

The State of South Carolina  
In the Supreme Court

Taurine Fleming  
Appellant

v.

State of South Carolina  
Respondent

Argument On Why Circuit Court Judge  
Letitia H. Verdin's ruling on the statute  
of limitations was improper.

Case No. 2013-CP-23-04180

Appellant Case No. 2015-000122

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S.C. Supreme Court

### Argument:

Appellant argues that limitation periods begin when a cause of action is deemed to have arisen or when a plaintiff had reason to know of harm, rather than at the time of the original event. This distinction is significant in cases in which an earlier event causes a later harm. There may be a number of factors that will affect the tolling of a statute of limitations. In many cases, the discovery of the harm starts the statute running. In some jurisdictions the action is said to have not accrued until the harm is discovered; in others, the action accrues when the malpractice occurs, but an action to redress the harm is tolled until the injured party discovers the harm.

It may also be inequitable to allow a defendant and/or a plaintiff to use the defense of running of the limitations period, such as the case of an individual in the position of authority over someone else who intimidates the victim into never reporting the wrongdoing, or where one is led to believe that the other party has agreed to suspend the limitation period during good faith settlement negotiation or due to a "fraudulent misrepresentation" see Evans v. Gunter, 294 S.C. 525, 366 S.E. 2d 44 (Ct App 1985); see City of San Francisco v. Cartagena, 35 Cal. App. 4th 1061, 41 Cal. Rptr. 2d 797, 801 (1995); M.R.G. v. Mrs. G., 465 S.E. 2d 101 (SC app 1995)

This is why I am setting forth this argument as basis for asserting the determination by Judge Verdin was improper.

Respectfully Submitted,  


Taurine Fleming

Perry Corr. Inst. B-1-1

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ATTORNEY AT LAW

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March 3, 2015

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S.C. Supreme Court

Daniel Shearouse  
Clerk of Court  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

**Re: *Taurine Lee Fleming vs. State of South Carolina***  
***C.A. No.: 2013-CP-23-4180***

Dear Mr. Shearouse:

Pursuant to your letter of January 27, 2015, my client has informed me to file the enclosed Pro Se explanation of why he believes the determination of the Circuit Court ruling was improper. He forwarded this to me and requested that I forward to you for filing. Please return a filed copy back to my office in the envelope provided for your convenience.

Thank you for your assistance in this matter and if you have any questions, please feel free to contact me.

Sincerely,  
LAW OFFICE OF R. MILLS ARIAIL, JR.  
Attorney at Law



R. Mills Ariail, Jr.

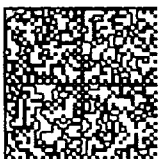
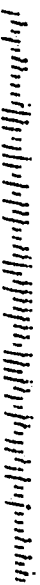
RMAjr/dl  
Enclosures (as stated)

R. MILLS ARIALL, JR.

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