

**FORM 13
BRIEF OF APPELLANT***

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
MAR 16 2015
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr.
Chief Administrative Judge, Ninth Judicial Circuit

Case No. 2014-CP-10-2385

Derrell Beckley

Appellant,

v.

City of Charleston, Charleston
Police & Fire Departments

Respondent.

INITIAL BRIEF OF APPELLANT

Derrell Beckley
1501 Manley Ave,
North Charleston, SC 29405
(240) 498-5766
Pro Se Appellant

Christopher T Dorsel, Esquire
3 Wesley Drive
Charleston, SC 29422
(843) 556-4045

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STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN DISMISSING THIS CASE?
2. DO THE RULES OF DISCOVERY APPLY IN THIS MATTER?

STATEMENT OF THE CASE

April 10, 2014, I Derrell Beckley (“I”) brought this action alleging (1) Color of Law, (2) Conspiracy, (3) Due Process and (4) Police Misconduct against The City of Charleston, Charleston Police and Fire Departments (“The City”). I’m asking for \$50,000,000. The City answered alleging that Pro Se didn’t file a tort claim in the two year statute of limitations. Their right, But;

FACTS

June 14, 2011, on the corner of Meeting Street and Mary Street I was on Meeting Street getting ready to cross Mary Street (heading up town). There was a man standing next to waiting for the light to change. When the walk light came on, we left the side walk. On my bike I entered into the crosswalk. That’s when I was hit by a white dodge pickup truck. It knocked me off of the bike and out of the crosswalk into the intersection. Landing on my right

side I got my bike and got to my feet. The driver asked if I was ok. He was about six feet, 165 pounds, blond hair and about 20 to 25 years old.

I said I'm ok and asked him to turn around and park across the street, he did. By the time we got across the street, the police was pulling up and parked behind the truck. The Officer said a few things to the driver and then came over to me. **"Are you hurt?"** Well I don't see any blood and there are no broken bones. **"Let me see your ID. Where are you coming from?"** That is my business. **"Where are you going?"** That is my business too. He said, **"Have you been drinking? I can tell you have been drinking just by looking at you. I can take you to jail for that."**

What in that case my bike was drinking, you going to take it to jail too? Look I'm the victim here. I'm the one that got hit. There were two guys there, who said they seen it happen. The officer told them to leave. The fire department showed up. The officer asked, **"Are you hurt?"** I'm not bleeding and there are no broken bones that I can tell. I just got hit by that truck. The officer walked over to the driver of fire truck. Said a few things to the driver and they left the scene. (They never got out of the truck or asked me anything).

I asked, why are they leaving? **"Because you refused help."** I didn't refuse help, I said I don't see any blood and don't think I have any broken

bones. **“They are not coming back.”** What the hell is going on here? I need an accident report. **“You don’t get one.”** Why? **“You refused help.”** No I didn’t and I should get a report. **“You are not going to get a report, so you can get on your bike and leave, or I will take you to jail.”** That would be funny, I get hit by a fucking truck and you take me to jail.

He then walked over to the driver and told him he could leave. I went to my book bag to get something to write with. **“What do you want, you want my card?”** I do. He gave me his card. I looked at it and turned it over and wrote down the plate number of the truck (Tenn. 219VKR). The driver of the truck drove away. The officer came over to me and said. **“Where do you live?”** I stay at 55 Jackson Street. **“This is over so get on your bike and leave. If I see you out here later on, I will take you to jail for drinking in public.”**

He got in his car and left. June 15, I went to the police station to get an accident report. He filled out an event report, saying nothing but truck verse bike, that’s it. A lady Sgt. Seen the report and said, **“This is not right, he works under Me.”** You taught him well. **“This is not like him. I’ll show this to my supervisor.”** I told her to give me that one and you take what you want to him. I retained The Clore Law Group (“The Lawyer”). He told me he would take care of this. June 16, I go to the doctor. After the doctor, I moved out of town thinking the officer was going to come after me.

While in Orlando I tried to keep in touch with The Lawyer, but every time I would call. He would tell me **“Call me back in a few months.”** Or **“We found the truck, but they won’t tell us who was driving.”** he would put me on hold until I would hang up. That number and every number I used would be blocked. The Lawyer stopped talking to me. I moved back to Charleston in 2013, I go to see The Lawyer. To find out he had done nothing. Is he a part of this too? He asked, **“Give me another week I have somebody in that area.”** So I took it upon myself to get some justice. I go to City Hall to see what form I would need to sue police and fire. No one could tell me. All they wanted to know was who did it. After three trips to City Hall they sent me over to their legal department. I ask for the form I need to sue police and fire. I don’t get what I’m looking for, but I get two phone numbers. One is to fire, other police. I told them I’ll start with the police. I called the number for the police and the (assistant to the Chief of Police) said “I just got an email about you.”

We set up a time to meet with detectives on June 10, 2013, no call no show. June 11, I get a letter from The Lawyer. The letter stated (**“Clore Law Group will no longer be representing you on this matter and will not be protecting your statute of limitation. Please note that in South Carolina, actions such as these are subject to a three year statute of limitations. Therefore you need to file and serve a lawsuit within three**

years of the incident or your case may be forever barred.”) I’m not a lawyer, now I’m thinking I have another year to file, because The Lawyer burned up two years.

June 12, the police were ignoring my calls so I emailed The Mayor then one or two hours later I get a call from the officer’s lieutenant then I get a call from his sergeant stating, **“I have two officers that said they heard you refuse help.”** Their lying there was only one officer there. **“Well I believe them.”** I called Professional Standards to set up a time and date to file a complaint, and to meet in the lobby at the police station (on Lockwood). I was sitting in the lobby, and then about five officers started standing around me showing their badges. I been in that lobby many times and never seen one officer hanging out in that lobby.

When my name was called they all left. Before Professional Standards turned on the tape recorder, I was told. **“I checked on the other officer and he was on another call.”** Then turned on their tape recorder. On June 18 I go to City Hall to thank the lady who helped me. That’s when I was told about The Tort Claim Act and was given a tort claim form. I filed it the next day June 19, 2013. Five days pass the statute of limitations. Now I see why The Lawyer asked me for another week. The Tort Claim was denied on June 25, five days later. I filed in Federal Court; it was dismissed on March 28, 2014. So I filed this case on April 10; on April 16, it’s approved *In Forma*

Paupers. Two months within the three year limit.

The Sheriff served The City and The Police Department on April 24. The Fire Department was served on April 25. On May 28, The City filed a Motion to Dismiss, thirty three days later. Seven days later on June 4, I filed an Affidavit of Default because nobody contacted me within thirty two days. I get a letter to answer to the Motion to Dismiss on September 11. The Motion to Dismiss was granted September 16, 2014.

Did the trial court err in granting summary judgment because the action was brought outside the two year statute of limitations?

I assert even if, S.C. Code Ann. § 15-78-70 (a) applies, summary judgment was inappropriate because, when I tried to explain that I had The Lawyer for all, but one week of the two year statute of limitations. The Court cut me off, see court transcripts, page 4) line 22 & 23) “I had a lawyer at that time, sir.” Never got another chance to say one word, see court transcripts, page 4) lines

24 & 25) and page 5) lines 1 thru 8). The Court and The Defendant knew I'm Pro Se.

