

The Honorable Daniel E. Shearouse  
The Supreme Court of South Carolina  
Post Office Box 11330  
Columbia South Carolina 29211

RE: James Robert Byrd, SCDC#98230 vs. Greenville County, et al.  
CASE No. 2012-CP-23-1835

December 20, 2013 **RECEIVED**  
DEC 27 2013

Dear Mr. Shearouse:

S.C. Supreme Court

Please find enclosed a Notice of Appeal and a Proof of Service for the same. I have enclosed a copy of the orders from which the appeal is taken. I have also enclosed an extra copy of the same. Please stamp file the extra copy with your office returning the extra to me in the self-addressed, stamped envelope provided.

Thank you for your assistance.

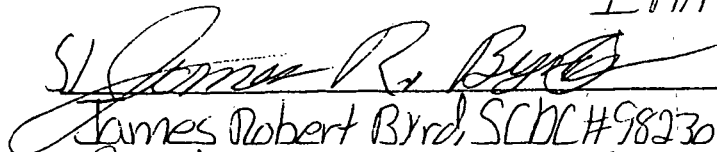
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DEC 20 2013

BROU  
MAILROOM

RESPECTFULLY,

I AM



James Robert Byrd, SCDC#98230 Appellant Pro se  
Broad River Correctional Institution  
4460 Broad River Rd.  
Columbia, South Carolina 29210

cc:

Attorney Russell W. Harter, Jr.  
File

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

HONORABLE W. JEFFREY YOUNG  
2012-CP-23-1835

James Robert Byrd, SCDC#98230,  
Appellant,

vs.

Greenville County Sheriff's Department;  
Sheriff's Deputy Joseph L. Anderson-Ioss's  
South Carolina Probation, Parole, and Pardon  
Services; Agent Tony Anderson;  
Respondents.

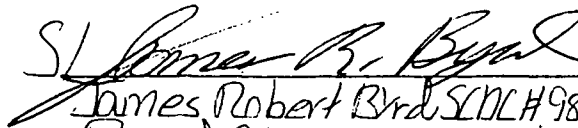
**RECEIVED**

DEC 27 2013

**S.C. Supreme Court**

NOTICE OF APPEAL

James Robert Byrd appeals the granting of the Respondents Motion for Summary Judgment. The Respondents Motion for Summary Judgment was heard on October 1, 2013 and granted on October 4, 2013. Appellant motion to reconsider was filed November 6, 2013 and was heard December 6, 2013. The Appellant received notice of the judgement on December 18, 2013

  
James Robert Byrd, SCDC#98230 Appellant Pro Se  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia, South Carolina 29210

cc:

Counsel of Record  
Attorney Russell W. Harter, Jr.  
P.O. Box 10224  
Greenville, South Carolina 29603

Clerk of Court  
Greenville County Courthouse  
305 East North Street  
Greenville, South Carolina 29601

RE: James Robert Byrd vs. Greenville County, et. al.  
CASE NO: 2012-CP-23-1835

RECEIVED

December 20, 2013

DEC 27 2013

S.C. Supreme Court


Dear Sir/Madam:

Enclosed Please find a **NOTICE OF APPEAL** and a Proof of Service and one Copy With Resard to the Above Captioned Case. By Copy of this letter I am Serving the Attorney for the Respondents With a Copy of Same. Please file a Copy With your Office returning the extra Copy to me Stamped Clocked file. I have enclosed a Stamped addressed envelope.

Thank You for your assistance.

RESPECTFULLY,

I REMAIN

  
James Robert Byrd SCDC #98230 Appellant Pro Se  
Broad River Correctional Institution  
4460 Broad River Rd.  
Columbia South Carolina 29210

CC: Attorney Russell W. Harter, Jr.  
File

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Honorable W. Jeffrey Young

**RECEIVED**

James R. Byrd, SCDC #: 98230

DEC 27 2013

v.s.

**S.C. Supreme Court**

Greenville County Sheriff's Department, et al.

