

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C. A. No. 2025-CP-23-06105

Irvin Jefferson Wilson,
Plaintiff,

ORDER

vs.

A. Hansen, J.M. Caparatta, Hill, Jacob
Ignatius Moore, Verino H. Ruggiero,
Employees of the City and County Law
Enforcement Department, John Doe, Chief of
Police,

Defendants.

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SC Court of Appeals

This matter came before the Court on Defendants A. Hansen, J.M. Caparatta, Hill, and Chief of Police Thompson’s motion to dismiss Plaintiff’s Complaint and Plaintiff Irvin Jefferson Wilson’s subsequent motion to enter a default judgment, motion to strike, and motion for judgment. On January 13, 2026, Plaintiff, appearing *pro se*, and Adam C. Bach and Adam K. Blankenship of Tonnsen Bach, LLC, representing Defendants, appeared at the hearing regarding these motions. Based on the pleadings, the filings submitted to the Court, and arguments of the parties at the hearing, the Court hereby grants Defendants’ motion to dismiss and denies Plaintiff’s motion to enter a default judgment, motion to strike, and motion for judgment.

I. FACTUAL BACKGROUND

On September 22, 2025, Plaintiff filed a Complaint naming Officers A. Hansen, J.M. Caparatta, Hill, Chief of Police Thompson, and the City of Greenville as Defendants. The Complaint alleges that Plaintiff’s arrest by members of the Greenville County Sheriff’s Office pursuant to a stop for alleged criminal sexual conduct with a minor as well as three May 13, 2024,

arrest warrants for larceny based on investigations conducted by Officers Hill, Caparatta, and Hansen of the Greenville City Police Department, was improper.

Plaintiff attached to his Complaint the signed and sworn affidavits for his May 13, 2024, arrest warrants for larceny as well as references his indictments showing that he was indicted for this charge. (Compl. 9.) He alleges that he did “not obtain a conviction.” (Compl. 77.) Plaintiff alleges that he seeks damages totaling \$7,533,000 for the various causes of action asserted against each of the Defendants. (*Id.*)

On September 30, 2025, the Chief of Police Thompson received a copy of Plaintiff’s complaint by way of regular mail. On November 4, 2025, Officers Hansen, Caparatta, Hill, and Chief of Police Thompson filed a motion to dismiss for failure to state a claim upon which relief can be granted, insufficiency of process, or in the alternative for an order to make a more definite statement. On November 14, 2025, Plaintiff filed a motion to enter a default judgment against the City Defendants. Later, on January 7, 2026, Plaintiff filed a motion to strike, in limine, and for judgment.

II. ANALYSIS

A. Plaintiff’s Complaint is Subject to Dismissal for Failure to Serve Process

Pursuant to Rule 4, SCRCF, governing service of process, “service of a summons and complaint upon a defendant . . . may be made by the plaintiff or by any person authorized to serve process pursuant to Rule 4(c), including a sheriff or his deputy, by registered or certified mail, return receipt requested and delivery restricted to the addressee.” SCRCF 4(d)(8). Likewise, pursuant to Rule 5(d), this Court may, upon its own initiative or application of any party, dismiss a case for failure to serve the summons and complaint. SCRCF 5(d). Here, Plaintiff sent a copy of the summons and complaint only by regular mail to Chief of Police Thompson. Accordingly,

Plaintiff failed to complete service of process upon the City Defendants, as required. Therefore, Plaintiff's Complaint is hereby dismissed for "insufficiency of process" pursuant to Rules 12(b)(4)-(5) and 5(d) of the South Carolina Rules of Civil Procedure.

B. Plaintiff's Claim for False Arrest is Barred

The plaintiff's purported claim for false arrest is barred because of the presence of a facially valid warrant. To prevail on a claim for false arrest, the plaintiff must show that he was intentionally restrained without lawful justification. *Carter v. Bryant*, 429 S.C. 298, 308, 838 S.E.2d 523, 529 (Ct. App. 2020). As the Court of Appeals noted in *Carter v. Bryant*, "[i]t has long been the law that one arrested pursuant to a facially valid warrant has no cause of action for false arrest." *Id.* at 306, 838 S.E.2d 528 (citing *Bushardt v. United Inv. Co.*, 121 S.C. 324, 330, 113 S.E. 637, 639 (1922)).

Here, the plaintiff attached the arrest warrants for simple larceny to his Complaint. *Brazell v. Windsor*, 384 S.C. 512, 516, 682 S.E.2d 824, 826 (2009) (providing that when considering Rule 12(b)(6) motion, court may consider documents referenced in or attached to complaint). The arrest warrants are facially valid—each includes a signed affidavit, sets forth the offenses charged, including the facts surrounding the plaintiff's arrest, and is signed by a magistrate judge. *Carter*, 429 S.C. at 308, 838 S.E.2d at 529 (citing S.C. Code Ann. § 22-3-710). Accordingly, the plaintiff's claims for false arrest are barred by the presence of facially valid warrants.