§ 15-78-90. (b) Whether or not the claim is filed, the claimant is entitled to institute an action against the appropriate agency or political subdivision. Provided, however, if a claimant files a claim, he may not institute an action until after the occurrence of the earliest of one of the following three events: (1) the passage of one hundred eighty days from the filing of the claim with the governmental entity, (2) the governmental entity's disallowance of the claim, or (3) the governmental entity's rejection of a settlement offer

§ 15-78-100. (a) Except as provided for in Section 15-3-40, an action for damages under this chapter may be instituted at any time within two years after the loss was or should have been discovered.

§ 15-78-110. Except as provided for in Section 15-3-40, any action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered;

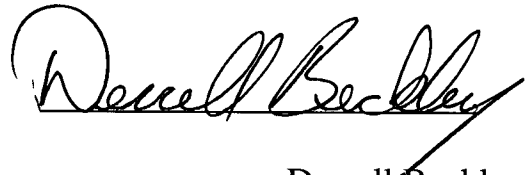
Now I understand when the statute of limitations started to run. In this case does it start to run on the date I received the letter from The Lawyer? June 11, 2013 or does it start the day I discovered it? That was on June 18 2013.

One more does the rule of discovery applies in this case? I would like to know because; I was not allowed to ask these questions.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Derrell Beckley", written over a horizontal line.

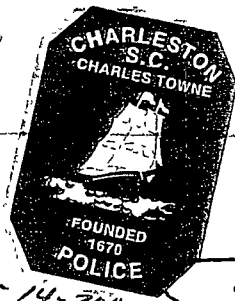
March 14, 2015

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Attorney for Appellant

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Charleston, SC 29422
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Attorney for the Respondents

cc: Christopher T. Dorsel, Esquire
3 Wesley Drive
Charleston, SC 29422
Attorney for the Respondents



C# 201144141
CITY OF CHARLESTON
POLICE DEPARTMENT

presented by:

Wilbanks #1738

John F. Conroy Law Enforcement Center
180 Lockwood Boulevard
Charleston, South Carolina 29403
843 / 577-7434

Emergency Only 911

06-14-2011

Chief of Police	720-2401
Personnel	720-2402
Records	720-2416
Property/Evidence	720-2467
Desk Sgt	720-2427
Central Investigations	720-2487
Crime Stoppers	554-1111
City Court	724-7460
Traffic	965-4083
Training	720-2436
Team #1	720-3913
Team #2	720-3924
Team #3	720-3916
Team #4	766-3908
Team #5	849-0304
Warrants	720-2441
Elder Support	766-7180
Special Investigation	724-5074
Professional Standards	720-2447
Computer Crime Unit	769-8287
Crime Prevention	769-7407

Teen
219 VKN

Dodg Ram
White

User COCKRUMD

CHARLESTON POLICE DEPARTMENT

06/02/13 16 20 00

Event Report

Event ID 2011-144141

Call Ref # 691

Date/Time Received 06/14/11 15 41 44

Rpt #	Call Source: PHONE	Prime 121F Unit. KURSH, JUSTIN B	Services Involved			
			LAW			
Location. MARY ST/MEETING ST			(S)UPTN (N)CHAR			
X-ST			Jur: CAD	Service. LAW	Agency. CPD	
Business			St/Beat 122	District T1	RA	
	Phone. () -				GP L122	
Nature	ACCIDENT INVOLVING A	Alarm Lvl 1	Priority 2	Medical Priority		
Reclassified Nature						
Caller			Alarm			
Addr MARY ST/MEETING ST	Phone (864) 350-3841	Alarm Type				
Vehicle #	St	Report Only	No	Race.	Sex	Age.
Call Taker: CLARKS	Console P4					
Geo-Verified Addr. Yes	Nature Summary Code	Disposition GOA	Close Comments:			
Notes: prt truck vs bicyclist ems adv ert [06/14/11 15:42:17 CLARKS]						

Times			
Call Received	06/14/11 15 41.44	Time From Call Received	
Call Routed	06/14/11 15 42:17	000 00 33	Unit Reaction: 000:01.29 (1st Dispatch to 1st Arrive)
Call Take Finished	06/14/11 15 42:17	000:00 33	En-Route: 000.00.04 (1st Dispatch to 1st En-Route)
1st Dispatch.	06/14/11 15 42 39	000 00 55 (Time Held)	On-Scene. 000.25 19 (1st Arrive to Last Clear)
1st En-Route	06/14/11 15 42.43	000 00:59	
1st Arrive.	06/14/11 15 44 08	000 02.24 (Reaction Time)	
Last Clear:	06/14/11 16 09 27	000 27.43	

Radio Log						Close Code	User
Unit	Empl ID	Type	Description	Time Stamp	Comments		
121F	1663	D	Dispatched	06/14/11 15 42:39	Stat/Beat. 121		ALSTON
121F	1663	E	En-Route	06/14/11 15 42.43			ALSTON
121F1	1738	D	Dispatched	06/14/11 15 42 53	Stat/Beat 121		ALSTON
121F1	1738	E	En-Route	06/14/11 15 42 57			ALSTON
121F1	1738	A	Arrived	06/14/11 15.44 08			ALSTON
121F1	1738	C	Cleared	06/14/11 15 53 10	VICTIM 04, DECLINED ASSIT BUSINESS	ASST	Unit 121F
121F	1663	C	Cleared	06/14/11 16 09 27		GOA	Unit 121F

Event Log						Close Code	User
Unit	Empl ID	Type	Description	Time Stamp	Comments		
		TR	Time Received	06/14/11 15 41 44	By PHONE		CLARKS
		DLS	Duplicate List	06/14/11 15 41 47	Potential Duplicate Events Listed (1)		CLARKS
		ENT	Entered Street	06/14/11 15 41:49	MARY ST/MEETING ST		CLARKS
		ENT	Entered Nature	06/14/11 15 41 54	ACCIDENT INVOLVING A BICYCLE		CLARKS
		ENT	Entered CallerPh	06/14/11 15:42:00	8643503841		CLARKS
		ENT	Entered Remarks	06/14/11 15 42:17			CLARKS
		FIN	Finished Call Taking	06/14/11 15 42 17			CLARKS