2012-CP-23-1835

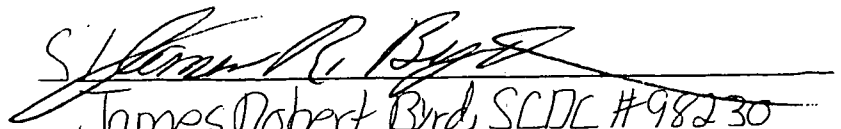
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PROOF OF SERVICE

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I Certify that I have served the Notice of Appeal on the Respondent's Attorney, Russell W. Harter, Jr. by depositing a copy of it in the United States Mail, Postage Prepaid on December 20, 2013, addressed to Attorney Russell W. Harter, Jr., P.O. Box 10224 Greenville, S.C. 29603.

Dated: December 20, 2013



James Robert Byrd, SCDC #98230  
Broad River Correctional Institution  
4400 Broad River Rd.  
Columbia South Carolina 29210

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

JUDGMENT IN A CIVIL CASE  
CASE NO: 2012CP2301835

FILED CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER  
2013 OCT 4 P 1 08

**James Robert Byrd vs. Greenville County Sheriff Department**

**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):**  
SCRPC (Vol. Nonsuit);       Rule 43(k), SCRPC (Settled);       Rule 12(b), SCRPC;       Rule 41(a),  
 Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other: \_\_\_\_\_  
 Rule 40(j) SCRPC;       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;       Statement of Judgment by the Court:  
Dated at Greenville, South Carolina, this 4th day of October, 2013.

Court Reporter:

\_\_\_\_\_  
**PRESIDING JUDGE - W Jeffrey Young**

This judgment was entered on the 4th day of October, 2013, and a copy mailed first class this 4th day of October, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

James Robert Byrd #098230 Broad River Corr  
Institute 4344 Broad River Road Columbia, SC  
29210

Russell W. Harter Jr. Chapman, Harter & Harter,  
P.A. P.O. Box 10224 Greenville, SC 29603

\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

\_\_\_\_\_  
Paul B. Wickensimer Greenville County Clerk Of Court  
- Clerk of Court

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

) IN THE COURT OF COMMON PLEAS  
) THIRTEENTH JUDICIAL CIRCUIT  
) CASE NO.: 2012-CP-23-1835

James Robert Byrd,

Plaintiff

v.

Greenville County Sheriff's Department;  
Sheriff's Deputy J. L. Anderston-1055;  
South Carolina Probation, Parole, and  
Pardon Services; Agent Tony Anderson  
Defendants.

**ORDER**

2013 OCT -4 P 4:08

FILED CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENS/SMITH

This matter comes before the Court on cross "Motion[s] For Summary Judgment". Mr. Byrd appeared before this Court on 1 October 2013 at the Greenville County Courthouse in Greenville, SC. Present at the hearing was Mr. Rusty Harter, Esq, on behalf of the Sheriff's Department and his agent, Mr. Matthew Buchanan, Esq, on behalf of SCDPPPS and its agent. Mr. Byrd appeared *Pro Se* at the hearing. This Court has reviewed the filings of each party and the arguments made at the hearing in making its decision.

The Defendants argued at the hearing and in their memorandum that Mr. Byrd's motion was not proper before the circuit court, as the statutory scheme directs that appeals from a revocation of parole must be addressed to and ruled upon by the Administrative Law Court. The Defendants next argued that the arrest of Mr. Byrd was proper under the CDV statute despite the later dismissal of those charges, and that the revocation was not affected by the ultimate result in the criminal case stemming from the initial arrest. The Defendants asserted that the arresting deputy was "duty bound" to arrest Mr. Byrd once he arrived on scene and assessed the circumstances as they existed at the time. The Defendants further asserted that the SCDPPPS



Agent was likewise "duty bound" to submit a violation report once Mr. Byrd was arrested for CDV because CDV is considered a "community safety" violation by the SCDPPPS.

Plaintiff argued in his motion for summary judgment that he did not receive Due Process of Law in his arrest or his subsequent revocation proceeding. The record does not support this contention. The documents provided by SCDPPPS and the Sheriff's Department clearly show that Plaintiff was arrested pursuant to § 16-25-70(B) after the arresting officer saw evidence of physical injury, and was subsequently revoked by a panel of SCDPPPS after proper procedures were followed. Plaintiff further argued that because he was revoked before his arrest charge was brought to trial, and ultimately dismissed, that he was denied his rights as he was to be considered "innocent until proven guilty."

