

STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

Joey C. Reid,

Plaintiff

vs.

Dennis Kelly of the Greenwood County
Detention Center,

Defendant.

IN THE COURT OF COMMON PLEAS

C. A. No. 2023-CP-24-00259

**ORDER GRANTING SUMMARY
JUDGMENT**

CASE HISTORY

This action was filed on March 21, 2023 making allegations of false arrest and/or false imprisonment. The Plaintiff alleges that he was arrested on various charges on or about July 11, 2019. He further alleges that on April 19, 2021, his case was taken to trial, and on April 21, 2021, he alleges he was “acquitted by the jury on all charges...” The Defendant filed a timely answer on May 18, 2023 setting forth various defenses. The Defendant asserted probable cause and the statute of limitations as affirmative defenses. The Defendant further asserted applicable provisions of the South Carolina Tort Claims Act to bar the Plaintiff’s claim.

This matter is before me on the Defendant’s Motion for Summary Judgment. The Defendant filed a Motion for Summary Judgment on June 27, 2023, specifically relying upon the statute of limitations, probable cause and the doctrine of *res judicata*, collateral estoppel, and/or issue preclusion.

After proper and timely notice, this matter came before me on January 6, 2026.

STANDARD OF REVIEW

Pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, summary judgment is appropriate when “the pleadings, depositions, answers to interrogatories, and admissions on file,

together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” *Nelson v. Piggly Wiggly Cent., Inc.*, 390 S.C. 382, 388, 701 S.E. 2d 776, 779 (Ct. App. 2010). “In determining whether any triable issues of fact exist, the evidence and all reasonable inferences there from must be viewed in the light most favorable to the non-moving party.” *Id.* “The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder.” *Englert, inc. v. LeafGuard USA, Inc.*, 377 S.C. 129, 134, 659 S.E.2d 496, 498 (2008).

DISCUSSION

The Plaintiff states in his Complaint that he was falsely arrested on July 11, 2019. This action was filed on March 21, 2023. Section 15-78-110 provides that an action under the South Carolina Tort Claims Act must be brought within 2 years from the date of the loss unless a claim is filed as provided in the Act. That was not done. Based on the provisions of S.C. Code Ann. § 15-78-110, the Plaintiff’s claim is time barred. To the extent the Plaintiff notes that he was not aware of this requirement, that cannot be relied upon as an excuse. I find that the provisions of S.C. Code Ann. § 15-78-110 apply, and the statute of limitations bars the Plaintiff’s claim.

The Defendant further asserts that, as a matter of law, there was probable cause for the Plaintiff’s arrest on July 11, 2019. In order to prevail on a false arrest and/or false imprisonment claim, the Plaintiff must establish a lack of probable cause. Probable cause is not determined based on an individual’s actual guilt or innocence. Probable cause is based on whether or not facts within an officer’s knowledge would lead a reasonable person to believe a Defendant is guilty of a crime. It is a good faith belief based on the facts and circumstances believed to exist at the time of the arrest. It is not an academic exercise to be done in hindsight. See *Jackson Parrott v. Plowden Motor Company*, 246 S.C. 318, 322, 143 S.E.2d 607 (1965); *Jones v. City of Columbia*, 301 S.C.

62, 389 S.E.2d 662 (1990).

The Plaintiff's Complaint, on its face, alleges that he was arrested, that his case went to trial, and that he was acquitted by a jury. Necessarily, based on the allegations of the Plaintiff's Complaint, there was an arrest warrant as a basis of the charges upon which he was arrested, and there was a trial. An arrest warrant is evidence of probable cause based on the findings of a neutral Magistrate, and an indictment is *prima facie* evidence of probable cause. See *Kinton v. Mobile Home Industries, Inc.*, 274 S.C. 179, 262 S.E.2d 727 (1980). The Plaintiff has come forward with nothing to refute the existence of probable cause for his arrest, and I find, as a matter of law, that probable cause bars the Plaintiff's claim.

CONCLUSION

Accordingly, I find that the Defendant's Motion for Summary Judgment should be granted.

IT IS SO ORDERED.

The Honorable Judge Patrick C. Fant, III
Presiding Judge

Greenwood, South Carolina
Dated: _____



Greenwood Common Pleas

Case Caption: Joey C Reid VS Dennis Kelly of the Greenwood County Detention Center
Case Number: 2023CP2400259
Type: Order/Summary Judgment

So Ordered

Patrick C. Fant, III