A		MM DD vvvv		10302		SC		06 14 2011		C03		11-0005476		000		☐ Delete ☐ Change ☐ No Activity		NFIRS -1 Basic	
B Location*		☐ Check this box to indicate that the address for this incident is provided on the Wildland Fire Census Tract Module in Section B "Alternative Location Specification" Use only for Wildland fires																	
☐ Street address																			
☒ Intersection		MEETING																	
☐ In front of																			
☐ Rear of																			
☐ Adjacent to		CHARLESTON																	
☐ Directions		MARY ST																	
C Incident Type *		E1 Date & Times Midnight is 0000																	
611 Dispatched & cancelled en route		Month Day Year Hr Min Sec																	
D Aid Given or Received*		Alarm * 06 14 2011 15:46:00																	
1 ☐ Mutual aid received		ARRIVAL required, unless canceled or did not arrive																	
2 ☐ Automatic aid recv.		☐ Arrival *																	
3 ☐ Mutual aid given		CONTROLLED Optional, Except for wildland fires																	
4 ☐ Automatic aid given		☐ Controlled																	
5 ☐ Other aid given		LAST UNIT CLEARED, required except for wildland fires																	
N ☒ None		☒ Last Unit																	
		Cleared 06 14 2011 15:52:00																	
F Actions Taken *		G1 Resources *																	
93 Canceled en route		☒ Check this box and skip this section if an Apparatus or Personnel form is used																	
Primary Action Taken (1)		Apparatus Personnel																	
Additional Action Taken (2)		Suppression 0001 0004																	
Additional Action Taken (3)		EMS Other																	
		☐ Check box if resource counts include aid received resources																	
Completed Modules		G2 Estimated Dollar Losses & Values																	
☐ Fire-2		LOSSES Required for all fires if known Optional for non fires																	
☐ Structure-3		Property \$ 000,000																	
☐ Civil Fire Cas -4		Contents \$ 000,000																	
☐ Fire Serv Cas.-5		PRE-INCIDENT VALUE: Optional																	
☐ EMS-6		Property \$ 000,000																	
☐ HazMat-7		Contents \$ 000,000																	
☐ Wildland Fire-8																			
☒ Apparatus-9																			
☒ Personnel-10																			
☐ Arson-11																			
H1* Casualties		H3 Hazardous Materials Release																	
Deaths Injuries		N ☐ None																	
Fire Service		1 ☐ Natural Gas. slow leak, no evacuation or HazMat actions																	
Civilian		2 ☐ Propane gas: <21 lb tank (as in home BBQ grill)																	
H2 Detector		3 ☐ Gasoline. vehicle fuel tank or portable container																	
Required for Confined Fires		4 ☐ Kerosene. fuel burning equipment or portable storage																	
1 ☐ Detector alerted occupants		5 ☐ Diesel fuel/fuel oil. vehicle fuel tank or portable																	
2 ☐ Detector did not alert them		6 ☐ Household solvents home/office spill, cleanup only																	
U ☐ Unknown		7 ☐ Motor oil. from engine or portable container																	
		8 ☐ Paint from paint cans totaling < 55 gallons																	
		0 ☐ Other Special HazMat actions required or spill > 55gal, Please complete the HazMat form																	
I Mixed Use Property		J Property Use* Structures																	
NN ☐ Not Mixed		341 ☐ Clinic, clinic type infirmary																	
10 ☐ Assembly use		342 ☐ Doctor/dentist office																	
20 ☐ Education use		361 ☐ Prison or jail, not juvenile																	
33 ☐ Medical use		419 ☐ 1-or 2-family dwelling																	
40 ☐ Residential use		429 ☐ Multi-family dwelling																	
51 ☐ Row of stores		439 ☐ Rooming/boardng house																	
53 ☐ Enclosed mall		449 ☐ Commercial hotel or motel																	
58 ☐ Bus & Residential		459 ☐ Residential, board and care																	
59 ☐ Office use		464 ☐ Dormitory/barracks																	
60 ☐ Industrial use		519 ☐ Food and beverage sales																	
63 ☐ Military use		936 ☐ Vacant lot																	
65 ☐ Farm use		938 ☐ Graded/care for plot of land																	
00 ☐ Other mixed use		946 ☐ Lake, river, stream																	
		951 ☐ Railroad right of way																	
		960 ☒ Other street																	
		961 ☐ Highway/divided highway																	
		962 ☐ Residential street/driveway																	
		539 ☐ Household goods, sales, repairs																	
		579 ☐ Motor vehicle/boat sales/repair																	
		571 ☐ Gas or service station																	
		599 ☐ Business office																	
		615 ☐ Electric generating plant																	
		629 ☐ Laboratory/science lab																	
		700 ☐ Manufacturing plant																	
		819 ☐ Livestock/poultry storage (barn)																	
		882 ☐ Non-residential parking garage																	
		891 ☐ Warehouse																	
		981 ☐ Construction site																	
		984 ☐ Industrial plant yard																	
		Lookup and enter a Property Use code only if you have NOT checked a Property Use box																	
		Property Use 960																	
		Street, Other																	

NFIRS-1 Revision 03/11/99

K1 Person/Entity Involved

Local Option

Busin.

name (if applicable)

Area Code

Phone Number

☐ Check This Box if same address as incident location. Then skip the three duplicate address lines

Mr ,Ms , Mrs

First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix

Post Office Box

Apt /Suite/Room

CHARLESTON

City

State

Zip Code

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary

K2 Owner

☐ Same as person involved? Then check this box and skip The rest of this section

Local Option

Business name (if Applicable)

Area Code

Phone Number

☐ Check this box if same address as incident location. Then skip the three duplicate address lines

Mr ,Ms , Mrs

First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix

Post Office Box

Apt /Suite/Room

City

State

Zip Code

L Remarks

Local Option

06/15/2011 09:26:01 MEETING264

Company cancelled by CPD upon arrival. Party had left the scene.

06/15/2011 09:26:08 MEETING264

On 06/14/2011 at 15:46:00 dispatched To MEETING ST & MARY ST /CHARLESTON, SC 29401. The location is a Street, Other. The incident was determined to be a(n) Dispatched & cancelled en route.

arrived on scene.

The following involvements were noted:

Name/Business Name Involvement Type

N/A

The following actions were performed on scene:

Cancelled en route

Units responding were:

Unit E103 responded.

L Authorization

E035312

Officer in charge ID

Pooser, Robert A.

Signature

CP

Position or rank

Assignment

06

Month

15

Day

2011

Year

Check Box if same as Officer in charge

E040857

Member making report ID

Fleming, David B.

Signature

ENG

Position or rank

Assignment

06

Month

15

Day

2011

Year



Mark D. Clore DC GA NC OK SC TX
Samuel K. Allen DC SC TN
Eric S. Brock GA SC
John P. Hayes MI NC OK PA SC

July 12, 2011

VIA FAX 843-722-4845
Peninsula Chiropractic
119 Spring Street Suite 4
Charleston, SC 29403

RE: My Client . Darrell Beckley
D/O/L 6/14/2011
SSN 388-66-0926
Date of Birth . 3/26/1958

Dear Sir or Madam.

This letter will confirm that I am representing the above for an accident occurring on the above date. Darrell Beckley has requested that I prepare this letter of assignment to you to cover the medical bills that arise for the injuries he suffered from the accident. This assignment is junior to attorney's fees and costs, medical expenses (including insurance subrogation), and any prior assignments.

Please note that this is not a personal guarantee on my part. I am only allowed to pay the amount in question from any settlement or verdict Darrell Beckley may receive, subject to prior items as set forth above. If there are not sufficient funds to cover this assignment, then Darrell Beckley will be solely and personally responsible for that amount due. If you have any questions, please do not hesitate to contact me.

