESPONSIVE. R/O PUT A FINGER UNDER HIS NOSE AND COULD NOT FEEL ANYTHING. R/O THEN OBSERVED A VEHICLE PULL UP AND IT WAS MS, W [REDACTED] SHE STATED THAT THE VICTIM WAS HER BOYFRIEND AND SHE JUST TRACKED HIM TO THE HOTEL. R/O ASKED IF HE WAS ON ANYTHING OR KNOWN TO TAKE ANYTHING AND SHE REPLIED ALL SHE KNEW OF WAS CRACK. R/O ASKED IF SHE KNEW IF HE TOOK ANYTHING ELSE, SHE REPLIED SHE DID NOT KNOW. R/O THEN CALLED FOR EMS AND ADMINISTERED NARCAN. THE NARCAN DID NOT WORK SO R/O HELD HIS HEAD UNTIL FIRE ARRIVED. WHEN FIRE ARRIVED, THEY BEGAN CHEST COMPRESSION AND THEN PUT ON A DEFIBRILLATOR. THEY CONTINUED THE CHEST COMPRESSION UNTIL WHILE BEING TRANSPORTED TO THE HOSPITAL. THE VICTIM WAS DECLARED DECEASED AT 2229.



COLUMBIA POLICE DEPARTMENT

Incident Report
Case Number 190035076



R/O THEN WENT TO SPEAK TO MS. PROPHET. SHE STATES THAT THE THE VICTIM IS ONE OF HER BOYFRIENDS AND HE CAME TO THE ROOM TO SEE HER. SHE STATES THAT SHE KNOWS HE IS ON CRACK AND HAD TAKEN IT BEFORE HE GOT TO THE ROOM. SHE STATES THAT THEY WERE THERE TO HAVE RELATIONS AND THAT IS WHY HE WAS NAKED. SHE DID CONFIRM THE SEX AND STATES SHE HAS BEEN WITH THE VICTIM ABOUT THREE MONTHS AND ONLY KNOWS HIM BY HIS NICKNAME "NICK". SHE STATES THAT DURING THE COURSE OF THE INCIDENT, THE VICTIM BECAME ENRAGED AND STARTED HITTING ON HER. SHE STATES THAT HE HAD TAKEN CRACK AND BELIEVES THAT IS WHY HE WAS ACTING OUT. SHE STATES THAT SHE STARTED YELLING FOR HELP AND THERE WAS A 911 CALL PLACED BY A THIRD PARTY NAMED "JESSICA" WHO STATES THAT SHE HEARD A WOMAN YELLING FOR HELP ON THE BOTTOM FLOOR. MS. PROPHET STATES THAT SHE SHARES THE ROOM WITH HER COUSIN, MR. GREEN WHO WENT TO THE STORE FOR HER AND CAME BACK JUST IN TIME. SHE STATES THAT SHE WAS ABLE TO GET AWAY FROM THE VICTIM AND LET MR. GREEN IN AND HE GOT THE MALE OUT.

MR. GREEN STATES THAT HE OBSERVED THE VICTIM THROUGH THE WINDOW NAKED AND YELLING THAT PEOPLE WERE AFTER HIM WHEN HE RETURNED FROM THE STORE. HE STATES THAT HE WENT TO THE FRONT OFFICE TO HAVE THEM OPEN THE DOOR BUT SINCE HE DID NOT HEAR ANYTHING, HE WAS NOT ALLOWED IN AND TO WAIT FOR LAW ENFORCEMENT. HE STATES THAT IS WHEN MS. PROPHET WAS ABLE TO OPEN THE DOOR AND LET HIM IN. HE STATES THAT HE ATTEMPTED TO KICK THE DOOR IN AND IT DID NOT WORK. HE STATES THAT MS. PROPHET HAD BLOOD ON HER FACE FROM WHERE THE VICTIM HAD ATTACKED HER. ONCE HE GOT IN THE ROOM, MR. GREEN STATES THAT THE ONLY THING HE DID WAS PUSH HIM OUT. HE STATES HE THEN WENT TO FIND OFFICERS SINCE HE OBSERVED OUR VEHICLES AT THE LOCATION.

THE VICTIM HAD VISIBLE LACERATIONS TO HIS HANDS AND FEET. UPON REVIEWING THE CAMERA, THE VICTIM ARRIVED AT THE INCIDENT LOCATION IN HIS VEHICLE AT 2057. THE VICTIM IS SEEN ENTERING THE ROOM SHORTLY AFTER. THE VICTIM IS SEEN GETTING THROWN OUT OF ROOM 115 AROUND 2143, STUMBLED ACROSS THE PARKING LOT, AND FELL WHERE HE WOULD EVENTUALLY LIE UNTIL R/O FOUND HIM.



COLUMBIA POLICE DEPARTMENT

Incident Report
Case Number 190035076



MR. [REDACTED] 803-[REDACTED] SHOWED UP TO REVIEW CAMERAS. THEY WERE ABLE TO PLAY IT BACK FOR OFFICERS BUT WERE UNABLE TO BURN THE DISKS.

MR. GREEN AND MS. PROPHET WERE TAKEN TO HEADQUARTERS TO BE INTERVIEWED BY INV MONTGOMERY AND SIMPSON. INV GILLIAM, ID SCHMIDT, AND OFC VEREEN RESPONDED AND DID A SEARCH WARRANT ON THE ROOM. MPO DAVIDSON FROM OCN WAS ALSO NOTIFIED AND RESPONDED.

EMS 255 AND CFD BAT 5 RESPONDED. WATCH COMMANDER BLENDOWSKI RESPONDED ON SCENE. THE VICTIM LISTED VEHICLE WAS TOWED BY ST ANDREWS TO 715 BLUFF.

NARRATIVE

ADDITIONAL NARRATIVE

M DELCOS 25753

ON 12/05/2019 I BACKED OTHER OFFICERS ON A CALL FOR AN UNRESPONSIVE INDIVIDUAL AT 1601 SUNSET DR (BUDGET INN). UPON ARRIVAL I SAW EMS PERFORMING CPR ON A MIDDLE AGED NAKED BLACK MALE IN THE PARKING LOT IN FRONT OF THE BUILDING. AFTER EMS TRANSPORTED THE UNRESPONSIVE INDIVIDUAL, LATER IDENTIFIED AS [REDACTED] I WENT TO ROOM 115, WHICH IS WHERE HE WAS REPORTED TO BE COMING FROM.

I CONDUCTED A SECURITY SWEEP OF THE ROOM FOR ANY PEOPLE WHO MAY HAVE REMAINED INSIDE AND ONCE I CONFIRMED THE ROOM WAS EMPTY I SECURED THE ROOM UNTIL INVESTIGATORS CAME TO PROCESS IT. I CALLED FOR A TOW TRUCK TO COME AND PICKUP [REDACTED]'S CAR (SC [REDACTED]) AND FOLLOWED THE TOW TRUCK, WITH IN CAR CAMERA ON, TO 715 BLUFF RD, WHERE THE VEHICLE WAS IMPOUNDED.

NARRATIVE

CASE CLEARANCE NARRATIVE



COLUMBIA POLICE DEPARTMENT

Incident Report
Case Number 190035076



G SIMPSON 22834

During the course of this investigation, the victim Mr. [REDACTED]'s death has been ruled as being a homicide rather than a suspicious death based on the following facts:

It has been determined that the victim Mr. [REDACTED] was assaulted while inside of 1601 Sunset Dr. room # 115 by Mr. Sherman Green. A witness to the incident attests that Mr. Green was observed punching Mr. [REDACTED] several times while he was on the ground posing no threat to Mr. Green. The witness reported that she had to physically pull Mr. Green off of Mr. [REDACTED] due to what was described to me as being an excessive assault. Mr. Green was mirandized and interviewed as well and agreed to freely speak with me regarding the incident.

During my interview with Mr. Green, he initially denied any assault taking place that he was responsible for but later changed his story and stated that he did punch and kick the victim several times to the head and body while he was on the ground and then grabbed the victim and threw him out of the room after the assault which resulted in the victim striking his head on a concrete wall just outside of the room. Surveillance footage captures the events that took place outside of the room but there are no obtainable cameras on the inside of the room. Mr. Green was arrested on 12/05/2019 and was charged with murder (warrant # 2019A4021603910) and was transported to Alvin S. Glenn detention center.

NARRATIVE

CRIME SCENE NARRATIVE



COLUMBIA POLICE DEPARTMENT

Incident Report
Case Number 190035076



AUTOPSY

DATE AND TIME OF AUTOPSY : 12-05-19 1000 HRS

LOCATION : PRISMA HEALTH RICHLAND HOSPITAL MORGUE

VICTIM : [REDACTED]

CONTACT : INV. SIMPSON

MEDICAL EXAMINER : DR. DURSO

PROCESSING OFFICER : JACKSON

PHOTOGRAPHS TAKEN : 45

EVIDENCE COLLECTED : 0

PROCESSING OFFICER RESPONDED TO PRISMA HEALTH RICHLAND HOSPITAL MORGUE TO DOCUMENT THE AUTOPSY OF [REDACTED] (B/M 2-23-1977) CONDUCTED BY DR. DURSO. PHOTOGRAPHS WERE TAKEN OF THE PROCEDURE , FINGERPRINTS WERE COLLECTED FROM THE VICTIM.

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COLUMBIA POLICE DEPARTMENT

Incident Report
Case Number 190035076



VEHICLE					
UNSUB Vehicle Information	Year	Make	Model	Style	Value
	2017	Nissan	Altima	4D	
Vehicle Identification Number 1N4AL3AP7HC216534					
Last Name	First Name	Middle Name	Address	Phone Number	
Wrecker Service					
Tow Date and Time		Condition		Released to	
Misc. Tow/Vehicle Information					
Key Location		Hold For		Evidence Collected	

OFFICER(S)	
Name BREWER, RAVEN D 23889	Connection to Incident Reporting
Name MARKEVICZ, BRAD W 22620	Connection to Incident Approving
Name HEUSTESS, TREVOR W 24283	Connection to Incident Supplementing
Name MARKEVICZ, BRAD W 22620	Connection to Incident Approving
Name SIMPSON, GEORGE 22833	Connection to Incident Investigating
Name MOORER, VALERIA A 16309	Connection to Incident Approving
Name SIMPSON, GEORGE 22834	Connection to Incident Assisting
Name JACKSON, ZACHARY J 22619	Connection to Incident Supplementing
Name BRANHAM, ANTHONY W 23156	Connection to Incident Approving



COLUMBIA POLICE DEPARTMENT

Adult Booking Report

SC0400100

Case Number

190035076



Date/Time of Arrest
12/05/19 0400

Date/Time of Arrest
#Error

Place of Arrest
1 JUSTICE SQUARE, COLUMBIA, SC,

PERSONAL DATA

DEFENDANT NAME (LAST, FIRST, MIDDLE)
GREEN, SHERMAN, ANTONIO

RACE
B

SEX
MALE

DATE OF BIRTH
1986

DOCKET NUMBER

AGE
39

ETH
N

HEIGHT
508

WEIGHT
185

G.S. NUMBER

ALIASE

NCIC
Yes No

ID NUMBER

ADDRESS (NUMBER AND STREET)
[REDACTED]

CITY
COLUMBIA

STATE
SC

ZIP CODE
29203

PHONE NUMBER

PLACE OF BIRTH

O.L. NUMBER

STATE

NEXT OF KIN

RELATIONSHIP

PHONE NUMBER

ADDRESS

CITY

STATE

ZIP CODE

ARRESTEE ARMED
N

WEAPON TYPE
UNARMED

TYPE ARREST
TAKEN INTO CUSTODY

ADDITIONAL CASE NUMBER 1

ADDITIONAL CASE NUMBER 2

CHARGE INFORMATION	SENTENCE
CHARGE ID.	SENTENCE
CHARGE MURDER	TIME SERVED
STATUTE 18-03-0010, 0020	GOOD TIME
WARRANT NO.	BALANCE
BOND AMOUNT	PAID
BOND TYPE	RECEIPT NO.
RET. DATE	
DISPOSITION	

RELEASE DATE	RELEASE TIME	RELEASING OFFICER	NUMBER	AGENCY RELEASED TO
--------------	--------------	-------------------	--------	--------------------

SIGNATURE OF RECEIVING OFFICIAL X _____ LIST ANY REMARKS BELOW

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COLUMBIA-RICHLAND COMMUNICATIONS

"We will be there when you need us the most"

911 RECORDS REQUEST FORM

DATE: 12-10-2019

INCIDENT DATE:

• 12-4-2019

INCIDENT TIME:

• 21:30 pm

INCIDENT LOCATION:

• Budget Inn 1601 Sunset Blvd. Columbia SC

INCIDENT TYPE:

• Death Investigation

CASE NUMBER:

• 190035076

REQUEST TYPE (check all that apply):

• 911 Phone Recording ☒

• Radio Traffic ☒

• CAD Incident Report ☒

• Calls for Service Report ☒ / Timeframe _____

• Other (specify) _____

DESCRIBE REQUESTED INFORMATION:

• All telephone calls for service, all radio transmissions, all emergency communications

ADDITIONAL COMMENTS:

• PLEASE EXPIDITE

There are at least two calls for service on this incident (803) 417 - 5815 and (803) 829 - 6571

REQUESTOR'S NAME, AGENCY & TELEPHONE NUMBER:

• Montgomery W. H. Columbia Police Department (803) 413 - 8314 Cell (803) 545 - 3582 Office OR
George Simpson (803) 521 - 0036 Cell

Please email all requests to:

911FOIA@columbiasc.gov
Jacquelyn.Richburg@columbiasc.gov



A National Accredited Communications Agency

1800 Laurel Street / Columbia, South Carolina 29201 / (803) 988-8005 / Fax (803) 255-8139

Form 2017 - 03 10/16/2017

Revised: 7/20/2018; 5/20/2019; 10/22/2019

Dec. 6, 2019

ELECTRONICALLY FILED - 2024 Aug 23 3:15 PM - RICHLAND - COMMON PLEAS - CASE#2021CP4005620

Incident Detail Report

Incident Status: Closed
 Incident Number: 338CPD03436
 Incident Date: 12/4/2019 21:37:57

Incident Information

Incident Type: 2 Unit Response
 Priority: P2
 Determinant:
 Base Response #:
 Confirmation #:
 Taken By: Stokes, Maya
 Response Area: CPD 120 126
 Disposition: Clear Backup (C11), Clear Incid
 Cancel Reason: CPD Call Completed (CC)
 Incident Status: Closed
 Certification:
 Longitude: 81097005
 MGRS: 17SM19G58365472

Alarm Level:
 Problem: Civil Disturbance In Prog.
 Agency: CPD
 Jurisdiction: CPD
 Division: North
 Battalion: North
 Response Plan: North 2PD
 Command Ch:
 Primary TAC:
 Alternate TAC:
 Delay Reason:
 Latitude: 34029902
 UTM: 17S 49G584 3765472

Incident Location

Location Name: BUDGET INN
 Address: 1601 Sunset Dr
 Apartment: 212
 Building:
 City, State, Zip: COLUMBIA, SC 29203

County: RICHLAND
 Location Type: Hotel
 Cross Street: PARK CENTRAL DR/MEDICAL DR
 Tow Provider Area:
 Map Reference: 25C2