Nothing was presented which would support the contention that Deputy Anderson, the arresting officer, was unreasonable in arresting Plaintiff. This Court therefore finds that the allegations against the Greenville County Sheriff's Department contained in the complaint are without merit and are hereby dismissed. Further, no claims have been made that Deputy Anderson was acting outside the scope of his official duties when he arrested Plaintiff. Accordingly, any claims against Deputy Anderson must be dismissed pursuant to S.C. Code Ann. § 15-78-70 (1976, as amended). Therefore, these claims as they relate to Deputy Anderson individually are hereby dismissed.

Further, it is clear in this state that Parole is a matter of clemency, granted by the executive branch, and that revocations need not rest upon guilt beyond a reasonable doubt. Accordingly, this Court finds that the actions of Agent Tony Anderson and the SCDPPPS, with regards to the revocation of Plaintiff, were not improper in this matter, and that Plaintiff was not denied due process in his revocation proceeding. Further, no claims have been made that Agent

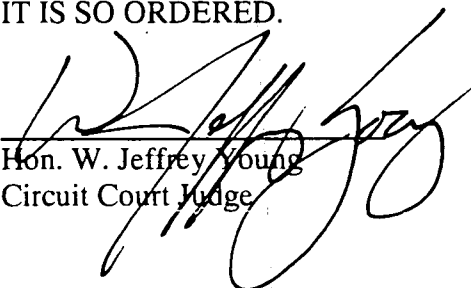


Anderson was acting outside the scope of his official duties when he submitted his affidavit of violation and caused a warrant to be issued for the arrest of Plaintiff. Accordingly, any claims against Agent Anderson must be dismissed pursuant to S.C. Code Ann. § 15-78-70 (1976, as amended). Therefore, these claims as they relate to Agent Anderson individually are hereby dismissed.

This Court further finds that the Circuit Court is not the proper venue to address any appeal or allegation of improper revocation of Parole. Any appeal from the agency decision should proceed before the Administrative Law Court pursuant to the Administrative Procedures Act as directed by S.C. Code Ann. § 1-23-600(1976, as amended). Accordingly, this Court hereby dismisses the remaining allegations brought under this complaint.

THEREFORE, this Court hereby DENIES each of the allegations of the complaint and DISMISSES the complaint with prejudice.

IT IS SO ORDERED.

  
Hon. W. Jeffrey Young  
Circuit Court Judge

October 04, 2013  
Greenville, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS - CLERK OF COURT

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2012CP2301835

James Robert Byrd

GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER

2013 DEC 6 PM 3 38

Greenville County  
Sheriff Department,  
Sheriff's Deputy J. L. Anderson - 1055,  
South Carolina Probation, Parole, and Pardon  
services; Agent Tony Anderson

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

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.  See Page 2 for additional information.
- 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: \_\_\_\_\_
- 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:

ORDER INFORMATION

*Motion to Alter Award Denied*



This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed



**AFTER FIVE DAYS RETURN TO**  
**PAUL B. WICKENSIMER**  
**GREENVILLE COUNTY CLERK OF COURT**  
**305 EAST NORTH STREET**  
**GREENVILLE, SOUTH CAROLINA 29601**

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RETURN SERVICE REQUESTED

DEC 11 2013

KIRKLAND R&E CENTER  
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James Robert Byrd #098230  
Broad River Corr Institute  
4344 Broad River Road  
Columbia, SC 29210

POSTED  
FIRST CLASS



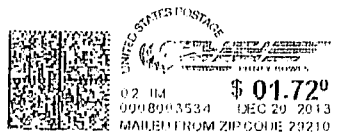
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James Robert Bird SCDC 1198230 MLT 2030  
Broad River Correctional Institution  
4400 Broad River Road  
[REDACTED]  
Columbia, South Carolina 29210



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DEC 20 2013  
BRCI  
MAILROOM

The Honorable Daniel E. Shearouse  
Supreme Court of South Carolina  
Post office Box 11330  
Columbia, South Carolina 29211

LEGAL MAIL