Sincerely,

Eric S. Brock

ESB/jac

cc: Darrell Beckley

49 IMMIGRATION ST STE 100 CHARLESTON SC 29403

AUSTIN · TX

ASHEVILLE · NC

COLUMBIA SC

PHONE 843 722 8070

FAX 843 722 9881

800-610-2546



Mark D. Clore DC GA NC OK SC TX
Samuel K. Allen DC SC TN
Eric S. Brock GA SC
John P. Hayes MI NC OK PA SC
E. Vernon F. Glenn NC SC OK OK OK OK

June 10, 2013

Mr Darrell Beckley
Post Office Box 20886
Charleston, South Carolina 29413

Re: Auto Accident Case of June 14, 2011

Dear Mr Beckley:

Thank you for retaining Clore Law Group, LLC for the above referenced claim. As we discussed upon your receipt visit to my office, we have been unable to obtain either an accident report or the identity of the vehicle involved in the accident of June 14, 2011. As such, we have mutually agreed that you will assume responsibility of your case having received copies of the relevant information from your file.

Clore Law Group will no longer be representing you on this matter and will not be protecting your statute of limitations.

Please note that in South Carolina, actions such as these are subject to a three year statute of limitations. Therefore, you need to file and serve a lawsuit within three years of the incident or your case may be forever barred.

For future reference, we handle the following types of cases. **Personal Injury, Auto Accidents, Medical Malpractice, Product Defect Cases and Class Action Lawsuits.** If you or a friend ever need our advice regarding a personal injury claim, we hope you will contact us at our law firm to discuss the same.

Once again, thank you for your confidence in our law firm and please let me know if you need anything else. Should we receive any further documentation from our requests to both the police department and the SCDMV I will forward the paperwork to the above address.

Very truly yours,

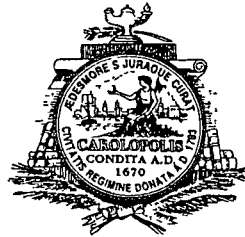


Eric S Brock

CITY OF CHARLESTON

Excellence in Government

MEMORANDUM



TO: _____
FROM: _____
DATE: _____
RE: _____

Sharon Robinson @ CPD
720-2401
180 Lockwood

Frank Finley @ CFD
720-1981
46 1/2 Wentworth



Darrell Beckley <darbeck58@gmail.com>

Here come the Bus

1 message

Darrell Beckley <darbeck58@gmail.com>

Wed, Jun 12, 2013 at 12 36 PM

To: rileyj@charleston-sc.gov

I have been crying out for help Nobody is listening I came in saying I want to sue police and fire I was sent to your legal dept Who gave me the numbers to both I called and went to the police I was told someone would call me Monday I waited all day then called them Nobody called back, so you are the last one on the list Just ask about the truck that hit the bike and the police let the truck go and threaten to take the bike to jail

6

**CITY OF CHARLESTON
TORT CLAIM FORM**

NAME Derrell Beckley DATE Jun 19, 2013

ADDRESS PO BOX 20886

CITY Charleston STATE SC ZIP 29413

CONTACT NUMBERS 321-201-3537

CLAIM IS HEREBY MADE AGAINST THE CITY OF CHARLESTON FOR THE FOLLOWING:

EXACT STREET ADDRESS OF OCCURRENCE Corner of Meeting ST. & Mary ST.

DATE OF INCIDENT Jun 14, 2011 TIME OF INCIDENT 3 33 PM

CAUSE OF DAMAGE OR INJURY I was on meeting st on my bike with a man standing next to me waiting for the walk light Light came on and we entered the street in the crosswalk That's when i got hit by a truck Police and Fire Police let the driver go and threatened me with jail Fire never got out of truck, or said anything to me
(Use reverse side for additional space)

AMOUNT CLAIMED \$ 500,000,000.00 (Enclose 2 estimates and any bills for consideration)

WAS A POLICE REPORT FILED? ☒ Yes ☐ No (If yes, please attach a copy of the police report)

WAS THE INCIDENT REPORTED TO ANOTHER CITY DEPARTMENT? ☒ Yes ☐ No

(If yes, who was it reported to and when?) The Fire Department, 911 call

WHERE PHOTOGRAPHS TAKEN? ☐ Yes ☒ No (if yes, please attach photographs)

IS THIS THE ONLY CLAIM YOU HAVE EVER SUBMITTED TO THE CITY? ☒ Yes ☐ No
If "no", list all other claims you have submitted, including for each claim the date of the submittal, the type of claim, the amount of the claim, and the final disposition of the claim _____

(Use reverse side for additional space)

STATE OF South Carolina

AFFIDAVIT

COUNTY OF Charleston

Personally appeared before me Derrell Beckley, claimant, who, upon oath says the above is truthful and accurate information and that attached hereto in support of this claim against the City of Charleston for the property damage. I understand that I have an obligation to inform the City of any insurance payments made to me or to any vendor on my behalf for this incident

SWORN TO before me this 19th day of June 2013

[Signature]
NOTARY PUBLIC

**LINDA W. STEWART
NOTARY PUBLIC
SOUTH CAROLINA**

My Commission Expires: 1 October 2019 Derrell Beckley
Signature of Claimant

NOTE: The acceptance of this claim form does not constitute an admission of legal liability on the part of the City nor any of its departments



JOSEPH P. RILEY, JR.
MAYOR

City of Charleston

VANESSA TURNER-MAYBANK
CLERK OF COUNCIL

South Carolina

Clerk of Council Department

06/20/2013

Jane Borden, Esq.
Assistant Corporation Counsel
City Hall
50 Broad Street
Charleston, SC 29401

RE: Derrell Beckley.

Dear Ms. Borden:

Enclosed is a copy of the tort claim received in this office 06/19/13. I would appreciate your handling this for me.

If I can be of any further help, please let me know.

Sincerely yours,

Vanessa Turner Maybank
Vanessa Turner Maybank
Clerk of Council

VTM/zwv
Enclosures

Cc:

Derrell Beckley
PO Box 20886
Charleston, SC 29413

NIKKI R. HALFY, CHAIR
GOVERNOR

CURTIS M. LOTT JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



SC BUDGET AND CONTROL BOARD

INSURANCE RESERVE FUND

POST OFFICE BOX 11066
COLUMBIA, SOUTH CAROLINA 29211
(803) 737-0920
FAX (803) 737-0047

HUGH K. FEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS

MARCIA ADAMS
EXECUTIVE DIRECTOR

July 25, 2013

Mr. Derrell Beckley
P.O. Box 20886
Charleston, South Carolina 29413

RE Insured: City of Charleston
Claim #: 97180
Date of Loss: 6/14/2011

Dear Mr. Beckley:

Our office has received your claim regarding the above referenced matter.

We have completed our investigation into this matter and have found no liability on the part of our insured in this case. We must, therefore, respectfully deny this claim.

While we are confident of our decision, we do welcome the opportunity to review any new, or additional information you believe may be inconsistent with the position set forth in this letter.