Call Receipt

Caller Name: JESSICA
 Method Received: NO
 Caller Type: 911 Line
 Caller Address:
 Caller City, State, Zip: ,

Call Back Phone:
 Caller Location: E SECTOR
 Caller Apt/Bldg:
 Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	12/4/2019	21:37:57	
1st Key Stroke	12/4/2019	21:37:59	
In Pending Queue	12/4/2019	23:18:18	
Call Taking Complete	12/4/2019	21:41:34	Stokes, Mayo
1st Unit Assigned	12/4/2019	21:41:03	
1st Unit Enroute	12/4/2019	21:42:02	
1st Unit Arrived	12/4/2019	21:51:29	
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	12/5/2019	03:19:13	Guinyard, Albert A

Elapsed Times

Description	Time
Received to In Queue	00:01:08
Call Taking	00:03:37
In Queue To 1st Assign	00:01:58
Call Received to 1st Assign	00:03:06
Assigned to 1st Enroute	00:00:59
Enroute to 1st Arrived	00:09:27
Incident Duration	05:41:16

ANI/ALI Calls

Time Received	Phone Number	Address	City
12/4/2019 9:37 PM	803 [REDACTED]	[REDACTED] - E SECTOR	COLUMBIA

Units Assigned

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
C121	12/4/2019 21:41:03	Clear Backup (C11), Clear Incd	12/4/2019 9 21:42:02		12/4/2019 21:52:09			12/4/2019 23:12:08			CPD Call Completed (CC)
C124	12/4/2019 21:42:14		12/4/2019 9 21:42:14		12/4/2019 21:51:29			12/4/2019 22:41:22			
C114	12/4/2019 22:01:29	Clear Backup (C11), Clear Incd	12/4/2019 9 22:01:29		12/4/2019 22:01:32			12/4/2019 23:12:08			CPD Call Completed (CC)
C103	12/4/2019 22:05:53	Clear Backup (C11), Clear Incd	12/4/2019 9 22:05:53		12/4/2019 22:13:23			12/4/2019 23:12:08			CPD Call Completed (CC)
C123	12/4/2019 22:07:12	Clear Backup (C11), Clear Incd	12/4/2019 9 22:07:12		12/4/2019 22:07:22			12/4/2019 23:12:08			CPD Call Completed (CC)
C120	12/4/2019 22:07:15	Clear Backup (C11), Clear Incd	12/4/2019 9 22:07:15		12/4/2019 22:07:18			12/4/2019 23:12:08			CPD Call Completed (CC)
C402	12/4/2019 22:17:34	Clear Backup (C11), Clear Incd	12/4/2019 9 22:17:34		12/4/2019 22:17:37			12/4/2019 23:12:08			CPD Call Completed (CC)
C114	12/4/2019 23:18:43	Clear Backup (C11), Clear Incd			12/4/2019 23:18:49			12/5/2019 03:19:13			CPD Call Completed (CC)
C120	12/4/2019 23:23:45	Clear Backup (C11), Clear Incd			12/5/2019 01:42:47			12/5/2019 03:19:13			CPD Call Completed (CC)
C123	12/4/2019 23:23:50							12/5/2019 00:52:15			

Report Generated: 12/10/2019 11:56:44

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C103 12/4/2019
23:33:56

12/4/2019
23:34:03

Personnel Assigned

Unit	Name
C124	Brewer, Raven (23999)
C121	Gerald, Tyartl (23662)
C120	Heustess, Trevor (24283)
C120	Heustess, Trevor (24283)
C103	Markevicz, Bradley (22620)
C103	Markevicz, Bradley (22620)
C114	Morrison, Matthew (24842)
C114	Morrison, Matthew (24842)
C123	Rollins, Sean (25503)
C123	Rollins, Sean (25503)

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
12/4/2019	21:39:00	MS	Response		[1] BUDGET INN // RM 115
12/4/2019	21:39:19	MS	Response		[2] CALLER STS THAT IN THE ROOM HEARS MALE AND FEMALE YELLING
12/4/2019	21:39:29	MS	Response		[3] STS THAT FEMALE IS ASKING FOR HELP
12/4/2019	21:39:32	MS	Response		[4] UNK WEAPONS
12/4/2019	21:40:14	MS	Response		[5] ARGUING STILL GOING ON
12/4/2019	21:41:12	JMK	Response		[6] ADDTL CALLER - FEMALE IN ROOM 212 REQUESTING OFC
12/4/2019	21:41:27	JMK	Response		[7] STS MALE WAS THROWING CHAIRS AND 10-76 HER
12/4/2019	21:42:07	JMK	Response		[8] MALE HAS LEFT OUT - TIME LAPSE LESS THAN 5 - NO DESCRIPTION - FEMALE DISCONNECTED
12/4/2019	21:42:14	SEV	Response		[9] Backed up C121 with C124
12/4/2019	21:42:25	JMK	Response		[10] FEMALE CALLING FROM 911 PREFIX - COMPL CALLING LOC FRONT DESK
12/4/2019	21:42:43	JMK	Response	Yes	[11] [Query] , Vehicle: 1,SC,PDH827,SC,2019,PC
12/4/2019	21:42:53	JMK	Response		[12] 10-22 LAST

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12/4/2019	21:58:37	SEV	Response	[13] Multi-Agency RCEMS Incident #: 001534439
12/4/2019	21:58:38	SEV	Response	[14] Multi-Jurisdiction CFD Incident #: 338CFD039851
12/4/2019	21:58:39	SEV	Response	[15] B/M UNRESPONSIVE AT THE LOCATION // C124 ADV POSSIBLY ON NARCOTICS// BREATHING BUT NOT RESPONSIVE (Shared)
12/4/2019	21:58:48	CAR	Response	[16] Automatic Case Number(s) Issued for Incident # [001534439], Jurisdiction: RCEMS. Case Number(s): 001467005, requested by S255, (Shared)
12/4/2019	21:58:57	CJ	Response	[17] Automatic Case Number(s) Issued for Incident # [338CFD039851], Jurisdiction: CFD. Case Number(s): 19-0030635, requested by E13, (Shared)
12/4/2019	21:58:59	PS	Response	[18] Paging Groups Notified: CFD Active 911 Paging (Shared)
12/4/2019	21:59:18	SEV	Response	[19] C124 ALSO ADV OF A FEMALE AT THE LOCATION BLEEDING ALSO (Shared)
12/4/2019	21:59:32	CAR	Response	[20] Duplicate Incident created: 001534440 (Shared)
12/4/2019	22:01:29	SEV	Response	[21] Backed up C124 with C114 (Shared)
12/4/2019	22:02:48	SEV	Response	[22] C124 AMIN NARCAN ON THE B/M THAT WAS NOT RESPONDING (Shared)
12/4/2019	22:02:52	CJ	Response	[23] BAT5 WAS IN THE AREA AND IS NOW ON SCENE WITH CPD (Shared)
12/4/2019	22:03:39	CJ	Response	[24] PER BAT5 ONE IN RESPIRATORY ARREST FOR POSS OVERDOSE (Shared)
12/4/2019	22:05:39	CJ	Response	[25] PER BAT5 CPR IN PROGRESS (Shared)
12/4/2019	22:05:53	SEV	Response	[26] Backed up C124 with C103 (Shared)
12/4/2019	22:06:05	PS	Response	[27] Paging Groups Notified: RCEMS Command Staff (Shared)
12/4/2019	22:06:06	CAR	Response	[28] [Page] Problem changed from Unconscious to Cardiac Arrest by RCEMS (Shared)
12/4/2019	22:06:06	CAR	Response	[29] Updated SOP information is available (Shared)
12/4/2019	22:07:12	SEV	Response	[30] Backed up C114 with C123 (Shared)
12/4/2019	22:07:15	SEV	Response	[31] Backed up C123 with C120 (Shared)
12/4/2019	22:10:23	CAR	Response	[32] S255 ,3/83 (Shared)
12/4/2019	22:10:33	SEV	Response	[33] Secondary Location for C123: Prisma Health Richland, 5 RICHLAND MEDICAL PARK DR, COLUMBIA, SC 29203. (Shared)
12/4/2019	22:10:52	SEV	Response	[34] AUC C123 FOLLOWING EMS TO PRISMA HEALTH RICHLAND (Shared)
12/4/2019	22:11:49	CJ	Response	[35] FEMALE PATIENT ON SCENE REFUSED CARE AND WAS LEFT WITH CPD (Shared)
12/4/2019	22:11:50	CJ	Response	[36] [CFD] has closed their Incident [338CFD039851]
12/4/2019	22:17:34	SEV	Response	[37] Backed up C103 with C402 (Shared)
12/4/2019	22:17:51	SEV	Response	[38] Secondary Location for C402: PRI, 5 RICHLAND MEDICAL PARK DR. (Shared)
12/4/2019	22:18:04	SEV	Response	[39] Secondary Location for C402: Prisma Health Richland, 5 RICHLAND MEDICAL PARK DR, COLUMBIA, SC 29203. (Shared)
12/4/2019	22:29:40	CAR	Response	[40] [RCEMS] has closed their Incident [001534439]
12/4/2019	22:41:15	SEV	Response	[41] Requested Case Number(s) Issued for Incident # [338CFD03436], Jurisdiction: CPD. Case Number(s): 190035075, requested by C121, (Shared)
12/4/2019	23:11:55	SEV	Response	[42] Secondary Location for C114: HQ, 1 JUSTICE SQ, COLUMBIA, SC 29201, (Shared)
12/4/2019	23:11:55	SEV	Response	[43] C114 10-89*1 // 1 B/F // 37541 (Shared)
12/4/2019	23:18:18	SEV	Response	[44] Incident Re-opened: UNIT REQ (Shared)
12/4/2019	23:19:38	SEV	Response	[45] Secondary Location for C114: HQ, 1 JUSTICE SQ, COLUMBIA, SC 29201, (Shared)

12/4/2019	23:19:56	SEV	Response	[46] ENDING MILEAGE // 37543 [Shared]
12/4/2019	23:23:45	SEV	Response	[47] Secondary Location for C120: HQ, 1 Justice Sq, COLUMBIA, SC 29201 [Shared]
12/4/2019	23:23:45	SEV	Response	[48] Backed up C114 with C120 [Shared]
12/4/2019	23:23:50	SEV	Response	[49] Secondary Location for C129: HQ, 1 Justice Sq, COLUMBIA, SC 29201 [Shared]
12/4/2019	23:23:50	SEV	Response	[50] Backed up C120 with C123 [Shared]
12/4/2019	23:24:03	SEV	Response	[51] Secondary Location for C120: Prisma Health Richland, 5 RICHLAND MEDICAL PARK DR, COLUMBIA, SC 29203, [Shared]
12/4/2019	23:24:27	SEV	Response	[52] Secondary Location for C123: Prisma Health Richland, 5 RICHLAND MEDICAL PARK DR, COLUMBIA, SC 29203, [Shared]
12/4/2019	23:26:25	SEV	Response	[53] JESSICA // 803-829-6571 // ORIGINAL CALLR [Shared]
12/4/2019	23:33:56	SEV	Response	[54] Secondary Location for C103: HQ, 1 Justice Sq, COLUMBIA, SC 29201 [Shared]
12/4/2019	23:33:56	SEV	Response	[55] Backed up C110 with C103 [Shared]
12/5/2019	03:19:13	AAG	Response	[56] 55 [Shared]

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
12/4/2019	21:39:05		Incident In Waiting Queue			
12/4/2019	21:39:05		ANI/ALI Statistics		INT Insert:Dec 04 2019 21:37:57 / INT SendNP:Dec 04 2019 21:37:56 / WS RecvNP:Dec 04 2019 21:37:56 / WS Process:Dec 04 2019 21:39:05	MS
12/4/2019	21:39:05		Read Comment		Comment for Incident 294 was Marked as Read.	MS
12/4/2019	21:39:05		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
12/4/2019	21:39:10		Remove Waiting Pending Incident Time Warning		Removing Waiting Pending Incident Time Warning timer expired	

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12/4/2019	21:39:11		Incident in Waiting Queue Timer Clear			
12/4/2019	21:40:47		Read Incident		Incident 294 was Marked as Read.	SEV
12/4/2019	21:40:47		Read Comment		Comment for Incident 294 was Marked as Read.	SEV
12/4/2019	21:40:56		UserAction		User clicked Exit/Save	SEV
12/4/2019	21:41:03	C121	DSP	1601 Sunset Dr (BUDGET INN)		SEV
12/4/2019	21:41:34		UserAction		User clicked Exit/Save	MS
12/4/2019	21:42:02	C121	Enroute	1601 Sunset Dr (BUDGET INN)	Responding From = 221-229 BUSH RIVER RD	SEV
12/4/2019	21:42:03		Incident Late		Active Incident marked as late	
12/4/2019	21:42:14	C124	DSP	1601 Sunset Dr, APT RM 115 (BUDGET INN)		SEV
12/4/2019	21:42:14	C124	Update Sector	1601 Sunset Dr, APT RM 115	From Sector CPDN to REG5	SEV
12/4/2019	21:42:14	C124	Enroute	1601 Sunset Dr, APT RM 115 (BUDGET INN)	Responding From = 221-229 BUSH RIVER RD.	SEV
12/4/2019	21:42:14	C121	Unit Backed up	221-229 BUSH RIVER RD	Backed up with C124	SEV
12/4/2019	21:42:43		[Query]		[Query] Vehicle: 1,SC,PDH827,56,2019,PC	JMK
12/4/2019	21:42:43		Supplemental Information	1601 Sunset Dr	Supplemental Vehicle record 260881 was added for license plate PDH827	JMK
12/4/2019	21:42:43		License Plate	1601 Sunset Dr	Plate Number PDH827 has been added.	JMK
12/4/2019	21:42:59		UserAction		User clicked Exit/Save	SEV
12/4/2019	21:43:22		UserAction		User clicked Exit/Save	JMK
12/4/2019	21:51:29	C124	Arrived	1601 Sunset Dr		SEV
12/4/2019	21:52:09	C121	Arrived	1601 Sunset Dr		SEV
12/4/2019	21:57:25		Read Comment		Comment for Incident 294 was Marked as Read.	SEV
12/4/2019	21:58:37		MultiAgencyResponse		Generated Inc: RCEMS Inc#001534439	SEV
12/4/2019	21:59:59		UserAction		User clicked Exit/Save	SEV
12/4/2019	22:01:29	C114	DSP	1601 Sunset Dr, APT RM 115 (BUDGET INN)		SEV
12/4/2019	22:01:29	C114	Update Sector	1601 Sunset Dr, APT RM 115	From Sector CPDN to REG5	SEV
12/4/2019	22:01:29	C114	Enroute	1601 Sunset Dr, APT RM 115 (BUDGET INN)	Responding From = MEDICAL DR.	SEV
12/4/2019	22:01:29	C124	Unit Backed up	1601 Sunset Dr	Backed up with C114	SEV