C. Plaintiff's Potential Claim for Malicious Prosecution is Barred

Assuming that the plaintiff seeks to assert a claim for malicious prosecution, such claim is likewise barred. To establish a claim for malicious prosecution, Plaintiff must show the following: "(1) the institution or continuation of original judicial proceedings; (2) by or at the instance of [Hansen, Caparatta, Hill, or Thompson]; (3) termination of the proceedings in [P]laintiff's favor;

(4) malice in instituting the proceedings; (5) lack of probable cause; and (6) resulting injury or damage” *Carter*, 429 S.C. 298, 315, 838 S.E.2d 523, 532 (Ct. App. 2020) (citations omitted). As noted, probable cause is an “essential element of malicious prosecution,” and failure to prove that element is fatal to any claim for malicious prosecution by Plaintiff. *Kinton v. Mobile Home Indus., Inc.*, 274 S.C. 179, 182, 262 S.E.2d 727, 728 (1980). “South Carolina has long embraced the rule that a true bill of indictment is prima facie evidence of probable cause in an action for malicious prosecution.” *Id.* at 182, 262 S.E.2d at 728. The Supreme Court noted in *State v. McClure*, that the presence of “the indictment itself establishes probable cause for the arrest.” *State v. McClure*, 277 S.C. 432, 435, 289 S.E.2d 158, 161 (1982). Furthermore, when the evidence yields only one conclusion, the existence of probable cause in an action for malicious prosecution may be decided as a matter of law. *Carter*, 429 S.C. at 316, 838 S.E.2d at 533 (stating “although probable cause is typically an issue for the jury in a malicious prosecution case, the evidence here yielded only one conclusion”).

In his Complaint, Plaintiff referenced the indictments returned against him for the charges of simple larceny. Additionally, Plaintiff attached the incident reports to his Complaint in which Officer Hill states that there was video evidence of Plaintiff stealing plants, later confirmed by Officer Hansen. Because these indictments as well as video evidence show that probable cause existed for the prosecution of Plaintiff, Plaintiff’s claim for malicious prosecution cannot proceed and is hereby dismissed.

D. The South Carolina Tort Claims Act Bars Plaintiff’s Claims

The South Carolina Tort Claims Act (the “Act”) provides “the exclusive remedy for any tort committed by an employee of a governmental entity.” S.C. Code Ann. § 15-78-70(a); *see also id.* at § 15-78-200 (stating that Act “is the exclusive and sole remedy for any tort committed by an

employee of a governmental entity while acting within the scope of the employee's official duty"). Because the Act governs Plaintiff's Complaint against Officers Hansen, Caparatta, Hill, and Chief of Police Thompson, the exemptions to liability and protections for government employees apply to this case.

a. Plaintiff Cannot Maintain a Claim against Officers Hansen, Caparatta, Hill, or Chief of Police Thompson Individually

Pursuant to the Act, a plaintiff cannot recover against a governmental employee individually for a tort allegedly committed by that employee while performing his official duties: "An employee of a governmental entity who commits a tort while acting within the scope of his official duty is not liable therefor . . ." S.C. Code Ann. § 15-78-70(a); *see also id.* at §§ 15-78-60(17), 70(b) (stating that governmental entity is not liable if certain exceptions apply). An employee acts within the scope of his official duty when "acting in and about the official business of a governmental entity and . . . performing official duties." *Id.* at § 15-78-30(i).

Here, Plaintiff alleges that Officers Hansen, Caparatta, Hill, and Chief of Police Thompson were involved in the initial investigation and completion of incident reports that led to the eventual arrest warrant for Plaintiff. (Compl. 9-11.) Because Plaintiff's claims for false arrest and, presumably, malicious prosecution, arise from the issuance of the arrest warrant for Plaintiff and are necessarily asserted against the Officers and Chief of Police for their work within the scope of their official duties as police officers and Chief of the Greenville Police Department, Plaintiff cannot maintain such claims against them individually. Therefore, Plaintiff's Complaint is dismissed.

III. CONCLUSION

For the foregoing reasons, Plaintiff Irvin Jefferson Wilson's Complaint fails to state a claim upon which relief can be granted. Therefore, Defendants Hansen, Caparatta, Hill, Thompson, and the City of Greenville's motion to dismiss is GRANTED, and Plaintiff's Complaint is hereby DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

E-signature of Judge Dunbar to follow



Greenville Common Pleas

Case Caption: Irvin Jefferson Wilson vs. A Hansen , defendant, et al

Case Number: 2025CP2306105

Type: Order/Dismissal

So Ordered

Vernon F. Dunbar

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