Sincerely,

Terri H. Camp
Senior Claims Representative

Cc. Jamie Borden
City of Charleston



City of Charleston

JOSEPH P. RILEY, Jr
Mayor

South Carolina

GREGORY G. MULLEN
Chief of Police

POLICE DEPARTMENT

August 28, 2013

Derrell Beckley
P.O. Box 20886
Charleston, SC 29413

RE: PSO Case #: 2013-059-E

Dear Mr. Beckley:

This letter will acknowledge receipt of the information you provided to the Professional Standards Office of the Charleston Police Department.

An examination will be conducted into the allegations you made concerning the actions of a member of this agency. You can be assured that the Charleston Police Department takes this matter seriously and will be contacting you for further information.

In the meantime, if you have any questions, please feel free to contact this office by calling (843) 720-2447, Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m.

Sincerely,

Lt. A. Craven
Professional Standards Office





City of Charleston

JOSEPH P. RILEY, Jr
Mayor

South Carolina

GREGORY G. MULLEN
Chief of Police

POLICE DEPARTMENT

October 5, 2013

Derrell Beckley
1425 Manly Ave
North Charleston, SC 29405

RE: PSO Case# 2013-059-E

Dear Mr. Beckley:

Please accept this letter as notification that your complaint filed with the Charleston Police Department Professional Standards Office is still under investigation. An extension has been requested in the case. When the investigation is concluded, the file will then be forwarded for the purpose of being reviewed by the accused officer's chain of command.

After this review process by the officer's chain of command is completed and a disposition has been reached in the matter, you will be notified in writing.

We appreciate your patience in this matter.

Sincerely,

Captain Dale Middleton

Captain Dale Middleton
Professional Standards Office



180 LOCKWOOD BLVD , CHARLESTON, SOUTH CAROLINA 29403, 843-577-7434
AN EQUAL OPPORTUNITY EMPLOYER



City of Charleston

JOSEPH P. RILEY, Jr
Mayor

South Carolina

GREGORY G. MULLEN
Chief of Police

POLICE DEPARTMENT

November 6, 2013

Derrell Beckley
1425 Manley Avenue
North Charleston, SC 29405

RE: PSO Case#: 2013-059-E

Dear Mr. Beckley:

The Charleston Police Department Professional Standards Office would like to thank you for taking the time to voice your concerns. We pride ourselves on maintaining an open line of communication with the public and citizens we are sworn to protect.

A thorough investigation was conducted in response to your complaint. Following a complete case review by the employee's chain of command, the reported complaint was not sustained. Thank you for your interest in helping us better serve the citizens of the city of Charleston.

If you have any questions, or wish to discuss this matter further, please contact someone in the Professional Standards Office at (843) 720-2447

Sincerely,

Lt. A. Craven
Professional Standards Office



180 LOCKWOOD BLVD , CHARLESTON, SOUTH CAROLINA 29403, 843-577-7434
AN EQUAL OPPORTUNITY EMPLOYER

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Darrell Beckley,
a/k/a Derrell Beckley,

Plaintiff,

vs

City of Charleston, Charleston Police Dept ; and
Charleston Fire Dept ,

Defendant(s)

) C/A No : 2:13-3561-DCN-BM

)

)

)

)

) Report and Recommendation

)

)

)

)

)

Plaintiff files this matter pro se Plaintiff alleges he was hit by a fire truck on June 14, 2011 while he was "on [his] bike in the crosswalk with the walk light on " According to the Complaint, someone called the police. When the police arrived, Plaintiff alleges they "ran off two witnesses." According to the Plaintiff, the police officer took Plaintiff's identification, and threatened him with jail because the officer "smelled alcohol " Plaintiff alleges that when the Fire Department arrived, the police officer walked over to the driver of the fire truck and then the Fire Department left the scene. The police officer told the Plaintiff they left because he refused help Plaintiff denies this, stating no one got out of the truck when they arrived, and they didn't "say a word, knowing I had to be hurt."

Plaintiff alleges the police officer subsequently went over to the driver of the truck that hit the Plaintiff and told him to leave Plaintiff alleges he wrote down the tag number of the



truck that hit him, before it left. According to the Plaintiff, the officer asked the Plaintiff where he stayed, and then told him to “get there, and if he see[‘s him] out later on. He was going to put [him] in jail.” Plaintiff claims he saw a lawyer and a doctor and “got the bill ” He states he left town because he was “in fear for [his] safety[,]” but came back because his “lawyer [was] talking to [him]. Plaintiff alleges he found out his lawyer “had done nothing ” He further alleges he fired his lawyer after “getting the run around from the City and the Police.” Plaintiff alleges the City and the police are trying to cover up the incident Plaintiff seeks fifty million dollars in damages.

Under established local procedure in this judicial district, a careful review has been made of the *pro se* Complaint pursuant to the procedural provisions of 28 U S C. § 1915, and in light of the following precedents *Neitzke v Williams*, 490 U S. 319, 324-25 (1989), *Estelle v. Gamble*, 429 U S. 97 (1976); *Haines v. Kerner*, 404 U.S. 519 (1972), and *Gordon v Leeke*, 574 F.2d 1147 (4th Cir. 1978). Section 1915 permits an indigent litigant to commence an action in federal court without prepaying the administrative costs of proceeding with the lawsuit. However, to protect against possible abuses of this privilege, the statute also allows a district court to dismiss the case upon a finding that the action “fails to state a claim on which relief may be granted” or is “frivolous or malicious ” 28 U.S.C. §1915(e)(2)(B)(I), (ii) Hence, under 28 U S.C. §1915(e)(2)(B), a claim based on a meritless legal theory may be dismissed *sua sponte* *Neitzke v Williams*, 490 U S. 319 (1989) This court is also required to liberally construe *pro se* documents, *Estelle v Gamble*, 429 U.S. 97, 97 S Ct. 285 (1976), holding them to a less stringent standard than those drafted by attorneys, *Hughes v Rowe*, 449 U S 5, 101 S Ct. 173 (1980)(*per curiam*). However, the requirement of liberal construction does not mean that the court can ignore a clear failure in the pleading to allege facts which set forth a claim currently cognizable in a federal district court. *Weller*

v Department of Social Services, 901 F 2d 387 (4th Cir 1990) Such is the case here

In order for this Court to hear and decide a case, the Court must, first, have jurisdiction over the subject matter of the litigation. Federal courts are courts of limited jurisdiction, “constrained to exercise only the authority conferred by Article III of the Constitution and affirmatively granted by federal statute ” *In re Bulldog Trucking, Inc* , 147 F.3d 347, 352 (4th Cir. 1998) Because federal courts have limited subject matter jurisdiction, there is no presumption that the court has jurisdiction. *Pinkley, Inc. v City of Frederick*, 191 F 3d 394, 399 (4th Cir. 1999) Accordingly, a federal court is required, *sua sponte*, to determine if a valid basis for its jurisdiction exists, “and to dismiss the action if no such ground appears ” *Bulldog Trucking*, 147 F.3d at 352, see also F. R. Civ P.12(h)(3)(“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action ”)