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12/4/2019	22:01:32	C114	Arrived	[BUDGET INN] 1601 Sunset Dr, APT RM 115 [BUDGET INN]		SEV
12/4/2019	22:02:33		Read Comment		Comment for Incident 294 was Marked as Read.	SEV
12/4/2019	22:05:53	C103	DSP	1601 Sunset Dr, APT RM 115 [BUDGET INN]		SEV
12/4/2019	22:05:53	C103	Update Sector	1601 Sunset Dr, APT RM 115	From Sector CPDN to REG5	SEV
12/4/2019	22:05:53	C103	Enroute	1601 Sunset Dr, APT RM 115 [BUDGET INN]	Responding From = 3900-3902 ENSOR AVE.	SEV
12/4/2019	22:05:53	C124	Unit Backed up	1601 Sunset Dr [BUDGET INN]	Backed up with C103	SEV
12/4/2019	22:07:12	C123	DSP	1601 Sunset Dr, APT RM 115 [BUDGET INN]		SEV
12/4/2019	22:07:12	C123	Update Sector	1601 Sunset Dr, APT RM 115	From Sector CPDN to REG5	SEV
12/4/2019	22:07:12	C123	Enroute	1601 Sunset Dr, APT RM 115 [BUDGET INN]	Responding From = MEDICAL DR.	SEV
12/4/2019	22:07:12	C114	Unit Backed up	1601 Sunset Dr, APT RM 115 [BUDGET INN]	Backed up with C123	SEV
12/4/2019	22:07:15	C120	DSP	1601 Sunset Dr, APT RM 115 [BUDGET INN]		SEV
12/4/2019	22:07:15	C120	Update Sector	1601 Sunset Dr, APT RM 115	From Sector CPDN to REG5	SEV
12/4/2019	22:07:15	C120	Enroute	1601 Sunset Dr, APT RM 115 [BUDGET INN]	Responding From = MEDICAL DR.	SEV
12/4/2019	22:07:15	C123	Unit Backed up	MEDICAL DR	Backed up with C120	SEV
12/4/2019	22:07:18	C120	Arrived	1601 Sunset Dr		SEV
12/4/2019	22:07:22	C123	Arrived	1601 Sunset Dr		SEV
12/4/2019	22:10:33	C123	R2L	Prisma Health Richland	Incident ID = 11085294, 5 Richland Medical Park Dr 34027524, 81031583,	SEV
12/4/2019	22:10:54		UserAction		User clicked Exit/Save	SEV
12/4/2019	22:13:23	C103	Arrived	1601 Sunset Dr		SEV
12/4/2019	22:17:34	C402	DSP	1601 Sunset Dr, APT RM 115 [BUDGET INN]		SEV
12/4/2019	22:17:34	C402	Update Sector	1601 Sunset Dr, APT RM 115	From Sector CPDU to REG5	SEV
12/4/2019	22:17:34	C402	Enroute	1601 Sunset Dr, APT RM 115 [BUDGET INN]	Responding From = 13-15 RICHLAND MEDICAL PARK DR.	SEV
12/4/2019	22:17:34	C103	Unit Backed up	1601 Sunset Dr [BUDGET INN]	Backed up with C402	SEV
12/4/2019	22:17:37	C402	Arrived	1601 Sunset Dr, APT RM 115 [BUDGET INN]		SEV

12/4/2019	22:17:44	C123	A2L	Prisma Health Richland	Incident ID = 11085294, 5 Richland Medical Park Dr 34027524, 81031583,	SEV
12/4/2019	22:17:52	C402	R2L	PRI	Incident ID = 11085294, 0, 0,	SEV
12/4/2019	22:17:53		Read Comment		Comment for Incident 294 was Marked as Read,	SEV
12/4/2019	22:18:04	C402	R2L	Prisma Health Richland	Incident ID = 11085294, 5 Richland Medical Park Dr 34027524, 81031583,	SEV
12/4/2019	22:18:09	C402	A2L	Prisma Health Richland	Incident ID = 11085294, 5 Richland Medical Park Dr 34027524, 81031583,	SEV
12/4/2019	22:30:40		UserAction		User clicked Exit/Save	SEV
12/4/2019	22:41:15	C121	Requested Case Number	MEDICAL DR	Requested Case Number(s) Issued for Incident #[338CPD03436], Jurisdiction: CPD, Case Number(s): 190035075,	SEV
12/4/2019	22:41:22	C124	Avail	1601 Sunset Dr, APT RM 115 (BUDGET INN)	Unit Cleared From Incident 338CPD03436	SEV
12/4/2019	22:42:13		Read Comment		Comment for Incident 294 was Marked as Read,	SEV
12/4/2019	22:42:46		UserAction		User clicked Exit/Save	SEV
12/4/2019	22:54:19		UserAction		User clicked Exit/Save	VMM
12/4/2019	23:11:55	C114	R2L	HQ	Incident ID = 11085294, 1 Justice Sq 34002233; 81040226, 10-89*1 // 1 B/F // 37541	SEV
12/4/2019	23:12:01		Read Comment		Comment for Incident 294 was Marked as Read,	SEV
12/4/2019	23:12:04		UserAction		User clicked Cancel	SEV
12/4/2019	23:12:08		Cancel Response	BUDGET INN	Cancellation Reason: CPD Call Completed (CC), Response Disposition: Clear Backup (C11)**^Clear Incident Report (CSI)	SEV
12/4/2019	23:12:08	C121	Avail	1601 Sunset Dr [BUDGET INN]	Unit Cleared From Incident 338CPD03436	SEV
12/4/2019	23:12:08	C114	Avail	1 Justice Sq [HQ]	Unit Cleared From Incident 338CPD03436	SEV
12/4/2019	23:12:08	C103	Avail	1601 Sunset Dr (BUDGET INN)	Unit Cleared From Incident 338CPD03436	SEV
12/4/2019	23:12:08	C123	Avail	5 Richland Medical Park Dr (Prisma Health Richland)	Unit Cleared From Incident 338CPD03436	SEV
12/4/2019	23:12:08	C120	Avail	1601 Sunset Dr (BUDGET INN)	Unit Cleared From Incident 338CPD03436	SEV
12/4/2019	23:12:08	C402	Avail	5 Richland Medical Park Dr (Prisma Health	Unit Cleared From Incident 338CPD03436	SEV

12/4/2019	23:18:18		Incident Reopen	Richland	Incident 338CPD03436 was reopened. Comment: Incident Re-opened: UNIT REQ	SEV
12/4/2019	23:18:18		Incident in Waiting Queue			
12/4/2019	23:18:23		Incident in Waiting Queue Timer Clear			
12/4/2019	23:18:43	C114	DSP	1601 Sunset Dr [BUDGET INN]		SEV
12/4/2019	23:18:49	C114	Arrived	1601 Sunset Dr		SEV
12/4/2019	23:19:38	C114	R2L	HQ	Incident ID = 11085294, 1 Justice Sq 34002233, 81040226,	SEV
12/4/2019	23:19:45	C114	A2L	HQ	Incident ID = 11085294, 1 Justice Sq 34002233, 81040226,	SEV
12/4/2019	23:19:48		Read Incident		Incident 294 was Marked as Read.	SEV
12/4/2019	23:19:48		Read Comment		Comment for Incident 294 was Marked as Read.	SEV
12/4/2019	23:19:58		UserAction		User clicked Exit/Save	SEV
12/4/2019	23:23:45	C120	DSP	1601 Sunset Dr, APT 212 [BUDGET INN]		SEV
12/4/2019	23:23:45	C120	Update Sector	1601 Sunset Dr, APT 212	From Sector CPDN to REGS	SEV
12/4/2019	23:23:45	C120	R2L	HQ	Incident ID = 11085294, 1 Justice Sq 34002233, 81040226,	SEV
12/4/2019	23:23:45	C114	Unit Backed up	1 JUSTICE SQ	Backed up with C120	SEV
12/4/2019	23:23:50	C123	DSP	1601 Sunset Dr, APT 212 [BUDGET INN]		SEV
12/4/2019	23:23:50	C123	Update Sector	1601 Sunset Dr, APT 212	From Sector CPDN to REGS	SEV
12/4/2019	23:23:50	C123	R2L	HQ	Incident ID = 11085294, 1 Justice Sq 34002233, 81040226,	SEV
12/4/2019	23:23:50	C120	Unit Backed up	MEDICAL DR	Backed up with C123	SEV
12/4/2019	23:24:03	C120	R2L	Prisma Health Richland	Incident ID = 11085294, 5 Richland Medical Park Dr 34027524, 81031583,	SEV
12/4/2019	23:24:27	C123	R2L	Prisma Health Richland	Incident ID = 11085294, 5 Richland Medical Park Dr 34027524, 81031583,	SEV
12/4/2019	23:24:29		Read Comment		Comment for Incident 294 was Marked as Read.	SEV
12/4/2019	23:24:38	C120	A2L	Prisma Health Richland	Incident ID = 11085294, 5 Richland Medical Park Dr 34027524, 81031583,	SEV
12/4/2019	23:24:40	C123	A2L	Prisma Health Richland	Incident ID = 11085294, 5 Richland Medical Park Dr	SEV

12/4/2019	23:26:55		UserAction		34027524, 81031583, User clicked Exit/Save	SEV
12/4/2019	23:33:56	C103	DSP	1601 Sunset Dr, APT 212 (BUDGET INN)		SEV
12/4/2019	23:33:56	C103	Update Sector	1601 Sunset Dr, APT 212	From Sector CPDN to REG5	SEV
12/4/2019	23:33:56	C103	R/L	HQ	Incident ID = 11085294, 1 Justice Sq 34.002233, -81.040226, ,	SEV
12/4/2019	23:33:56	C114	Unit Backed up	1 JUSTICE SQ	Backed up with C103	SEV
12/4/2019	23:34:03	C103	Avail	1601 Sunset Dr, APT 212 (BUDGET INN)	Unit Cleared From Incident 338CPD03436	SEV
12/4/2019	23:42:36		Read Comment		Comment for Incident 294 was Marked as Read.	VMM
12/4/2019	23:42:52		UserAction		User clicked Exit/Save	VMM
12/4/2019	23:43:28		UserAction		User clicked Exit/Save	LLW
12/5/2019	00:03:01		UserAction		User clicked Exit/Save	VMM
12/5/2019	00:15:58		UserAction		User clicked Exit/Save	AAG
12/5/2019	00:16:33		UserAction		User clicked Exit/Save	AAG
12/5/2019	00:18:07		UserAction		User clicked Exit/Save	VMM
12/5/2019	00:29:08		UserAction		User clicked Exit/Save	PM
12/5/2019	00:30:58		UserAction		User clicked Exit/Save	AAG
12/5/2019	00:31:25		UserAction		User clicked Exit/Save	CR
12/5/2019	00:31:56		UserAction		User clicked Exit/Save	LYR
12/5/2019	00:32:30		UserAction		User clicked Exit/Save	JCF
12/5/2019	00:33:30		UserAction		User clicked Exit/Save	BLR
12/5/2019	00:39:56		UserAction		User clicked Exit/Save	MS
12/5/2019	00:40:06		UserAction		User clicked Exit/Save	CAR
12/5/2019	00:40:39		UserAction		User clicked Exit/Save	JMK
12/5/2019	00:40:56		UserAction		User clicked Exit/Save	CAR
12/5/2019	00:41:50		UserAction		User clicked Exit/Save	JMK
12/5/2019	00:52:15	C123	Avail	5 Richland Medical Park Dr (Prisma Health Richland)		AAG
12/5/2019	00:54:44		UserAction		User clicked Exit/Save	RCW
12/5/2019	00:55:29		UserAction		User clicked Exit/Save	JCF
12/5/2019	01:42:17	C120	Arrived	1601 Sunset Dr		AAG
12/5/2019	01:46:38		UserAction		User clicked Exit/Save	AAG
12/5/2019	02:22:19		UserAction		User clicked Exit/Save	LLW

12/5/2019	02:52:27		UserAction		User clicked Exit/Save	TMH
12/5/2019	03:19:03		UserAction		User clicked Cancel	AAG
12/5/2019	03:19:13		Cancel Response	BUDGET INN	Cancellation Reason: CPD Call Completed (CC), Response Disposition: Clear Backup (C11)~^^Clear Incident Report (C51)	AAG
12/5/2019	03:19:13	C114	Avail	1 Justice Sq [HQ]	Unit Cleared From Incident 338CPD03436	AAG
12/5/2019	03:19:13	C120	Avail	1601 Sunset Dr [BUDGET INN]	Unit Cleared From Incident 338CPD03436	AAG
12/5/2019	22:28:58		Read Comment		Comment for Incident 284 was Marked as Read.	JMK
12/5/2019	22:29:08		UserAction		User clicked Exit/Save	JMK
12/10/2019	11:56:41		UserAction		User clicked Exit/Save	JR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
12/4/2019	21:37:57	Call_Back_Phone		803-529-8361	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:37:57	Address	(Blank)	1015 AVONDALE DR - E SECTOR	New Entry	Response_Master_Incident	911CAD18	MS
12/4/2019	21:38:39	Address	(Blank)	1601 SUN	New Entry	Response_Master_Incident	911CAD18	MS
12/4/2019	21:38:41	Jurisdiction		CPD	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:38:41	Division		North	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:38:41	Battalion		North	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:38:41	Response_Area		CPD 120 126	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:38:41	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:38:41	Address	1601 SUN	1601 SUNSET DR	Premise Verified	Response_Master_Incident	911CAD18	MS
12/4/2019	21:38:41	City		COLUMBIA	Updated City	Response_Master_Incident	911CAD18	MS
12/4/2019	21:38:41	Latitude	0	34029902	Premise Verified	Response_Master_Incident	911CAD18	MS
12/4/2019	21:38:41	Longitude	0	81037005	Premise Verified	Response_Master_Incident	911CAD18	MS
12/4/2019	21:39:05	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:39:05	Problem		Civil Disturbance In Prog.	(Response Viewer)	Response_Master_Incident	911CAD18	MS

12/4/2019	21:39:05	Priority_Description		P2		Response_Master_Incident	911CAD18	MS
12/4/2019	21:39:05	Priority_Number	0	2		Response_Master_Incident	911CAD18	MS
12/4/2019	21:39:06	Pickup_Map_Info		26C2		Response_Transports	911CAD18	MS
12/4/2019	21:39:06	Map_Info		26C2		Response_Master_Incident	911CAD18	MS
12/4/2019	21:39:06	Subdivision			Polygon Lookup	Response_User_Data_Fields	911CAD18	MS
12/4/2019	21:39:40	Caller_Type		911 Line	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:39:53	Caller_Name	SPRINT	JESSICA	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:40:01	Call_Back_Phone	803-529-8361		(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:40:26	MethodOfCallRcvd		NO	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:40:45	Call_Back_Phone		803-829- 6571	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:40:47	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	21:40:47	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	21:41:34	Apartment		RM 115	(Response Viewer)	Response_Master_Incident	911CAD18	MS
12/4/2019	21:57:25	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:02:33	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:17:53	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:13	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:25	Apartment	RM 115	212	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	23:12:01	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	23:19:48	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	23:19:48	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	23:24:29	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	23:42:36	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD01	VMM
12/5/2019	00:52:15	Call_Disposition	Clear Backup (C11)		Reopened Incident	Response_Master_Incident	911CAD04	AAG
12/5/2019	03:19:13	Call_Disposition	Clear Backup (C11)	Clear Backup (C11) ^^Clear Incident Report (C51)	Reopened Incident	Response_Master_Incident	911CAD04	AAG
12/5/2019	03:19:13	Cancel_Reason	CPD Call Completed	CPD Call Completed	Reopened Incident	Response_Master_Incident	911CAD04	AAG

