

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-40-2829

RECEIVED

JAN 22 2015

John Baccus, #187393

Nikki R. Haley et al.

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Daniel J. Crooks III, Esquire [Bar No.: 100301]

Attorney for :  Plaintiff  Defendant  
or  
 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 See Statement of Judgment
- 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:

On November 18, 2014, Daniel J. Crooks III, Esquire, counsel for the Department of Corrections, wrote to the undersigned as Chief Judge for Administrative Purposes regarding a document filed by Plaintiff and titled "Notice of Intent to Sue". This document was sent to the Department, apparently in an attempt to serve it on the above-named Defendants. Mr. Crooks sent a letter in lieu of a motion to dismiss because this document, to the extent it is intended to be an action at law, has not been properly filed or served per the South Carolina Rules of Civil Procedure, and this fact was verified by Ms. Davis of the Richland County Clerk of Court's Office on November 18, 2014. Because neither the State nor any of its employees have been served with a properly filed lawsuit, the Court of Common Pleas lacks personal jurisdiction over the above-named Defendants.

Therefore, I find the following:

- (1) That the above captioned Plaintiff in this action has failed to properly file and serve a lawsuit;
- (2) That because of Plaintiff's failure to properly file and serve a law suit, the Court of Common pleas lacks personal jurisdiction over the Defendants;
- (3) That, accordingly, this case should be dismissed, with prejudice.

Thus, IT IS ORDERED that this case is DISMISSED, with prejudice.

AND IT IS SO ORDERED.

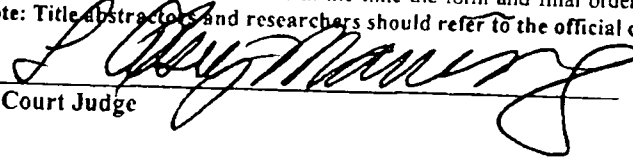
BY: Manning, C.J., at chambers

**ORDER INFORMATION**

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 such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

  
 Circuit Court Judge 2001 1/6/15  
Judge Code Date

**For Clerk of Court Office Use Only**

This judgment was entered on the 14 day of Jan, 2015 and a copy mailed first class or placed in the appropriate attorney's box on this 15 day of Jan, 2015 to attorneys of record or to parties (when appearing pro se) as follows:

John Baccus, #187393  
 Broad River Correctional Institution  
 4460 Broad River Road  
 Columbia, S. C. 29210

Daniel J. Crooks III, Esquire  
 Office of General Counsel  
 South Carolina Department, of Corrections  
 P.O. Box 21787  
 Columbia, S. C. 29221-1787

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

\_\_\_\_\_  
 ATTORNEY(S) FOR THE DEFENDANT(S)  
  
 CLERK OF COURT

Court Reporter: N/A

1 Q. How did Ms. Ham tell you that she knew what  
2 kind of car Mr. Baccus was driving that night?

3 A. She was acquaintance with Ms. Godbolt and  
4 Mr. Baccus' friends and acquaintances.

5 Q. But your testimony was that you said you  
6 told Mr. Prosser about the vehicle he was driving  
7 that night.

8 A. She knew ---

9 Q. How did you know ---

10 A. ---what kind of vehicle he was driving.

11 ~~Q. How did you know he was driving that  
12 particular vehicle that night?~~

13 A. She told me he had been driving it earlier.  
14 that day is the information she gave me.

15 Q. Okay. She'd seen it earlier that day?

16 A. That's what he was driving.

17 Q. Okay. Other than what Ms. Ham told you,  
18 what other evidence did you have at that point that  
19 would lead you to think that Mr. Baccus was involved  
20 in this homicide?

21 A. Nothing, just what Ms. Ham told me at the  
22 time.

23 Q. And that was based on a telephone  
24 conversation she had with Ms. Godbolt?

25 A. Right.

1 Q. Did you go to a magistrate at that point  
2 obtain an arrest warrant for John Baccus?

3 A. No, sir.

4 Q. Are there magistrates in Marion County?

5 A. Yes, sir.

6 Q. Magistrates on call?

7 A. Yes, sir.

8 Q. Any reason you could not have gone to a  
9 magistrate at that point to obtain an arrest warrant  
10 for John Baccus?

11 A. Well, at that point I was trying to focus  
12 my attention on finding him and finding more evidence  
13 which I needed.

14 Q. Finding him and finding more evidence?

15 A. Yes, sir.

16 Q. You're the only officer working for the  
17 department -- Marion County Sheriff's office at that  
18 time?

19 A. No, sir.

20 Q. Any reason some other officer could have  
21 gone in your place to the magistrate to obtain a  
22 warrant for Mr. Baccus' arrest?

23 A. Well, at the time I was the only one that  
24 was pursuing Mr. Baccus.

25 MR. CLEMENTS: Your Honor, that's all kind