A Plaintiff must allege the facts essential to show jurisdiction in his pleadings. *McNutt v General Motors Acceptance Corp* , 298 U S 178, 189 (1936) *See also Dracos v. Hellenic Lines, Ltd* , 762 F 2d 348, 350 (4th Cir. 1985) (“plaintiffs must affirmatively plead the jurisdiction of the court”). To this end, Federal Rule of Civil Procedure 8(a)(1) requires that the Complaint provide “a short and plain statement of the grounds for the court's jurisdiction [,]” although if the Complaint does not contain “an affirmative pleading of a jurisdictional basis a federal court may [still] find that it has jurisdiction if the facts supporting jurisdiction have been clearly pleaded ” *Pinkley, Inc v. City of Frederick*, 191 F.3d at 399 (citing 2 *Moore's Federal Practice* § 8 03[3] (3d ed. 1997)) Nonetheless, if the Court, viewing the allegations in the light most favorable to the Plaintiff, finds insufficient allegations in the pleadings, the Court will lack subject matter jurisdiction *Lovern v Edwards*, 190 F 3d 648, 654 (4th Cir 1999) Further, although the absence

of subject matter jurisdiction may be raised at any time during the case, determining jurisdiction at the outset of the litigation is the most efficient procedure *Id.*

The two most commonly recognized and utilized bases for federal court jurisdiction are (1) “federal question,” 28 U.S.C. § 1331, and (2) “diversity of citizenship.” 28 U.S.C. § 1332. As discussed below, the allegations contained in the Plaintiff’s Complaint do not fall within the scope of either form of this Court’s limited jurisdiction.

First, there is no basis for a finding of diversity jurisdiction over this Complaint. The diversity statute, 28 U.S.C. § 1332(a), requires complete diversity of parties and an amount in controversy in excess of seventy-five thousand dollars (\$75,000.00). Complete diversity of parties in a case means that no party on one side may be a citizen of the same state as any party on the other side. *See Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 372-74 & nn. 13-16 (1978). Here, the Court has no diversity jurisdiction over this case because, according to the Plaintiff’s information, he and the Defendants are all residents of South Carolina. In absence of diversity of citizenship, the amount in controversy is irrelevant.

Second, Plaintiff’s Complaint contains no allegations of any specific violation of any federal statute or Constitutional provision by the Defendants. The essential allegations of the Complaint, which involve the details of an accident between a cyclist and a fire truck, are insufficient to show that the case is one “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. That is, the Complaint does not state a claim cognizable under this Court’s “federal question” jurisdiction. Plaintiff is not entitled to proceed with claims otherwise appropriate for state court just because the individuals about whom he complains are public employees. *See Lovern*, 190 F.3d at 655 (“[T]he Constitution does not contemplate the federal judiciary deciding

issues of state law among non-diverse litigants”). While Plaintiff’s allegations may or may not be sufficient to state a claim under state law, he has not presented this Court with a basis for *federal* subject matter jurisdiction. *Paul v Davis*, 424 U.S. 693, 701 (1976) (not every claim which may set forth a cause of action under a state tort law is sufficient to set forth a claim for a violation of a constitutional right); *DeShaney v Winnebago County Dep’t of Social Servs.*, 489 U.S. 189, 200-203 (1989) (§ 1983 does not impose liability for violations of duties of care arising under state law); *Baker v McClellan*, 443 U.S. at 146 (§ 1983 claim does not lie for violation of state law duty of care). Therefore, his Complaint should be dismissed

RECOMMENDATION

Accordingly, it is recommended that the Court dismiss the Complaint in the above-captioned case *without prejudice* and without issuance and service of process. The Plaintiff’s attention is directed to the important notice attached hereto



Bristow Marchant
United States Magistrate Judge

February 20, 2014
Charleston, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v Colonial Life & Acc Ins Co*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note)

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b), *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
Post Office Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v Arn*, 474 U.S. 140 (1985); *Wright v Collins*, 766 F.2d 841 (4th Cir. 1985), *United States v Schronce*, 727 F.2d 91 (4th Cir. 1984).

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Darrell Beckley, a/k/a Derrell Beckley,	)	C/A No. 2.13-cv-3561 DCN
	)	
Plaintiff,	)	
	)	
vs	)	<u>ORDER</u>
	)	
City of Charleston; Charleston Police Dept.,	)	
and Charleston Fire Dept ,	)	
	)	
Defendants	)	
_____	)	

The above referenced case is before this court upon the magistrate judge's recommendation that the complaint be dismissed without prejudice and without issuance and service of process.

This court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v Schronce, 727 F.2d 91 (4th Cir. 1984), cert denied, 467 U.S. 1208 (1984).¹ **No objections have been filed to the magistrate judge's**

¹In Wright v Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a pro se litigant must receive fair notification of the consequences of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him

AO 450 (SCD 04/2010) Judgment in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of South Carolina

Darrell Beckley, a/k/a Derrell Beckley

Plaintiff

v

City of Charleston, Charleston Police Department,
and Charleston Fire Department

Defendants

)
)
) Civil Action No 2:13-cv-03561-DCN
)
)

JUDGMENT IN A CIVIL ACTION

The court has ordered that *(check one)*

☐ the plaintiff

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* _____
recover costs from the plaintiff *(name)* _____

☒ other. The Report and Recommendation of Magistrate Judge Marchant is accepted The Plaintiff's case is
DISMISSED without prejudice and without issuance and service of process. The Plaintiff shall take nothing on his
claim filed pursuant to Title 42 U.S.C. § 1983

This action was *(check one)*:

☐ tried by a jury, the Honorable _____ presiding, and the jury has rendered a verdict

☐ tried by the Honorable _____ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable David C. Norton, United States District Judge

Date March 28, 2014

CLERK OF COURT

s/John P. Bryan, Jr.

Signature of Clerk or Deputy Clerk

report and recommendation.

A de novo review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation is **AFFIRMED**, and the complaint is **DISMISSED** without prejudice and without issuance and service of process.

AND IT IS SO ORDERED



David C. Norton
United States District Judge

March 28, 2014
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure

of what is required." Id. at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and he received notice of the consequences at the appellate level of his failure to object to the magistrate judge's report

STATE OF SOUTH CAROLINA

COUNTY OF Charleston

Derrell Beckley

Plaintiff(s)

City of Charleston, vs.

Charleston Police and Fire Departments

Defendant(s)

(Please Print)

Submitted By: Derrell Beckley

Address: 1425 Manley Ave.

North Charleston, SC 29405

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014 -CP- 10 - 2385

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

(407)212-0641

darbeck58@gmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- ☒ JURY TRIAL demanded in complaint ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts**
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199)

- Torts - Professional Malpractice**
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20____-CP-_____
☐ Notice/ File Med Mal (230)
☐ Other (299)

- Torts - Personal Injury**
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☒ Other (399)

- Real Property**
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499)

Civil Rights

- Inmate Petitions**
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599)

- Administrative Law/Relief**
☐ Reinstate Drv License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899)

- Judgments/Settlements**
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript of Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement
Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Other (799)

- Appeals**
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Commission (990)
☐ Employment Security Commission
(991)
☐ Other (999)

Special/Complex /Other

- ☐ Environmental (600)
☐ Automobile Arb (610)
☐ Medical (620)
☐ Other (699)
☐ Sexual Predator (510)

- ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Foreign Subpoenas (650)
☐ Motion to Quash Subpoena
in Out-of-County Action
(660)

Submitting Party Signature: Derrell Beckley

Date: 10 APR 14

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq

STATE OF SOUTH CAROLINA,)
)
COUNTY OF Charleston,)
)
Derrell Beckley)
) Plaintiff)
)
vs.)
)
City of Charleston,)
)
Charleston Police and Fire Departments)
) Defendant.)