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			(CC)	(CC)				
12/5/2019	03:19:13	Time_CallClosed	12/4/2019 23:12:08	Dec 05 2019 03:19:13	Reopened Incident	Response_Master_Incident	911CAD04	AAG
12/5/2019	22:28:55	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	JMK

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

Description

Data

User

Subdivision

Case Number

Case Number

Method

Radio Name

190035075

Request

C121

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
12/4/2019	22:41:22	C124	Clear Backup (C11)	SEV
12/4/2019	23:12:08		Clear Backup (C11)	Van Dyke, Sheldon E
12/4/2019	23:12:08		Clear Incident Report (CSI)	Van Dyke, Sheldon E
12/4/2019	23:34:03	C103	Clear Backup (C11)	SEV
12/5/2019	03:19:13		Clear Backup (C11)	Guinyard, Albert A
12/5/2019	03:19:13		Clear Incident Report (CSI)	Guinyard, Albert A

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

Vin	License Plate	License Plate Plate Type	License Plate State	License Plate Year	Vehicle Make	Vehicle Model	Vehicle Year	Vehicle Style	Vehicle Color1	Vehicle Color2	Towed by
	PDH827	Regular Passenger Automobile	SC	2019			0				

Characteristics

Comments

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status: Closed
 Incident Number: 338CPD03475
 Incident Date: 12/4/2019 22:41:35

Incident Information

Incident Type: 2 Unit Response
 Priority: P2
 Determinant:
 Base Response #:
 Confirmation #:
 Taken By: Van Dyke, Sheldon E
 Response Area: CPD 120 126
 Disposition: Clear Incident Report (CIR)
 Cancel Reason: CPD Call Completed (CC)
 Incident Status: Closed
 Certification:
 Longitude: 81037005
 MGRS: 175MT9658365472

Alarm Level:

Problem: Civil Disturbance in Prog.
 Agency: CPD
 Jurisdiction: CPD
 Division: North
 Battalion: North
 Response Plan: North 2PD
 Command Ch:
 Primary TAC:
 Alternate TAC:
 Delay Reason:
 Latitude: 34029902
 UTM: 175 496584 3765472

Incident Location

Location Name: BUDGET INN
 Address: 1601 Sunset Dr
 Apartment: 115
 Building:
 City, State, Zip: COLUMBIA, SC 29203

County: RICHLAND
 Location Type: Hotel
 Cross Street: PARK CENTRAL DR/MEDICAL DR
 Tow Provider Area:
 Map Reference: 26C2

Call Receipt

Caller Name: C124
 Method Received: YES
 Caller Type: Officer Init
 Caller Address:
 Caller City, State, Zip: ,

Call Back Phone: RADIO
 Caller Location:
 Caller Apt/Bldg: /
 Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	12/4/2019	22:41:35	
1st Key Stroke	12/4/2019	22:41:35	
In Pending Queue	12/4/2019	22:41:35	
Call Taking Complete	12/4/2019	22:41:35	Van Dyke, Sheldon
1st Unit Assigned	12/4/2019	22:41:35	
1st Unit Enroute	12/4/2019	22:41:35	
1st Unit Arrived	12/4/2019	22:41:35	
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	12/5/2019	02:41:18	Guinyard, Albert A.

Elapsed Times

Description	Time
Received to In Queue	00:00:00
Call Taking	00:00:00
In Queue To 1st Assign	00:00:00
Call Received to 1st Assign	00:00:00
Assigned to 1st Enroute	00:00:00
Enroute to 1st Arrived	00:00:00
Incident Duration	03:59:43

ANI/ALI Calls

No ANI/ALI Calls

Units Assigned

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
C124	12/4/2019 22:41:35	Clear Incident Report (C51)	12/4/2019 9 22:41:35		12/4/2019 22:41:35			12/5/2019 02:41:18			CPD Call Completed (CC)
C121	12/4/2019 23:12:18		12/4/2019 9 23:12:13		12/4/2019 23:12:17			12/5/2019 00:35:51			
C402	12/5/2019 00:08:07	Clear Backup (C11)			12/5/2019 00:08:13			12/5/2019 02:16:24			

Personnel Assigned

Unit	Name
C124	Brewer, Raven (23999)
C121	Gerald, Tyari (23662)

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

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Date	Time	User	Type	Confidential	Comment
12/4/2019	22:41:42	SEV	Response		[1] Requested Case Number(s) Issued for Incident #[338CPD03475], Jurisdiction: CPD. Case Number(s): 190035076. requested by C124,
12/4/2019	22:42:05	SEV	Response		[2] CASE NUMBER // 35076
12/4/2019	22:42:11	SEV	Response		[3] REPORT AREA // 126
12/4/2019	22:42:58	SEV	Response		[4] [Notification] [CPD]-Problem changed from Report To Meet to Civil Disturbance in Prog. by CPD
12/4/2019	22:43:16	SEV	Response		[5] C124 REQ CASE NUMBER FOR RM 115
12/4/2019	22:43:25	SEV	Response		[6] BUDGET INN RM 115
12/4/2019	23:12:13	SEV	Response		[7] Backed up C124 with C121
12/4/2019	23:12:54	SEV	Response		[8] Secondary Location for C121: HQ, 1 JUSTICE SQ, COLUMBIA, SC 29201.
12/4/2019	23:12:54	SEV	Response		[9] C121 10-B9*1 // HQ // 1 B/M
12/5/2019	01:35:30	AAG	Response	Yes	[10] [Query] , Vehicle: 15C,7539LP;SC,2019,PC
12/5/2019	01:35:40	AAG	Response		[11] C124 REQ TOW FOR SILVER NISSAN ALTIMA
12/5/2019	01:35:50	AAG	Response	Yes	[12] [Return] Request Date/Time:12/05/2019 01:35:29Response Date/Time:12/05/2019 01:35:34Requested By:Gulnyard, Albert AOperator:Gulnyard, Albert AUnit:Incident #:338CPD03475Transaction Type:VehicleTotal Results:2Return for query [VEH QVRQ 2020] sent to [SLED]: TO: CLMCC105-00172860 20191205 01:35:33 358F02A33C FROM: NC2K-08467225 20191205 01:35:33 358F00E12A 1L01358F00E12A2QV SC040011P NO RECORD LIC/7539LP US/SC Return for query [VEH QVRQ 2020] sent to [SLED]: TO: CLMCC105-00172859 20191205 01:35:31 358F02A33B FROM: DMV-03932736 20191205 01:35:30 358F00E12A YXTAG SC040011P358F00E12A XTAG 2000 7539LP VALIDATION 7539LP TAG EXP 10/2019 DECAL EXP 10/2019 2017 NISSAN 4S ALTIMA VIN 1N4AL3AP7HC216534 EMPT WGT 003 GVW 000000 WASHINGTON,DARA DISHON 127 E MOORE ST ROCK HILL SC 297305115 YORK CNTY ALTERNATE TAG YEAR TTL: 772020359775083 TTL ISSUE DT: 02/01/2019 SALES PRICE: \$13,854.67 1ST LIEN: STATE EMPLOYEES CREDIT UNION LIEN DT: 01/28/2019 ADDR1: PO BOX 27528 CITY: RALEIGH ST: NC [13] ST ANDREWS 10-17 FOR THE VEH ETA 30 MIN [14] UNITS ADV
12/5/2019	01:43:20	AP	Response		
12/5/2019	01:43:54	AAG	Response		

Address Changes

No Address Changes

Priority Changes

Date	Time	Changed from Priority
12/4/2019	22:42:58	P6 5

Reason

Officer Request (COR)

User

Van Dyke,

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Sheldon E

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log						
Date	Time	Unit	Activity	Location	Log Entry	User
12/4/2019	22:41:35		Incident in Waiting Queue			
12/4/2019	22:41:36		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
12/4/2019	22:41:36		Incident Timer Clear		Incident Timer Cleared	
12/4/2019	22:41:36	C124	Arrived	1601 Sunset Dr [BUDGET INN]		SEV
12/4/2019	22:41:40		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
12/4/2019	22:41:42	C124	Requested Case Number	1601 Sunset Dr [BUDGET INN]	Requested Case Number(s) issued for Incident #1338CPD03475), Jurisdiction: CPD, Case Number(s): 190035076,	SEV
12/4/2019	22:41:46		Read Incident		Incident 398 was Marked as Read.	SEV
12/4/2019	22:41:46		Read Comment		Comment for Incident 398 was Marked as Read.	SEV
12/4/2019	22:42:26		Read Comment		Comment for Incident 398 was Marked as Read.	SEV
12/4/2019	22:42:31		UserAction		User clicked Exit/Save	SEV
12/4/2019	22:42:58		Incident Priority Change		Incident priority changed from P6 to P2 due to Officer Request (COR)	SEV
12/4/2019	22:43:38		UserAction		User clicked Exit/Save	SEV
12/4/2019	23:12:13	C121	DSP	1601 Sunset Dr, APT 115 [BUDGET INN]		SEV
12/4/2019	23:12:13	C121	Update Sector	1601 Sunset Dr, APT 115	Front Sector CPDN to REG5	SEV
12/4/2019	23:12:19	C121	Enroute	1601 Sunset Dr, APT 115 [BUDGET INN]	Responding From = HARDEN ST EXT.	SEV
12/4/2019	23:12:19	C124	Unit Backed up	1601 Sunset Dr [BUDGET INN]	Backed up with C121	SEV

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12/4/2019	23:12:17	C121	Arrived	1601 Sunset Dr		SEV
12/4/2019	23:12:54	C121	R2L	HQ	Incident ID = 11085398, 1 Justice Sq 34002233, 81040226, 10-89*1 // HQ // 1 B/M	SEV
12/4/2019	23:13:11		Read Comment		Comment for Incident 398 was Marked as Read.	SEV
12/4/2019	23:13:14		UserAction		User clicked Exit/Save	SEV
12/4/2019	23:17:25	C121	A2L	HQ	Incident ID = 11085398, 1 Justice Sq 34002233, 81040226,	SEV
12/4/2019	23:42:26		UserAction		User clicked Exit/Save	SEV
12/4/2019	23:42:35		UserAction		User clicked Exit/Save	VMM
12/5/2019	00:02:26		UserAction		User clicked Exit/Save	VMM
12/5/2019	00:03:57		UserAction		User clicked Exit/Save	LYR
12/5/2019	00:08:07	C402	DSP	1601 Sunset Dr (BUDGET INN)		AAG
12/5/2019	00:08:13	C402	Arrived	1601 Sunset Dr		AAG
12/5/2019	00:15:43		UserAction		User clicked Exit/Save	AAG
12/5/2019	00:16:22		UserAction		User clicked Exit/Save	AAG
12/5/2019	00:28:07		UserAction		User clicked Exit/Save	PM
12/5/2019	00:28:36		UserAction		User clicked Exit/Save	Ch
12/5/2019	00:28:46		Premise History Access		Premise History Viewed	TMB
12/5/2019	00:29:11		Premise History Access		Premise History Viewed	TMB
12/5/2019	00:30:50		UserAction		User clicked Exit/Save	JMK
12/5/2019	00:30:53		UserAction		User clicked Exit/Save	MS
12/5/2019	00:31:30		UserAction		User clicked Exit/Save	TMB
12/5/2019	00:32:06		UserAction		User clicked Exit/Save	JCF
12/5/2019	00:35:05		UserAction		User clicked Exit/Save	JMK
12/5/2019	00:35:51	C121	Avail	1 Justice Sq (HQ)		AAG
12/5/2019	00:40:56		UserAction		User clicked Exit/Save	CAR
12/5/2019	01:35:29		Supplemental Information	1601 Sunset Dr	Supplemental Vehicle record 260900 was added for license plate 7539LP	AAG
12/5/2019	01:35:29		License Plate	1601 Sunset Dr	Plate Number 7539LP has been added.	AAG
12/5/2019	01:35:30		[Query]		[Query] Vehicle: 1,SC,7539LP,SC,2019,PC	AAG
12/5/2019	01:38:19		Read Comment		Comment for Incident 398 was Marked as Read.	AP
12/5/2019	01:38:47		UserAction		User clicked Exit/Save	AAG

12/5/2019	01:45:40		UserAction		User clicked Exit/Save	AAG
12/5/2019	01:47:05	C124	Rotation Request Entered	1601 Sunset Dr COLUMBIA, SC 29203	Rotation Request ID 21549 entered.	AP
12/5/2019	01:47:29	C124	Rotation Service Request Recommendation	1601 Sunset Dr COLUMBIA, SC 29203	[RR 21549] Rotation Provider Davis was skipped with reason No Fault of Wrecker - Cancel.	AP
12/5/2019	01:47:32	C124	Rotation Service Request Recommendation	1601 Sunset Dr COLUMBIA, SC 29203	[RR 21549] Rotation Provider Howard's was skipped with reason No Fault of Wrecker - Cancel.	AP
12/5/2019	01:47:36	C124	Rotation Service Request Recommendation	1601 Sunset Dr COLUMBIA, SC 29203	[RR 21549] Rotation Provider Elgin was skipped with reason No Fault of Wrecker - Cancel.	AP
12/5/2019	01:47:41	C124	Rotation Service Request Recommendation	1601 Sunset Dr COLUMBIA, SC 29203	[RR 21549] Rotation Provider Znh Auto Sales-Towing Services was overridden with reason No Fault of Wrecker - Cancel. No Skip Reason added due to a Rotation Provider and/or Category Change.	AP
12/5/2019	01:48:19	C124	Rotation Service Request Recommendation	1601 Sunset Dr COLUMBIA, SC 29203	[RR 21549] Rotation Provider Happy Daddy was skipped with reason No Fault of Wrecker - Cancel.	AP
12/5/2019	01:48:22	C124	Rotation Service Request Recommendation	1601 Sunset Dr COLUMBIA, SC 29203	[RR 21549] Rotation Provider Alpine was skipped with reason No Fault of Wrecker - Cancel.	AP
12/5/2019	01:48:27	C124	Rotation Service Request Recommendation	1601 Sunset Dr COLUMBIA, SC 29203	[RR 21549] Rotation Provider Absolute was skipped with reason No Fault of Wrecker - Cancel.	AP
12/5/2019	01:48:31	C124	Rotation Service Request Recommendation	1601 Sunset Dr COLUMBIA, SC 29203	[RR 21549] Rotation Provider Carolina was skipped with reason No Fault of Wrecker - Cancel.	AP
12/5/2019	02:16:24	C402	Avail	1601 Sunset Dr [BUDGET INN]		VMJ
12/5/2019	02:16:24	C402	Disposition	BUDGET INN	Clear Backup (C11)	VMJ
12/5/2019	02:20:47		Read Comment		Comment for Incident 398 was Marked as Read.	LLW
12/5/2019	02:22:59		UserAction		User clicked Exit/Save	LLW
12/5/2019	02:41:18		Cancel Response	BUDGET INN	Cancellation Reason: CPD Call Completed (CC), Response Disposition: Clear Incident Report (CSI)	AAG
12/5/2019	02:41:18	C124	Avail	1601 Sunset Dr [BUDGET INN]	Unit Cleared From Incident 338CPD03475	AAG
12/5/2019	02:50:40		UserAction		User clicked Exit/Save	AP

Edit Log

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Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
12/4/2019	22:41:35	Pickup_Map_Info		26C2		Response_Transports	911CAD04	SEV
12/4/2019	22:41:35	Map_Info		26C2		Response_Master_Incident	911CAD04	SEV
12/4/2019	22:41:35	Subdivision			Polygon Lookup	Response_User_Data_Holds	911CAD04	SEV
12/4/2019	22:41:46	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:41:46	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:26	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:30	Apartment		115	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:53	Response_Time_Criteria	00:00:00	00:02:00	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:58	Problem	Report To Meet	Civil Disturbance In Prog.	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:58	RespReconfigState	0	1	Response reconfigure needed	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:58	Response_Plan	North 1PD	North 2PD	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:58	DispatchLevel		Default	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:58	Response_Time_Criteria	00:00:00	00:02:00	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:58	Priority_Description	P6	P2	Officer Request (COR)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:58	Priority_Number	6	2	Officer Request (COR)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:42:58	Incident_Type	1 Unit Response	2 Unit Response	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:43:29	Caller_Type		Officer Init	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:43:31	MethodOfCallRcvd		YES	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:43:34	Caller_Name		C124	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	22:43:37	Call_Back_Phone		RADIO	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/4/2019	23:13:11	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD04	SEV
12/5/2019	01:38:19	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD08	AP
12/5/2019	02:20:47	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	911CAD02	ILW

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

Description

Data

User

Subdivision

Case Number

Case Number

Method

Radio Name

190035076

Request

C124

Attachments

No Attachments

Dispositions

Date

Time

Unit

Disposition

User

12/5/2019

02:16:24

Clear Backup (C11)

VisionAir MDT Interface

12/5/2019

02:41:18

Clear Incident Report (CSI)

Guinyard, Albert A

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

Vin	License Plate	License Plate Type	License Plate State	License Plate Year	Vehicle Make	Vehicle Model	Vehicle Year	Vehicle Style	Vehicle Color1	Vehicle Color2	Towed by
	7539LP	Regular Passenger Automobile	SC	2019			0				

Characteristics

Comments

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status: Closed
 Incident Number: 001534440
 Incident Date: 12/4/2019 21:59:32

Incident Information

Incident Type: EMS Unit
 Priority: P1
 Determinant:
 Base Response #: 001536806
 Confirmation #: 001536806
 Taken By: Van Dyke, Sheldon E
 Response Area: ESD CQ HQ 01
 Disposition: Cancelled On Scene (COS)
 Cancel Reason:
 Incident Status: Closed
 Certification:
 Longitude: 81037005
 MGRS: 179MT9658365472

Alarm Level:
 Problem: Unconscious
 Agency: RCEMS
 Jurisdiction: RCEMS
 Division: RCEMS
 Battalion: RCEMS
 Response Plan: 1 Unit
 Command Ch:
 Primary TAC:
 Alternate TAC:
 Delay Reason:
 Latitude: 34029902
 UTM: 175 496584 3765472

Incident Location

Location Name: BUDGET INN
 Address: 1601 Sunset Dr
 Apartment: RM 115
 Building:
 City, State, Zip: COLUMBIA, SC 29203

County: RICHLAND
 Location Type: Hotel
 Cross Street: PARK CENTRAL DR/MEDICAL DR
 Tow Provider Area:
 Map Reference: 24C2

Call Receipt

Caller Name: JESSICA
 Method Received: NO
 Caller Type:
 Caller Address:
 Caller City, State, Zip:

Call Back Phone: 803-829-6571
 Caller Location: 1015 AVONDALE DR - E SECTOR
 Caller Apt/Bldg: /
 Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	12/4/2019	21:59:32	
1st Key Stroke	12/4/2019	21:59:32	
In Pending Queue	12/4/2019	21:59:32	
Call Taking Complete	12/4/2019	21:59:32	Van Dyke, Sheldon
1st Unit Assigned	12/4/2019	21:59:41	
1st Unit Enroute	12/4/2019	22:00:53	
1st Unit Arrived	12/4/2019	22:05:05	
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	12/4/2019	22:10:30	Rice, Chaunta A

Elapsed Times

Description	Time
Received to In Queue	00:00:00
Call Taking	00:00:00
In Queue To 1st Assign	00:00:09
Call Received to 1st Assign	00:00:09
Assigned to 1st Enroute	00:01:12
Enroute to 1st Arrived	00:04:12
Incident Duration	00:10:58

ANI/ALI Calls

No ANI/ALI Calls

Units Assigned

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm, Enroute	Odm, Arrived	Cancel Reason
5160	12/4/2019 21:59:41	Cancelled On Scene (COS)	12/4/2019 9 22:00:53		12/4/2019 22:05:05			12/4/2019 22:10:30			

Personnel Assigned

Unit	Name
5160	Horn, William (SC012233)

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
12/4/2019	21:39:00	MS	Response		[1] [1] [1] BUDGET INN // RM 115[Shared]
12/4/2019	21:39:19	MS	Response		[2] [2] [2] CALLER STS THAT IN THE ROOM HEARS MALE AND FEMALE YELLING[Shared]
12/4/2019	21:39:29	MS	Response		[3] [3] [3] STS THAT FEMALE IS ASKING FOR HELP[Shared]

12/4/2019	21:39:32	MS	Response	[4] [4] [4] UNK WEAPONS[Shared]
12/4/2019	21:40:14	MS	Response	[5] [5] [5] ARGUING STILL GOING ON[Shared]
12/4/2019	21:41:12	JMK	Response	[6] [6] [6] ADDTL CALLER - FEMALE IN ROOM 212 REQUESTING OFC[Shared]
12/4/2019	21:41:27	JMK	Response	[7] [7] [7] STS MALE WAS THROWING CHAIRS AND 10-76 HER[Shared]
12/4/2019	21:42:07	JMK	Response	[8] [8] [8] MALE HAS LEFT OUT - TIME LAPSE LESS THAN 5 - NO DESCRIPTION - FEMALE DISCONNECTED[Shared]
12/4/2019	21:42:34	SEV	Response	[9] [9] [9] Backed up C121 with C124[Shared]
12/4/2019	21:42:25	JMK	Response	[10] [10] [10] FEMALE CALLING FROM 911 PREFIX - COMPL CALLING LOC FRONT DESK[Shared]
12/4/2019	21:42:53	JMK	Response	[11] [11] [12] 10-22 LAST[Shared]
12/4/2019	21:58:37	SEV	Response	[12] [12] Multi-Agency CPD Incident #: 338CPD03436
12/4/2019	21:58:38	SEV	Response	[13] [13] Multi-Jurisdiction CFD Incident #: 338CFD039851
12/4/2019	21:58:39	SEV	Response	[14] [14] B/M UNRESPONSIVE AT THE LOCATION // C124 ADV POSSIBLY ON NARCOTICS// BREATHING BUT NOT RESPONSIVE [Shared]
12/4/2019	21:58:48	CAR	Response	[15] [15] Automatic Case Number(s) issued for Incident # [001534439], Jurisdiction: RCEMS. Case Number(s): 001467005. requested by \$255. [Shared]
12/4/2019	21:58:57	CJ	Response	[16] [16] Automatic Case Number(s) issued for Incident # [338CFD039851], Jurisdiction: CFD. Case Number(s): 19-0030635. requested by E13. [Shared]
12/4/2019	21:58:59	PS	Response	[17] [17] Paging Groups Notified: CFD Active 911 Paging [Shared]
12/4/2019	21:59:18	SEV	Response	[18] [18] C124 ALSO ADV OF A FEMALE AT THE LOCATION BLEEDING ALSO [Shared]
12/4/2019	21:59:32	CAR	Response	[19] Duplicate Incident created from incident number: 001534439
12/4/2019	21:59:41	CAR	Response	[20] Automatic Case Number(s) issued for Incident # [001534440], Jurisdiction: RCEMS. Case Number(s): 001467006. requested by \$160.

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
12/4/2019	21:59:32		Incident in Waiting Queue			

12/4/2019	21:59:32		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
12/4/2019	21:59:33		Duplicate Response	001534440	Duplicate Call Created	CAR
12/4/2019	21:59:34		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
12/4/2019	21:59:34		Incident in Waiting Queue Timer Clear			
12/4/2019	21:59:41	S160	DSP	1601 Sunset Dr (BUDGET INN)		CAR
12/4/2019	21:59:41		Read Incident		Incident 327 was Marked as Read	CAR
12/4/2019	21:59:41	S160	Automatic Case Number	ADMINISTRATION BUILDING DR\LADY ST	Automatic Case Number(s) Issued for Incident # (001534440), Jurisdiction: RCEMS, Case Number(s): 001467006.	CAR
12/4/2019	21:59:51		Incident Late		Active Incident marked as late	
12/4/2019	22:00:53	S160	Enroute	1601 Sunset Dr (BUDGET INN)	Responding From = ADMINISTRATION BUILDING DR\LADY ST	CAR
12/4/2019	22:05:05	S160	Arrived	1601 Sunset Dr		CAR
12/4/2019	22:05:39		UserAction		User clicked Exit/Save	VMM
12/4/2019	22:10:30	S160	Avail	1601 Sunset Dr (BUDGET INN)		CAR
12/4/2019	22:10:30	S160	Disposition	BUDGET INN	Cancelled On Scene (COS)	CAR
12/4/2019	22:10:30	S160	Response Closed	BUDGET INN	Response Disposition: Cancelled On Scene (COS)	CAR
12/4/2019	23:01:41		UserAction		User clicked Exit/Save	MS
12/5/2019	01:02:52		UserAction		User clicked Exit/Save	CP

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
12/4/2019	21:59:32	Pickup_Map_Info		26C2		Response_Transports	911CAD07	CAR
12/4/2019	21:59:32	Map_Info	26C2	26C2		Response_Master_Incident	911CAD07	CAR
12/4/2019	21:59:32	Subdivision			Polygon Lookup	Response_User_Data_Fields	911CAD07	CAR
12/4/2019	21:59:41	Read Call	False	True	(Drag Drop Unit Alert)	Response_Master_Incident	911CAD07	CAR

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields
Description

Data User

Subdivision

CAR

Case Number

Case Number

001467006

Method

Automatic

Radio Name

S160

Attachments

No Attachments

Dispositions

Date

Time

Unit

Disposition

User

12/4/2019

22:10:30

S160

Cancelled On Scene (COS)

Nice, Chaunta A

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

Incident Detail Report

Incident Status: Closed
 Incident Number: 001534439
 Incident Date: 12/4/2019 21:58:37

Incident Information

Incident Type: EMS Unit + Supervisor
 Priority: P1
 Determinant:
 Base Response #:
 Confirmation #: 001536805
 Taken By: Van Dyke, Sheldon E
 Response Area: ESD CO HQ 01
 Disposition: Patient Transported (PT)
 Cancel Reason:
 Incident Status: Closed
 Certification:
 Longitude: 81037005
 MGRS: 175MT9858365472

Alarm Level: 1
 Problem: Cardiac Arrest
 Agency: RCEMS
 Jurisdiction: RCEMS
 Division: RCEMS
 Battalion: RCEMS
 Response Plan: EMS & Supv
 Command Ch:
 Primary TAC:
 Alternate TAC:
 Delay Reason:
 Latitude: 34029902
 UTM: 175 496584 3765472

Incident Location

Location Name: BUDGET INN
 Address: 1601 Sunset Dr
 Apartment: RM 115
 Building:
 City, State, Zip: COLUMBIA, SC 29203

County: RICHLAND
 Location Type: Hotel
 Cross Street: PARK CENTRAL DR/MEDICAL DR
 Tow Provider Area:
 Map Reference: 26C2

Call Receipt

Caller Name: JESSICA
 Method Received: NO
 Caller Type: 911 Line
 Caller Address:
 Caller City, State, Zip: ,

Call Back Phone:
 Caller Location: E SECTOR
 Caller Apt/Bldg: /
 Caller County:

Time Stamps				Elapsed Times	
Description	Date	Time	User	Description	Time
Phone Pickup	12/4/2019	21:58:37		Received to In Queue	
1st Key Stroke	12/4/2019	21:58:37		Call Taking	00:00:00
In Pending Queue	12/4/2019	21:58:37		In Queue To 1st Assign	00:00:11
Call Taking Complete	12/4/2019	21:58:37	Van Dyke, Sheldon	Call Received to 1st Assign	00:00:11
1st Unit Assigned	12/4/2019	21:58:48		Assigned to 1st Enroute	00:01:16
1st Unit Enroute	12/4/2019	22:00:04		Enroute to 1st Arrived	00:05:03
1st Unit Arrived	12/4/2019	22:05:07		Incident Duration	00:31:03
Incident Under Control					
Time Sent to Other CAD					
Incident Closed	12/4/2019	22:29:40	Nice, Chaunta A		

ANI/ALI Calls

No ANI/ALI Calls

Units Assigned

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Edm. Enroute	Edm. Arrived	Cancel Reason
5255	12/4/2019 21:58:48	Patient Transported (PT)	12/4/2019 9 22:00:04		12/4/2019 22:05:07	12/4/2019 9 22:06:24	12/4/2019 9 22:13:09	12/4/2019 22:29:40			

Personnel Assigned

Unit	Name
5255	Leckie, Andrew (SC040056)
5255	Nuttry, Kadeem (SC028051)

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

Unit	Location/Address	Patient	Mode	Protocol	Mileage Start/End/Total	Depart	Arrived	Complete
5255	City, State; Zip, Phone Prisma Health Richland / 5 RICHLAND MEDICAL PARK DR COLUMBIA, SC 29203		Non Emergency Transport (N)	By Default (D)	-1.0/-1.0/-1.0	12/4/2019 22:10:23	12/4/2019 22:13:07	12/4/2019 22:29:40