IN THE COURT OF COMMON PLEAS
9th JUDICIAL CIRCUIT

**MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS**

FILE NO. 2014-CP-10-2385

I, Derrell Beckley being duly sworn, state that I am the Plaintiff and that
I do not have the funds available to pay the costs of filing and service in the present matter. I
hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me
this 10th day of April, 2014

[Signature]
Notary Public for South Carolina

My Commission expires 9-16-2014

[Signature]
Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

ORDER

☒ Leave is *granted* to proceed in forma pauperis without payment of the filing fee.

☒ Leave is *granted* to proceed in forma pauperis without payment of the service cost.

☐ Leave is *denied* to proceed in forma pauperis.

Dated: April 15, 2014
Charleston, South Carolina

[Signature]
JUDGE/CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
Derrell Beckley)
Plaintiff,)
vs.)
City of Charleston, Charleston Police)
and Fire Departments)
Defendant(s).)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-10-2385

**ORDER REGARDING PLAINTIFF'S
MOTION FOR AN ORDER TO
PROCEED *IN FORMA PAUPERIS***

FILED
APR 16 2014
CLERK OF COURT
NINTH JUDICIAL CIRCUIT
CHARLESTON, SOUTH CAROLINA

THIS MATTER CAME before the Court on the *Pro Se* Plaintiff's Motion for an Order to Proceed *In Forma Pauperis* in order to have the required filing fee waived because of indigence.

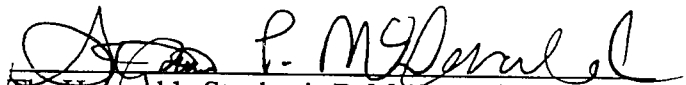
☒ The request is GRANTED. Plaintiff may proceed *in forma pauperis* without payment of ☒ the filing fee and/or ☒ the service cost (check one or both).

☐ The request is DENIED because the Plaintiff has not shown proof of indigence.

☐ The request is DENIED because the Plaintiff's complaint is against a political subdivision or agency of the State of South Carolina and alleges a cause of action that occurred in a county other than Berkeley County/Charleston County (circle one). The South Carolina Tort Claims Act, S.C. Code § 15-78-100(b) provides that jurisdiction is in the county in which the act or omission occurred. Therefore, the Clerk of Court is directed to return the pleadings to the Plaintiff, and the Plaintiff may re-file in the proper county.

☐ The request is DENIED pursuant to the reasons outlined in the attached order.

AND IT IS SO ORDERED.


The Honorable Stephanie P. McDonald
Chief Administrative Judge, Ninth Judicial Circuit

April 15, 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Pro Se Financial Affidavit,

Enter the full name of the plaintiff in this action

DERRELL BECKLEY

vs.

Enter below the full name of defendant(s) in this
action. If possible, please list only one defendant
per line.

CITY OF CHARLESTON,
CHARLESTON POLICE DEPARTMENT,
CHARLESTON FIRE DEPARTMENT.

Civil Action No. 2014-CP-10-2385
(to be assigned by Clerk)

2014 APR 16 PM 3:50
CLERK OF COURT

I Derrell Beckley being duly sworn, state that I am the Plaintiff and this is my Financial
Status. I'm unemployed and have no other income
I have no,

1. Stocks or bonds,
2. Trust fund,
3. VA pension or compensation,
4. SSI/SSDI disability,
5. Retirement,
6. Unemployment

I live in VA housing and I volunteer at The VA Hospital, where I receive a ticket for a \$6.00 lunch.

Date 10 April 2014

Signature Derrell Beckley
Derrell Beckley
1425 Manley Ave
North Charleston, SC 29405-1901

SWORN to Before me this 10th
day of April 2014

Ruby B. B.
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires 9-16-2014

STATE OF SOUTH CAROLINA,

COUNTY OF Charleston

Derrell Beckley

Plaintiff,

vs. City of Charleston,

Charleston Police and Fire Departments.

Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. 2014 -CP-10 - 2385

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Charleston

, South Carolina

Derrell Beckley

Plaintiff/Attorney for Plaintiff

Dated:

10 April 2014

Address:

1425 Manley Ave. North Charleston 29405

APR 16 PM 3:55
CLERK OF COURT

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

PRO SE COMPLAINT FORM

Enter the full name of the plaintiff in this action

DERRELL BECKLEY

vs.

Enter below the full name of defendant(s) in this action. If possible, please list only one defendant per line.

CITY OF CHARLESTON,
CHARLESTON POLICE DEPARTMENT,
CHARLESTON FIRE DEPARTMENT.

Civil Action No. 2014-CP-10-2385
(to be assigned by Clerk)

If allowed by statute, do you wish to have a trial by jury? Yes ☒ No ☐

I. PREVIOUS LAWSUITS

A. *Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?*

Yes ☒ No ☐

B. *If you answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.*

1. *Parties to this previous lawsuit:*

Plaintiff Derrell Beckley,

Defendant(s) City of Charleston, Police and Fire Departments,

2. *Court:* Fourth District
(If federal court, name the district; if state court, name the county)

3. *Docket Number* 2:13-CV-3561-DCN-BM,

4. *Name(s) of Judge(s) to whom case was assigned:* Judge Norton,

5. *Status of Case:* dismissed
(For example, was the case dismissed? Settled? Appealed? Still Pending?)

6. *Date lawsuit was filed:* 12/20/2013,

7. *Date of disposition (if concluded):* 3/28/2014,

C. *Do you have any other lawsuits pending in the federal court in South Carolina?*

Yes ☐ No ☒

II. PARTIES

In Item A below, place your name and address in the space provided. Do the same for additional plaintiffs, if any.

A. *Name of Plaintiff:* _____

Address: _____

In Item B below, place the full name of the defendant; and his, her, or its address, in the space provided. Use Item C for additional defendants, if any.

B. *Name of Defendant:* _____

Address: _____

- C. *Additional Defendants (provide the same information for each defendant as listed in Item B above).*

III. STATEMENT OF CLAIM

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the name(s) of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets of paper if necessary.

1 On April 14, 2011 I was in the crosswalk on my bike. Corner of Meeting & Mary and was hit by a truck. A 911 call was made. Charleston Police showed up first. Threaten me with jail, canceled Fire Dept in route (before I knew about it). When Fire showed up the officer spoke with their driver and they left the scene. I asked why are they leaving? "Because you refused help." He then told the driver that hit me (from Tennessee) to get in his truck and leave. Without recording any information from the driver. Then threaten me again with jail to go away. I leave town in fear of my safety.