Transport Legs

No Transport Legs

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Comments					
Date	Time	User	Type	Confidential	Comment
12/4/2019	21:39:00	MS	Response		[1] [1] BUDGET INN // RM 115[Shared]
12/4/2019	21:39:19	MS	Response		[2] [2] CALLER STS THAT IN THE ROOM HEARS MALE AND FEMALE YELLING[Shared]
12/4/2019	21:39:29	MS	Response		[3] [3] STS THAT FEMALE IS ASKING FOR HELP[Shared]
12/4/2019	21:39:32	MS	Response		[4] [4] UNK WEAPONS[Shared]
12/4/2019	21:40:14	MS	Response		[5] [5] ARGUING STILL GOING ON[Shared]
12/4/2019	21:41:12	JMK	Response		[6] [6] ADDTL CALLER - FEMALE IN ROOM 212 REQUESTING OFC[Shared]
12/4/2019	21:41:27	JMK	Response		[7] [7] STS MALE WAS THROWING CHAIRS AND 10-76 HER[Shared]
12/4/2019	21:42:07	JMK	Response		[8] [8] MALE HAS LEFT OUT - TIME LAPSE LESS THAN 5 - NO DESCRIPTION - FEMALE DISCONNECTED[Shared]
12/4/2019	21:42:14	SEV	Response		[9] [9] Backed up C121 with C124[Shared]
12/4/2019	21:42:25	JMK	Response		[10] [10] FEMALE CALLING FROM 911 PREFIX - COMPL CALLING LOC FRONT DESK[Shared]
12/4/2019	21:42:53	JMK	Response		[11] [12] 10-22 LAST[Shared]
12/4/2019	21:58:37	SEV	Response		[12] Multi-Agency CPD Incident #: 338CPD03436
12/4/2019	21:58:38	SEV	Response		[13] Multi-Jurisdiction CPD Incident #: 338CPD039851
12/4/2019	21:58:39	SEV	Response		[14] B/M UNRESPONSIVE AT THE LOCATION // C124 ADV POSSIBLY ON NARCOTICS// BREATHING BUT NOT RESPONSIVE [Shared]
12/4/2019	21:58:48	CAR	Response		[15] Automatic Case Number(s) issued for Incident #[001534439], Jurisdiction: RCEMS, Case Number(s): 001467005, requested by 5255. [Shared]
12/4/2019	21:58:57	CJ	Response		[16] Automatic Case Number(s) issued for Incident #[338CPD039851], Jurisdiction: CPD, Case Number(s): 19-0030635, requested by E13. [Shared]
12/4/2019	21:58:59	PS	Response		[17] Paging Groups Notified:CPD Active 911 Paging [Shared]
12/4/2019	21:59:18	SEV	Response		[18] C124 ALSO ADV OF A FEMALE AT THE LOCATION BLEEDING ALSO [Shared]
12/4/2019	21:59:32	CAR	Response		[19] Duplicate Incident created: 001534440 [Shared]
12/4/2019	22:01:29	SEV	Response		[20] Backed up C124 with C114 [Shared]
12/4/2019	22:02:48	SEV	Response		[21] C124 AMIN NARGAN ON THE B/M THAT WAS NOT RESPONDING [Shared]
12/4/2019	22:02:52	CJ	Response		[22] BATS WAS IN THE AREA AND IS NOW ON SCENE WITH CPD [Shared]
12/4/2019	22:03:39	CJ	Response		[23] PER BATS ONE IN RESPIRATORY ARREST FOR POSS OVERDOSE [Shared]
12/4/2019	22:05:39	CJ	Response		[24] PER BATS CPR IN PROGRESS [Shared]
12/4/2019	22:05:53	SEV	Response		[25] Backed up C124 with C103 [Shared]
12/4/2019	22:06:05	PS	Response		[26] Paging Groups Notified:RCESD Command Staff [Shared]
12/4/2019	22:06:06	CAR	Response		[27] [Page] Problem changed from Unconscious to Cardiac Arrest by RCEMS [Shared]
12/4/2019	22:06:06	CAR	Response		[28] Updated SOP Information is available [Shared]
12/4/2019	22:07:12	SEV	Response		[29] Backed up C114 with C123 [Shared]
12/4/2019	22:07:15	SEV	Response		[30] Backed up C123 with C120 [Shared]
12/4/2019	22:10:23	CAR	Response		[31] 5255 ,3/83 [Shared]
12/4/2019	22:10:33	SEV	Response		[32] Secondary Location for C123: Pilsma Health Richland, 5 RICHLAND MEDICAL PARK DR,COLUMBIA, SC 29203. [Shared]

12/4/2019	22:10:52	SEV	Response	[33] AUC C123 FOLLOWING EMS TO PRISMA HEALTH RICHLAND [Shared]
12/4/2019	22:11:49	CU	Response	[34] FEMALE PATIENT ON SCENE REFUSED CARE AND WAS LEFT WITH CPD [Shared]
12/4/2019	22:11:50	CU	Response	[35] [CPD] has closed their incident [338CPD039851]
12/4/2019	22:17:34	SEV	Response	[36] Backed up C103 with C402 [Shared]
12/4/2019	22:17:51	SEV	Response	[37] Secondary Location for C402: PRI, 5 RICHLAND MEDICAL PARK DR, [Shared]
12/4/2019	22:18:04	SEV	Response	[38] Secondary Location for C402: Prisma Health Richland, 5 RICHLAND MEDICAL PARK DR, COLUMBIA, SC 29203, [Shared]
12/4/2019	22:41:15	SEV	Response	[39] Requested Case Number(s) Issued for Incident # [338CPD03436], Jurisdiction: CPD, Case Number(s): 190035075, requested by C121, [Shared]
12/4/2019	23:11:55	SEV	Response	[40] Secondary Location for C114: HQ, 1 JUSTICE SQ, COLUMBIA, SC 29201, [Shared]
12/4/2019	23:11:55	SEV	Response	[41] C114 10-89*1 // 1 B/F // 37541 [Shared]
12/4/2019	23:12:08	SEV	Response	[42] [CPD] has closed their incident [338CPD03436]
12/4/2019	23:18:18	SEV	Response	[43] Incident Re-opened: UNM1 REQ, [Shared]
12/4/2019	23:19:38	SEV	Response	[44] Secondary Location for C114: HQ, 1 JUSTICE SQ, COLUMBIA, SC 29201, [Shared]
12/4/2019	23:19:56	SEV	Response	[45] ENDING MILEAGE // 37543 [Shared]
12/4/2019	23:23:45	SEV	Response	[46] Secondary Location for C120: HQ, 1 Justice Sq, COLUMBIA, SC 29201 [Shared]
12/4/2019	23:23:45	SEV	Response	[47] Backed up C114 with C120 [Shared]
12/4/2019	23:23:50	SEV	Response	[48] Secondary Location for C123: HQ, 1 Justice Sq, COLUMBIA, SC 29201 [Shared]
12/4/2019	23:23:50	SEV	Response	[49] Backed up C120 with C123 [Shared]
12/4/2019	23:24:03	SEV	Response	[50] Secondary Location for C120: Prisma Health Richland, 5 RICHLAND MEDICAL PARK DR, COLUMBIA, SC 29203, [Shared]
12/4/2019	23:24:27	SEV	Response	[51] Secondary Location for C123: Prisma Health Richland, 5 RICHLAND MEDICAL PARK DR, COLUMBIA, SC 29203, [Shared]
12/4/2019	23:26:25	SEV	Response	[52] JESSICA // 803-829-6571 // ORIGINAL CALLER [Shared]
12/4/2019	23:33:56	SEV	Response	[53] Secondary Location for C103: HQ, 1 Justice Sq, COLUMBIA, SC 29201 [Shared]
12/4/2019	23:33:56	SEV	Response	[54] Backed up C114 with C103 [Shared]
12/5/2019	03:19:13	AAG	Response	[55] 55 [Shared]
12/5/2019	03:19:13	AAG	Response	[56] [CPD] has closed their incident [338CPD03436]

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Report Generated: 12/10/2019 11:44:40

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Alarm Level Changes

Date	Time	User	Changed to Alarm
12/4/2019	21:58:48	Rice, Chaunta A	Alarm

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
12/4/2019	21:58:37		Incident in Waiting Queue			
12/4/2019	21:58:37		MultiAgencyResponse		Originating Inc: CPD Inc#338CPD03136	SEV
12/4/2019	21:58:37		Waiting Pending Incident Time Warning		Waiting Pending Incident Time Warning timer expired	
12/4/2019	21:58:38		MultiJurisdictionResponse		Generated Inc: CPD Inc#338CPD039851	SEV
12/4/2019	21:58:39		Remove Waiting Pending Incident Warning		Removing Waiting Pending Incident Time Warning timer expired	
12/4/2019	21:58:39		Incident in Waiting Queue Timer Clear			
12/4/2019	21:58:46		Initial Assignment		The following unit(s) is (are) recommended for assignment: 5255 (00:03:47)	CAR
12/4/2019	21:58:48	S255	DSP	1601 Sunset Dr [BUDGET INN]		CAR
12/4/2019	21:58:48	S255	Automatic Case Number	ADMINISTRATION BUILDING DR\ADY ST	Automatic Case Number(s) Issued for Incident # (001534139), Jurisdiction: RCEMS. Case Number(s): 001467005.	CAR
12/4/2019	21:58:58		Incident Late		Active Incident marked as late	
12/4/2019	21:59:15		UserAction		User clicked Exit/Save	CAR
12/4/2019	22:00:04	S255	Enroute	1601 Sunset Dr [BUDGET INN]	Responding From = ADMINISTRATION BUILDING DR\ADY ST	CAR
12/4/2019	22:05:07	S255	Arrived	1601 Sunset Dr		CAR
12/4/2019	22:06:06		SOP Updated		Updated SOP Information is available	CAR
12/4/2019	22:06:06		UserAction		User clicked Exit/Save	CAR
12/4/2019	22:06:10		UserAction		User clicked Exit/Save	CAR
12/4/2019	22:06:20		UserAction		User clicked Exit/Save	CAR
12/4/2019	22:06:34	S255	PC	1601 Sunset Dr [BUDGET INN]		CAR
12/4/2019	22:10:23	S255	Transport	5 RICHLAND MEDICAL PARK DR [Prisma Health Richland]	S255 ,3/83	CAR

12/4/2019	22:10:23	S255	Transport	5 RICHLAND MEDICAL PARK DR (Prisma Health Richland)	Transport Priority - Non Emergency Transport (N); Protocol - By Default (D); Male	CAR
12/4/2019	22:13:07	S255	At Dest			CAR
12/4/2019	22:13:07	S255	Transport Time		Depart Scene Time: 22:10:23, Arrive Destination Time: 22:13:07	CAR
12/4/2019	22:13:09	S255	Delayed	5 RICHLAND MEDICAL PARK DR (Prisma Health Richland)		CAR
12/4/2019	22:29:40	S255	Disposition	BUDGET INN	Patient Transported (PT)	CAR
12/4/2019	22:29:40	S255	Avail	1601 Sunset Dr, APT RM 115 (BUDGET INN)	Unit Cleared From Incident 001534439	CAR
12/4/2019	22:29:40	S255	Response Closed	BUDGET INN	Response Disposition: Patient Transported (PT)	CAR
12/4/2019	23:03:42		UserAction		User clicked Exit/Save	MS
12/5/2019	00:30:31		UserAction		User clicked Exit/Save	TMB
12/5/2019	04:01:50		UserAction		User clicked Exit/Save	RCW

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
12/4/2019	21:58:39	Pickup_Map_Info		26C2		Response_Transports	911CAD004	SEV
12/4/2019	21:58:39	Map_Info	26C2	26C2		Response_Master_Incident	911CAD004	SEV
12/4/2019	21:58:39	Subdivision			Polygon Lookup	Response_User_Data_Fields	911CAD004	SEV
12/4/2019	22:06:01	RespReconfigState	0	1	Response reconfigur e needed	Response_Master_Incident	911CAD007	CAR
12/4/2019	22:06:01	Response_Plan	1 Unit	EMS & Supv	(Response Viewer)	Response_Master_Incident	911CAD007	CAR
12/4/2019	22:06:01	Incident_Type	EMS Unit	EMS Unit + Supervisor	(Response Viewer)	Response_Master_Incident	911CAD007	CAR
12/4/2019	22:06:06	Problem	Unconscious	Cardiac Arrest	(Response Viewer)	Response_Master_Incident	911CAD007	CAR
12/4/2019	22:06:06	CIS_Used	0	1	(Response Viewer)	Response_Master_Incident	911CAD007	CAR
12/4/2019	22:06:20	Caller_Type		911 Unc	(Response Viewer)	Response_Master_Incident	911CAD007	CAR

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

Description

Subdivision

Data

User

SEV

Case Number

Case Number

001467005

Method

Automatic

Radio Name

S255

Attachments

No Attachments

Dispositions

Date

Time

Unit

Disposition

User

12/4/2019

22:29:40

S255

Patient Transported (PT)

CAR

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

Master Incident Number	Location Name	Address	Apartment	City	State
0030CPD03080	BUDGET INN	1601 SUNSET DR		COLUMBIA	SC
0031CPD03081	BUDGET INN	1601 Sunset Dr	221	COLUMBIA	SC
0032CPD03082	BUDGET INN	1601 Sunset Dr	114	COLUMBIA	SC
0034CPD03084	BUDGET INN	1601 Sunset Dr	115	COLUMBIA	SC
0037CPD03087	BUDGET INN	1601 Sunset Dr		COLUMBIA	SC
0038CPD03088	BUDGET INN	1601 Sunset Dr		COLUMBIA	SC
0039CPD03089	BUDGET INN	1601 Sunset Dr	120	COLUMBIA	SC
0040CPD03090	BUDGET INN	1601 Sunset Dr	RM 114	COLUMBIA	SC
0041CPD03091	BUDGET INN	1601 Sunset Dr		COLUMBIA	SC
0043CPD03093	BUDGET INN	1601 Sunset Dr	206	COLUMBIA	SC
0046CPD03096	BUDGET INN	1601 Sunset Dr	213	COLUMBIA	SC
0048CPD03098	SC SOCIAL SER	1601 Sunset Dr		COLUMBIA	SC
0049CPD03099	BUDGET INN	1601 Sunset Dr		COLUMBIA	SC
0050CPD03100	BUDGET INN	1601 Sunset Dr		COLUMBIA	SC

12/10/2019 4:38:26 PM

06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr 215	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
06/10/2019 04:38:26 PM		1601 Sunset Blvd	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr 211	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr 115	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr 118	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr 119	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
06/10/2019 04:38:26 PM	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC

12/10/2019 4:38:26 PM

10150CPD008948	BUDGET INN	1601 Sunset Dr 107	COLUMBIA	SC
10150CPD008972	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
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10150CPD009002	BUDGET INN	1601 Sunset Dr RM 215	COLUMBIA	SC
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10150CPD009107	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
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10150CPD009488	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
10150CPD009478	BUDGET INN	1601 Sunset Dr 116	COLUMBIA	SC
10150CPD009480	BUDGET INN	1601 SUNSET 205 DR	COLUMBIA	SC

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1726CPD022848	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
1726CPD000080	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
1880CPD016348	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
1946CPD022154	BUDGET INN	1601 Sunset Dr	COLUMBIA	SC
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Postal Code	Response Date	Agency Type	Jurisdiction	Division	Battalion
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Incident Type	Problem	Priority Description	Method Of Call Rcvd	Call Back Phone	Caller Name
2 Unit Response	Civil Disturbance In Proq.	P2	NO		
2 Unit Response	Civil Disturbance In Proq.	P2	YES		
2 Unit Response	Domestic In Progress	P1	YES		
1 Unit Response	Report To Meet	P6	YES		
1 Unit Response	Stolen Vehicle Recovery	P5	YES		
2 Unit Response	Possible Suicide Thoughts	P0	YES		
2 Unit Response	Civil Disturbance In Proq.	P2	YES		
2 Unit Response	Suspicious Person	P2	YES		
1 Unit Response	Assist Motorist	P4			
2 Unit Response	Domestic In Progress	P1	NO		
2 Unit Response	Civil Disturbance In Proq.	P2	YES		
2 Unit Response	Suspicious Person	P2	YES		
1 Unit Response	Report To Meet	P6	YES		

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2 Unit Response	Suspicious Person	P2	YES
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2 Unit Response	Suspicious Person	P2	NO
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1 Unit Response	Special Property Check	P5	
-----------------	------------------------	----	--

2 Unit Response	Civil Disturbance In Prog.	P2	
-----------------	----------------------------	----	--

1 Unit Response	Normal Traffic Stop	P2	
-----------------	---------------------	----	--

2 Unit Response	Civil Disturbance In Prog.	P2	YES
-----------------	----------------------------	----	-----

1 Unit Response	Report To Meet	P6	
-----------------	----------------	----	--

2 Unit Response	Assault just Occurred	P3	YES
-----------------	-----------------------	----	-----

1 Unit Response	Stolen Vehicle Report	P4	YES
-----------------	-----------------------	----	-----

1 Supervisor	BOLO	P6	
--------------	------	----	--

2 Unit Response	Civil Disturbance In Prog.	P2	YES
-----------------	----------------------------	----	-----

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2 Unit Response Civil Disturbance In Prog.	P2	YES
2 Unit Response Civil Disturbance In Prog.	P2	YES
2 Unit Response Suspicious Person	P2	YES
2 Unit Response Suspicious Person	P2	YES
1 Unit Response Report To Meet	P6	YES
2 Unit Response Domestic In Progress	P1	YES
1 Unit Response Report To Meet	P6	
1 Unit Response Report To Meet	P6	
2 Unit Response Emergency Meet	P3	
2 Unit Response Invest. Suspicious Veh.	P2	NO
2 Unit Response Suspicious Person	P2	YES
2 Unit Response Domestic In Progress	P1	NO
2 Unit Response Civil Disturbance weapon	P1	YES

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1 Unit Response Auto Breaking Delayed	P4	YES
1 Unit Response 911 Hangup	P3	YES
2 Unit Response Civil Disturbance In Prog.	P2	YES
1 Unit Response Report To Meet	P6	
2 Unit Response Civil Disturbance In Prog.	P2	YES
2 Unit Response Invest. Suspicious Veh.	P2	
1 Unit Response Report To Meet	P6	
1 Unit Response Report To Meet	P6	YES
2 Unit Response Domestic In Progress	P1	NO
2 Unit Response Domestic In Progress	P1	YES
2 Unit Response CSC & Supervisor	P1	YES
1 Unit Response Drag_Racing	P4	NO
1 Unit Response Auto Breaking Delayed	P4	YES
2 Unit Response Domestic In Progress	P1	NO
1 Unit Response Domestic Report	P4	YES

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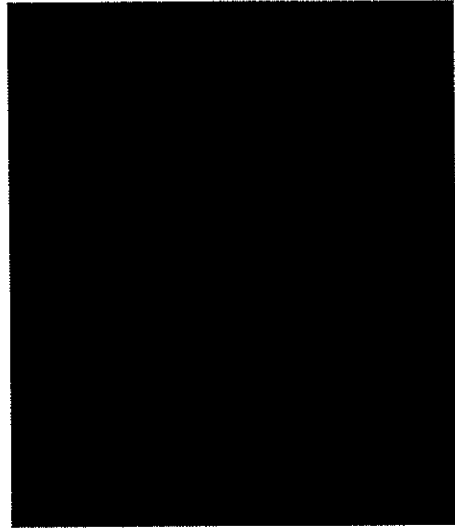
2 Unit Response	Emergency Meet	P3	YES
2 Unit Response	Suspicious Person	P2	NO
2 Unit Response	Civil Disturbance In Prog.	P2	YES
2 Unit Response	Civil Disturbance In Prog.	P2	YES
2 Unit Response	Civil Disturbance In Prog.	P2	NO
2 Unit Response	Civil Disturbance In Prog.	P2	YES
2 Unit Response	Civil Disturbance In Prog.	P2	
2 Unit Response	Civil Disturbance In Prog.	P2	NO
2 Unit Response	Civil Disturbance In Prog.	P2	YES
2 Unit Response	Civil Disturbance In Prog.	P2	YES
1 Unit Response	Stolen Vehicle Report	P4	YES
1 Supervisor	BOLO	P6	NO
1 Unit Response	Report To Meet	P6	YES

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1 Unit Response Report To Meet	P6	NO
2 Unit Response Domestic In Progress	P1	YES
2 Unit Response Civil Disturbance In Proct.	P2	YES
2 Unit Response Domestic In Progress	P1	YES
1 Unit Response Larceny Delayed	P4	YES
2 Unit Response Civil Disturbance In Proct.	P2	YES
1 Unit Response Special Property Check	P5	NO
1 Unit Response Special Property Check	P5	NO
1 Unit Response Special Property Check	P5	NO
2 Unit Response Emergency Meet	P3	YES
1 Unit Response Report To Meet	P6	NO
1 Unit Response Special Property Check	P5	NO
1 Unit Response Report To Meet	P6	NO

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2 Unit Response Civil Disturbance in Procc.	P2	NO
2 Unit Response Civil Disturbance in Procc.	P2	YES
1 Unit Response Report To Meet	P6	YES
2 Unit Response Civil Disturbance in Procc.	P2	YES



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SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON

CIVIL ACTION NUMBER: 2021-CP-40-05620

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT**

EXHIBIT H – FYALL DEPO

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF RICHLAND) C/A #: 2021-CP-40-05620

Sherman Green,
Plaintiff,
v.
City of Columbia & George Simpson
Defendants.

DEPOSITION OF
LAMAR FYALL

* * * * *

Tuesday, November 28, 2023
2:07 p.m. - 3:40 p.m.

The deposition of Lamar Fyall, taken on behalf of the Plaintiff at the office of Shealey Law Firm, 1507 Richland Street, Columbia, South Carolina, on the 28th day of November, 2023 before Elizabeth L. Holt, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.



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(803) 252-3445 / contact@creelreporting.com

APPEARANCES**Chris S. Truluck, Esquire**

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 Columbia, South Carolina 29201
 Attorney for the Plaintiff

Mary D. LaFave, Esquire

Crowe LaFave, LLC
 2019 Park Street
 Columbia, South Carolina 29201
 Attorney for the Defendant, George Simpson

Jacqueline M. Pavlicek, Esquire

Office of City Attorney
 P.O. Box 667
 Columbia, South Carolina 29202
 Attorney for the Defendant, City of Columbia

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<u>MR. FYALL:</u>	<u>PAGE</u>
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MS. LAFAVE EXAMINATION	65
MS. PAVLICEK EXAMINATION	73
Signature Sheet	81
Certificate	82

EXHIBITS

(All Exhibits were marked prior to the deposition and are referenced as follows:)

Plaintiff's Exhibit Number 1	15,26
(Affidavit and arrest warrant)	
Plaintiff's Exhibit Number 2	59
(Notes by Dan Goldberg)	

STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby not waived. Signature sheet is attached at page 81.



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LAMAR FYALL

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1 trying to get into the room, could not get in,
2 and Ms. Prophet let him in.

3 Q: Uh-huh.

4 A: All right. And he was trying to get into the
5 room because he had, obviously, some animosity
6 toward Mr. Washington for some reason.

7 Q: And let me stop you right there and let me ask
8 that. So you're not aware of the reason for
9 any animosity between the two?

10 A: I don't remember if I was told or not.

11 Q: Okay.

12 A: But I know -- obviously, he walks into the room
13 and he assaults Mr. Washington, there was some
14 reason for that. And I know he couldn't get
15 into the room 'cause Ms. Prophet had to let him
16 in. So I don't remember if during that call I
17 was told that or not.

18 Q: Okay. And let me take back the word
19 unprovoked. How about a non- ---

20 A: Uh-huh.

21 Q: --- it -- it wasn't a mutual fight, is that a
22 better way for me to put it?

23 A: Correct.

24 Q: Okay. So non-mutual. And then Ms. Prophet,
25 giving information to Investigator Simpson that



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LAMAR FYALL

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1 she thought it was excessive.

2 A: Uh-huh.

3 Q: And then him ---

4 MS. LAFAVE: Is ---

5 Q: --- being ---

6 MS. LAFAVE: --- that a yes?

7 A: Yes.

8 Q: Yeah.

9 A: Sorry.

10 MS. LAFAVE: Thank you.

11 Q: And then Mr. Green throwing him out of the room
12 and him hitting a concrete surface, whether
13 it's a pillar or a wall.

14 A: Yes.

15 Q: And those facts taken in a whole is what led
16 you to believe that the arrest -- or that the
17 arrest warrant for a murder would be founded
18 for probable cause?

19 A: Yes.

20 (Plaintiff's Exhibit Number 1 was referenced at this
21 time.)

22 Q: Okay. Again, before I start drawing on other
23 specific facts, you've looked at the arrest
24 warrant and you've read it. Did you find that
25 the arrest warrant didn't include any of those



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LAMAR FYALL

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1 facts that you relied on?

2 A: What's your question again? I'm sorry.

3 Q: All right. So -- and -- and I'll back it up.
4 I'll -- I'll make it easier for both of us. So
5 I'm gonna go through the narrative here in this
6 arrest warrant, and I'm just gonna kinda
7 compare it to what you and I have already
8 discussed, so I want you to let me know if you
9 think it's correct or not. On the -- on
10 December 4th, 2019, at 1601, within the city
11 limits, the Defendant did act with malice,
12 "after escalating a verbal confrontation with
13 the victim which he turned physical without
14 being provoked to do so by striking the victim
15 several times with his hands" before being
16 pulled away. So if we can stop right there,
17 and do you recognize this? Have you ever seen
18 this arrest warrant before?

19 A: I don't know (laughing).

20 Q: Okay.

21 A: To be honest, I don't know. I'm -- I'm
22 assuming I saw it -- actually, I don't know if
23 I saw it before the prelim, so I -- I have no
24 idea.

25 Q: Okay. I'm identifying the affidavit and the



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LAMAR FYALL

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1 arrest warrant as Plaintiff's Exhibit 1. So
2 just that -- that first section there, I don't
3 even think that's the whole first sentence --
4 well, it is the whole first sentence: From the
5 victim by witness of the -- the incident. The
6 section about which, "turned physical without
7 being provoked," now, I mentioned that term
8 earlier, and I'm not trying to play catch-up
9 with you on terms ---

10 A: Uh-huh.

11 Q: --- I'm -- I'm trying to make sure we
12 understand and that what you understood is the
13 same as what's in this arrest warrant. Do you
14 disagree that it was without being provoked, or
15 -- and it was more of a non-mutual situation,
16 or do you agree with your recollection that it
17 was an unprovoked attack?

18 **MS. LAFAVE:** Objection.

19 **MS. PAVLICEK:** Objection.

20 A: But I still answer it?

21 Q: You want me to -- yeah. No, I'm sorry.

22 A: (Laughing.)

23 **MS. PAVLICEK:** Yeah, sorry. Please. Sorry.

24 A: (Laughing) I -- I'm sorry. So ...

25 Q: And I'll -- you want me to ask it again?



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LAMAR FYALL

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1 A: I think I understand.

2 Q: Yeah.

3 A: It's just the term, "without being provoked."

4 Q: Yeah.

5 A: My understanding was that the victim/deceased
6 was not fighting back, or whenever the fight
7 started, he did not wish to fight. So, I mean,
8 if that is to -- to mean -- which I don't know
9 what you mean by provoked. Is that -- if
10 that's to mean that the victim did not swing or
11 take the punch at Mr. Green, then that is
12 correct. If it means something else, I -- I
13 don't know.

14 Q: Okay. And so depending on the context, non-
15 mutual and provoked could mean the same thing,
16 is that what you mean?

17 A: Yes.

18 Q: Okay. All right. So the next sentence appears
19 to be consistent with what we talked about:
20 Then he grabbed the victim and threw him out of
21 the room and he struck a wall and fell down.
22 That -- that's consistent with what you had a
23 discussion with Investigator Simpson about?

24 A: Yeah.

25 Q: Okay. "The victim then ran away from the



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LAMAR FYALL

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1 evidence I've been made aware of, yeah. He
2 could've been charged with assault and battery,
3 probably second degree.

4 Q: Okay. Mr. Truluck was asking you about whether
5 you were told that Mr. Green knew that police
6 were on the way when he went into the hotel
7 room. Do you recall that?

8 A: Him asking me that?

9 Q: Yes.

10 A: Yes.

11 Q: Does -- what is significant about that fact in
12 your analysis for probable cause?

13 A: Whether he knew the police were on the way?
14 I'm unsure -- that would -- you'd have to marry
15 that with whatever is going on in the room at
16 the time. So if ... From what I know, it
17 doesn't seem all that important in that it
18 seems like all of the events sort of happened
19 before the police got there. The -- what I
20 thought was the most important, if the police
21 were on the way and he saw his being
22 deferential to Mr. Green that there was some
23 altercation taking place in a hotel room with
24 his -- I don't know the relationship he had
25 with Ms. Prophet -- then he has some right to



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LAMAR FYALL

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1 intervene. What I thought was the more
2 important thing was that the assault was going
3 on, and then Ms. Prophet was like: Okay. We
4 should -- this needs to stop. So the police
5 coming, that would depend on what exactly was
6 going on in the -- in the room. I don't think
7 he necessarily had a -- a duty to wait till the
8 police came, but, you know, it's -- what's more
9 important to me as I'm looking at it was the
10 fact that the assault happened and then at some
11 point, Ms. Prophet, based on her actions of
12 trying to break it up, didn't feel like there
13 was a danger.

14 Q: So based on what you analyzed as being Ms.
15 Prophet intervening in the altercation between
16 Mr. Green and Mr. Washington, Mr. Washington
17 being thrown into the wall and dying shortly
18 thereafter, you had probable cause for an
19 arrest for murder?

20 A: Yes. I think those actions at that point
21 indicated the wall was the reason for his --
22 his death, or those facts indicated.

23 Q: And -- okay. Sorry. Strike that.

24 What does it mean to you -- I didn't quite
25 understand the line of questioning about being



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LAMAR FYALL

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1 hit, hitting like a woman, or being hit like a
2 woman. What is that -- what does all that mean
3 to you?

4 A: My -- the way I took it was that Ms. Prophet
5 was saying that the hits weren't that hard, I
6 guess, or that's the way I took it. And so
7 that's obviously a factor in how aggravated or
8 whatever the assault was prior to the throwing
9 into the wall.

10 Q: Isn't it true that -- that it's a kind of
11 confusing way to describe a fight?

12 A: It's confusing in the sense that -- at least
13 the way I understood the facts that it -- the
14 fight had gotten to the point where she was
15 trying to -- to break it up. And so -- or that
16 she thought it was getting too serious or going
17 too far. And so -- I don't know. I would --
18 I don't know. It's a weird -- it's a weird
19 thing to say.

20 Q: 'Cause I'm -- I have to be honest with you, I
21 don't know whether it's he's being hit like a
22 woman, or he's hitting Mr. Washington like a
23 woman, and those mean two different things.

24 A: Yes. I don't -- I think I would want to see
25 whatever -- you said it was a videotape



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LAMAR FYALL

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1 interview? I think I would wanna just see it.

2 Q: But as you said, the most significant part of
3 that was the video showing him being thrown
4 into a concrete wall?

5 A: That in conjunction with, as I was told,
6 whatever threat or issue with Ms. Prophet
7 having been resolved to the extent that it
8 wasn't, or that he was actively trying to
9 attack Ms. Prophet or, you know, do something,
10 and Mr. Green had, you know, the right from a
11 self-defense standpoint to -- or defense of
12 others standpoint to continue the assault. But
13 as I understood it, the -- whatever threat Mr.
14 Washington had posed wasn't there anymore.

15 Q: And when Mr. Truluck was asking you about
16 Narcan, that if you had known Narcan was
17 administered, and I -- I'm gonna try to
18 remember exactly what you said, but you said:
19 I would've asked some questions.

20 A: I'd've asked why they administered Narcan.

21 Q: But isn't it true that you already knew that he
22 had taken at least two hits of crack earlier in
23 the night, right?

24 A: Yes. That he had smoked crack twice.

25 Q: So it would've been standard procedure if they



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LAMAR FYALL

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1 had known of a -- of a hit of crack, that they
2 would've administered Narcan as a -- out of an
3 abundance of precaution, isn't that right?

4 A: I don't know the answer to that.

5 Q: What other questions would you have other than:
6 Was he on drugs?

7 A: So, if they said -- if I was told that EMS had
8 administered Narcan, I would've asked, like:
9 Why? Is it just their protocols to admin- --
10 administer Narcan when they think someone is --
11 they have an indication that someone is using
12 drugs, like are there any symptoms or issues
13 with the patient that led them to say: Oh, this
14 is a Narcan case? I just -- I would just wanna
15 know why.

16 Q: But even if the response had been: Well, he had
17 had two hits of crack, that wouldn't have
18 changed your determination on probable cause
19 for murder in this case, would it?

20 A: If the sole response was: We administered
21 Narcan because he had two hits of crack without
22 any other context, then no.

23 MS. PAVLICEK: I don't have any further questions.
24 Thank you, Lamar.

25 MS. LAFAVE: I don't have any further questions.



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CERTIFICATE

This is to certify that the deposition of **LAMAR FYALL**, consisting of eighty (80) pages, is a true and correct transcript of the testimony given by said deponent after being duly sworn; said deposition was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on January 2, 2024.



Elizabeth L. Holt
Court Reporter

Notary Public for South Carolina
My Commission Expires: September 6, 2033



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SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON

CIVIL ACTION NUMBER: 2021-CP-40-05620

MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT

EXHIBIT I - WARRANT

ARREST WARRANT

2019A4021603910

STATE OF SOUTH CAROLINA

County: ☒ Richland

City of Columbia

THE STATE

Sherron Antonio Green, Jr.

Columbia, SC 29210

DOB: [REDACTED]

Height: 5' 9" Weight: 150

Agency: SC0400100

Prosecuting Agency: Columbia Police Department

Prosecuting Officer: George Simpson - 800365

Charge: Murder

Office Code: 0116

Case/Reference: SC 1A-02-0020

This warrant is CERTIFIED FOR SERVICE in the County of Richland

It is so ordered and signed before me, to be done with according to law.

RETURN

A copy of this arrest warrant was delivered to the defendant on [REDACTED]

CD IA Docs (p. 1)

Page 144 of 176

ARREST WARRANT TO:

Columbia Municipal Court

811 Washington Street

Columbia, SC 29201

STATE OF SOUTH CAROLINA

County: ☒ Richland

City of Columbia

Personality: [REDACTED]

George Simpson

Sherron Antonio Green, Jr.

12/3/2019

City of Columbia

DESCRIPTION OF OFFENSE: Murder

DESCRIPTION OF OFFENSE: Murder

On 12/03/2019 at 1601 Sunset Dr. located within the city limits of Columbia, County of Richland, the def. did and with intent to kill the victim a verbal confrontation with the victim which turned physical without being provoked to do so by striking the victim several times with his hands before being pulled away from the victim by a witness of the incident. The def. then proceeded to grab the victim and then threw out of a room of the location which caused the victim's body to strike a wall and fall down after being assaulted. The victim then ran away from the def. before collapsing a short distance later where he was found by medical personnel who pronounced him deceased on scene. The def. knew that police were already on the way and still verbally stated to the victim you better hope the police get here before I get in there moments prior to the attack being initiated. The incident was partially captured on surveillance footage. The def. was identified as the source of the incident.

STATE OF SOUTH CAROLINA

County: ☒ Richland

City of Columbia

Arrested at: 11 Justice Square

Columbia, SC 29201

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

A appearing from the above affidavit that facts are reasonable grounds to believe that on or about 12/3/2019 at 1601 Sunset Dr. located within the city limits of Columbia, County of Richland, the def. did and with intent to kill the victim a verbal confrontation with the victim which turned physical without being provoked to do so by striking the victim several times with his hands before being pulled away from the victim by a witness of the incident. The def. then proceeded to grab the victim and then threw out of a room of the location which caused the victim's body to strike a wall and fall down after being assaulted. The victim then ran away from the def. before collapsing a short distance later where he was found by medical personnel who pronounced him deceased on scene. The def. knew that police were already on the way and still verbally stated to the victim you better hope the police get here before I get in there moments prior to the attack being initiated. The incident was partially captured on surveillance footage. The def. was identified as the source of the incident.

DESCRIPTION OF OFFENSE: Murder

DESCRIPTION OF OFFENSE: Murder

Arrested at: 11 Justice Square

Columbia, SC 29201

Arrested on: 12/3/2019

Arrested by: [REDACTED]

Arrested at: 11 Justice Square

Columbia, SC 29201

Arrested on: 12/3/2019

Arrested by: [REDACTED]

Arrested at: 11 Justice Square

Columbia, SC 29201

SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON
CIVIL ACTION NUMBER: 2021-CP-40-05620
MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT
EXHIBIT J – DURSO DEPO

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF RICHLAND) C/A #: 2021-CP-40-0562

Sherman Green,)
)
 Plaintiff,)
)
v.)
)
City of Columbia, and)
George Simpson,)
)
 Defendants.)
-----)

DEPOSITION OF
AMY DURSO, M.D.

Tuesday, December 12, 2023
1:16 p.m. - 2:21 p.m.

The deposition of Amy Durso, M.D., taken on behalf of the Plaintiff at Professional Pathology Services, One Science Court, Suite 200, Columbia, South Carolina, on the 12th day of December, 2023 before M. Sean Cary, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.



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APPEARANCES

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Attorney for the Plaintiff

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CROWE LAFAVE GARFIELD & BAGLEY, LLC
2019 Park Street
Columbia, South Carolina 29201
Attorney for the Defendant George Simpson

Jacqueline Marie Pavlicek, Esquire

CITY OF COLUMBIA, SENIOR ASSISTANT ATTORNEY
1401 Main Street, #1000
Columbia, South Carolina 29201
Attorney for the Defendant City of Columbia

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<u>DR. DURSO:</u>	<u>PAGE</u>
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Ms. LaFave EXAMINATION	46
Ms. Pavlicek EXAMINATION	59
Certificate	61

EXHIBITS

Plaintiff's Exhibit Number 1	11, 56
(Richland County Coroner's Office Death Scene Investigation Form)	
Plaintiff's Exhibit Number 2	14, 56
(Professional Pathology Services, PC preliminary report)	
Plaintiff's Exhibit Number 3	33, 56
(Professional Pathology Services, PC final anatomical diagnosis)	
Plaintiff's Exhibit Number 4	36
(Dan Goldberg Notes)	
Defendant's Exhibit Number 1	56
(Photograph of abrasions and lacerations on Mr. Washington's body)	



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Defendant's Exhibit Number 2	56
(Photograph of abrasions and lacerations on Mr. Washington's body)	
Defendant's Exhibit Number 3	56
(Photograph of abrasions and lacerations on Mr. Washington's body)	
Defendant's Exhibit Number 4	59
(Blood Toxicology Report)	

STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby waived.



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AMY DURSO, M.D.

13

1 A: Yes.

2 Q: --- correct? Okay. Was there any -- anything
3 else that you were looking for to make the
4 ultimate determination of the cause of death?

5 A: So at this point I was told that there was
6 cocaine involved per the investigators. So --
7 and I didn't find anything else to explain his
8 death during my autopsy. So at the end of that
9 is when I put pending tox.

10 Q: Okay.

11 A: Because I need more information.

12 Q: And in that form, did you note at all that the
13 pending toxicology was most probably going to
14 look at cocaine use?

15 A: Yes. And that is just based on the history
16 given that he was doing cocaine prior to his
17 death.

18 Q: Okay. I wanna stay with that moment. But let
19 me go ahead and -- and at least hand you
20 another document and see if you had anything to
21 do with generating this. I'm handing you what
22 is the Professional Pathology Services PC. It'
23 a one-of-three page document, Plaintiff's
24 Exhibit 2.

25 (Plaintiff's Exhibit Number 2 was marked for



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AMY DURSO, M.D.

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1 you some preliminary questions and then some
2 more general questions, but I don't think I'll
3 be too terribly long. We've been going about
4 an hour. Do you need a bathroom break or
5 anything?

6 A: I'm good. Thank you.

7 Q: Okay. All right. Very good. All right. So
8 the -- Mr. Truluck's client has sued the City
9 of Columbia and Investigator Simpson,
10 individually, for charging him with a crime as
11 relates to the death of Mr. Washington for
12 civil rights violations, and violations of the
13 South Carolina Tort Claims Act. So we're here
14 to investigate some questions that we had -- or
15 Mr. Truluck had rather, but that have created
16 more questions for me while we sit here because
17 your autopsy was a critical point in this
18 investigation. You testified that you've been
19 conducting autopsies since 2010?

20 A: Yes.

21 Q: Approximately how many autopsies have you done
22 in 13 years?

23 A: I'm about 40 away from hitting 4000.

24 Q: Have you ever been disciplined by a Medical
25 Board or anything like that?



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AMY DURSO, M.D.

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1 -- have the benefit of your report if you
2 don't. Where is your final ---

3 A: I have it in front of me, a copy.

4 Q: Exhibit 3. Did you find physical evidence of
5 -- consistent with assault and battery on Mr.
6 Washington's body?

7 A: Yes. I found abrasions and lacerations.

8 Q: And what parts of his body did you find those
9 abrasions and lacerations?

10 A: The forehead, the right lower chest, upper
11 abdomen, the right hand, the knees, the right
12 foot.

13 **(Defendant's Exhibits Number 1, 2 and 3 were marked**
14 **for identification purposes.)**

15 Q: All right. I'm going to show you just a couple
16 of photographs from your autopsy report. And
17 I don't have copies for Counsel. Sorry, you're
18 more than welcome to look at it as I move them
19 around the table. This is Defendant's 1, 2 and
20 3, Dr. Durso. Dr. Durso, just take a look at
21 those. I haven't provided you a photograph of
22 every single thing that you listed, but do
23 Defendant's 1, 2 and 3 reflect some of the
24 abrasions and lacerations that you found on Mr.
25 Washington's body?



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CERTIFICATE

This is to certify that the deposition of **AMY DURSO, M.D.**, consisting of sixty-two (62) pages, is a true and correct transcript of the testimony given by said deponent after being duly sworn; said deposition was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on January 31, 2024.



M. Sean Cary
Court Reporter

Notary Public for South Carolina
My Commission Expires: May 2, 2033



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SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON

CIVIL ACTION NUMBER: 2021-CP-40-05620

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT**

EXHIBIT K – PRELIMINARY AUTOPSY REPORT



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PROFESSIONAL PATHOLOGY SERVICES, PC
Your Total Pathology Solution

PROFESSIONAL PATHOLOGY SERVICES, PC

One Science Court, Suite 200
Columbia, SC 29203

REPORT OF POSTMORTEM EXAMINATION

NAME: WASHINGTON, DARA D **AUTOPSY #:** FA19-416
DOB: [REDACTED]/1977 (Age: 42) **RACE:** African-America
SEX: M **CHART #:** 2019-003565
DATE OF DEATH: 12/4/2019 22:29 **DATE OF AUTOPSY:** 12/5/2019 09:00
REQUESTOR: Gary M. Watts
PROSECTOR: Amy M. Durso, MD

FINAL ANATOMICAL DIAGNOSES

- I. TOXICOLOGY RESULTS PENDING:
A. HISTORY OF COCAINE ABUSE (PER INVESTIGATIVE REPORT).
B. POSTMORTEM TOXICOLOGY RESULTS (NMS): PENDING.
- II. BLUNT FORCE INJURIES;
A. ABRASIONS AND LACERATIONS TO SKIN AND SUBCUTANEOUS TISSUE OF TO TORSO AND EXTREMITIES.
B. NO INTERNAL INJURIES IDENTIFIED AT AUTOPSY.

CAUSE OF DEATH: PENDING TOXICOLOGY RESULTS.

If further information (forensic or otherwise) becomes available at a later time and is pertinent to the autopsy findings, we reserve the right to amend the report and cause of death statement.

AMD:jh12/05/19

Electronically Signed Out at Prisma Health By Amy M. Durso, MD

Prisma Health Baptist Taylor at Marion Blvd Columbia, SC 29226 3700241001	Prisma Health Richland 81 Medical Park Columbia, SC 29203 4700249455	Hilton Head Regional Medical Center 16 Hospital Center Boulevard Hilton Head Island, SC 29926 4701061304	KershawHealth 1015 Roberts Street Columbia, SC 29204 4700210014	Prisma Health Partlow 500 Palmetto Health Parkway Columbia, SC 29112 4701008804	Alexandria Hospital 1500 Two Notch Road SE Alexandria, VA 22304 4702100041	Prisma Health Pathology Services, PC One Science Court, Suite 200 Columbia, SC 29203 4702210017
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WASHINGTON, DARA D

Page 1 of 3

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SHERMAN GREEN V. CITY OF COLUMBIA & GEORGE SIMPSON

CIVIL ACTION NUMBER: 2021-CP-40-05620

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT GEORGE SIMPSON'S
MOTION FOR SUMMARY JUDGMENT**

EXHIBIT L – AMENDED AUTOPSY REPORT



P · P · S

PROFESSIONAL PATHOLOGY SERVICES, PC
Your Total Pathology Solution

PROFESSIONAL PATHOLOGY SERVICES, PC

One Science Court, Suite 200

Columbia, SC 29203

REPORT OF POSTMORTEM EXAMINATION

* Amended *

NAME: WASHINGTON, DARA D

AUTOPSY #: FA19-416

DOB: [REDACTED] 1977 (Age: 42)

RACE: African-America

SEX: M

CHART #: 2019-003565

DATE OF DEATH: 12/4/2019 22:29

DATE OF AUTOPSY: 12/5/2019 09:00

REQUESTOR: Gary M. Watts

PROSECTOR: Amy M. Durso, MD

FINAL ANATOMICAL DIAGNOSES

- I. INVOLVEMENT IN ALTERCATION PRIOR TO COLLAPSE (PER POLICE REPORT).
- II. POSTMORTEM TOXICOLOGY RESULTS (NMS): POSITIVE FOR COCAINE METABOLITE.
- III. BLUNT FORCE INJURIES:
A. ABRASIONS AND LACERATIONS TO SKIN AND SUBCUTANEOUS TISSUE OF TORSO AND EXTREMITIES.
B. NO INTERNAL INJURIES IDENTIFIED AT AUTOPSY.

CAUSE OF DEATH: EXCITED DELIRIUM DUE TO ACUTE COCAINE ABUSE AND PHYSICAL ALTERCATION.

****If further information (forensic or otherwise) becomes available at a later time and is pertinent to the autopsy findings, I reserve the right to amend the report and cause of death statement.****

AMD: 2/19/20

Electronically Signed Out at Prisma Health By Amy M. Durso, MD

Prisma Health Baptist Taylor at Marion Street Columbia, SC 29203 420024001	Prisma Health Richland 5 Medical Park Columbia, SC 29203 420024005	Hilton Head Regional Medical Center 25 Hospital Center Boulevard Hilton Head Island, SC 29928 420104174	Kershaw Health 1318 Roberts Street CandLER, SC 29020 420024004	Prisma Health Pickens 430 Palmetto Health Parkway Columbia, SC 29212 420103494	Prisma Health Palmetto 1525 Tim White Road SE Aiken, SC 29801 420210631	Prisma Health York 505 Science Court, Suite 200 Columbia, SC 29203 420024017
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WASHINGTON, DARA D

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