2. I return to Charleston, fired lawyer (for doing nothing). I go to City Hall, sent to city legal dept, they send me to police dept. I spoke to the assistant to Chief of Police. We set up time and date to speak to detectives. No call, no show. I get no answer for about two days, until I e-mailed the Mayor. Then I get a call from police. The officers Sgt called me and told me he has two officers that said they heard me refused help. I said their lying. He said he believed them and hung up. I filed compliant. I get to police lobby (on Lockwood) there is about five officers standing around showing their badges, then when my name was called they left. I been there many times and never seen one officer hang out in the lobby. Before I gave my statement I was told the other officer was on another call.

3. Refused to give an accident report. Officer said because I refused help. I never refused help. Submitted an event report without any information about the driver or the truck. His Sgt at that time seen the report and said she was going to show her supervisor. Fire report states that I left the scene before they arrived. I was standing there looking at them. They never got out of their truck or asked me anything.



III. STATEMENT OF CLAIM - *continued.*

4. The charges are,

- a) Color of Law, in paragraph 1, 2 and 3,
- b) Due Process, in paragraph 1, 2 and 3,
- c) Conspiracy, in paragraph 2 and 3,
- d) Police Misconduct in paragraph 2 and 3,

IV. RELIEF.

State briefly and exactly what you want this court to do for you

Award \$50,000,000.00 for violating my rights.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10 day of April, 2014



Signature of Plaintiff

IV. RELIEF.

State briefly and exactly what you want this court to do for you

Award \$50,000,000 00 for violating my rights

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10 day of April, 20 14



Signature of Plaintiff

JULIE J. ARMSTRONG
CLERK OF COURT, C P & G S
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258
RETURN SERVICE REQUESTED



www3 charlestoncounty.org

Derrell Beckley
1425 Manley Ave
North Charleston, SC 29405

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRC

Order/Order Granting Motion to Proceed Informa Pauperis

CASE NO: 2014CP1002385

Derrell Beckley VS Charleston City of , defendant, et al

This judgment was entered on the 16th day of April, 2014, and a copy mailed first class on Thursday, April 17, 2014, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at [www3 charlestoncounty.org](http://www3.charlestoncounty.org).

J. Al Cannon, Jr., Esq.
Sheriff, Charleston County



Special Operations Department
100 Broad Street
Charleston, SC 29401-2206

Attorney or Party Without Attorney: BECKLEY, DARRELL 1425 MANLEY AVENUE NORTH CHARLESTON, SC 29405 Att For: BECKLEY, DERRELL		Telephone No. 407-212-0641 SHERIFF NO. CIOT-14003872-001	Court Use Only
Name and Address of Court: CHARLESTON COUNTY COURT OF COMMON PLEAS			
Plaintiff: DERRELL BECKLEY Defendant: CITY OF CHARLESTON			
PROOF OF SERVICE (CIVIL OTHER)	Hearing Date 0/00/00	Time	Case Number 2014CP102385

I, J. AL CANNON, JR., ESQ., SHERIFF in and for said County and State, do hereby certify that I have received the annexed:

CIVIL ACTION COVERSHEET, SUMMONS, COMPLAINT FORM

on the 18th day of APRIL, 2014, and that I served the same on the 24th day of APRIL, 2014, at the hour of 9:00 AM within the County of CHARLESTON, State of SOUTH CAROLINA, as follows on:

PARTY TO SERVE: CITY OF CHARLESTON
PERSON SERVED: WRIGHT, ZENOLA TITLE: REPRESENTATIVE

4/24/14 - CORPORATE SERVICE TO ZENOLA WRIGHT.

Address Served: 80 BROAD STREET
CHARLESTON, SC 29401

Service By HARRISON, M.

SHERIFF'S FEES Charges

** TOTALS ** .00

** NO CHARGE **

I am a SOUTH CAROLINA SHERIFF,
and I certify that the foregoing
is true and correct.

ATTEST OF CERTIFIED TRUE COPY

J. AL CANNON, JR., ESQ., SHERIFF
COUNTY OF CHARLESTON
STATE OF SOUTH CAROLINA

NOTARY PUBLIC SOUTH CAROLINA

DATE: 4/29/14

MY COMMISSION EXPIRES: 4-7-21

BY

J. Al Cannon, Jr., Esq.
Sheriff, Charleston County



Special Operations Department
100 Broad Street
Charleston, SC 29401-2206

Attorney or Party Without Attorney: BECKLEY, DARRELL 1425 MANLEY AVENUE NORTH CHARLESTON, SC 29405 Att For: BECKLEY, DERRELL		Telephone No. 407-212-0641 SHERIFF NO. CIOT-14003872-002	Court Use Only
Name and Address of Court: CHARLESTON COUNTY COURT OF COMMON PLEAS			
Plaintiff: DERRELL BECKLEY			
Defendant: CITY OF CHARLESTON			
PROOF OF SERVICE (CIVIL OTHER)	Hearing Date 0/00/00	Time	Case Number 2014CP102385

I, J. AL CANNON, JR., ESQ., SHERIFF in and for said County and State, do hereby certify that I have received the annexed:

CIVIL ACTION COVERSHEET, SUMMONS, COMPLAINT FORM

on the 18th day of APRIL, 2014, and that I served the same on the 24th day of APRIL, 2014, at the hour of 11:20 AM within the County of CHARLESTON, State of SOUTH CAROLINA, as follows on:

PARTY TO SERVE: CHARLESTON CITY POLICE DEPARTMENT
PERSON SERVED: SGT NICK TITLE: DUTY SERGEANT

4/24/14 - CORPORATE SERVICE TO SGT. NICK.

Address Served: 180 LOCKWOOD BOULEVARD
CHARLESTON, SC 29401

Service By HARRISON, M.

SHERIFF'S FEES	Charges
-----	-----
** TOTALS **	.00

** NO CHARGE **

I am a SOUTH CAROLINA SHERIFF,
and I certify that the foregoing
is true and correct.

ATTEST OF CERTIFIED TRUE COPY

J. AL CANNON, JR., ESQ., SHERIFF
COUNTY OF CHARLESTON
STATE OF SOUTH CAROLINA

NOTARY PUBLIC SOUTH CAROLINA

DATE: 4/29/14

MY COMMISSION EXPIRES: 4-7-21

BY

J. Al Cannon, Jr., Esq.
Sheriff, Charleston County



Special Operations Department
100 Broad Street
Charleston, SC 29401-2206

Attorney or Party Without Attorney: BECKLEY, DARRELL 1425 MANLEY AVENUE NORTH CHARLESTON, SC 29405 Att For: BECKLEY, DERRELL		Telephone No. 407-212-0641 SHERIFF NO. CIOT-14003872-003	Court Use Only
Name and Address of Court: CHARLESTON COUNTY COURT OF COMMON PLEAS			
Plaintiff: DERRELL BECKLEY Defendant: CITY OF CHARLESTON			
PROOF OF SERVICE (CIVIL OTHER)	Hearing Date 0/00/00	Time	Case Number 2014CP102385

I, J. AL CANNON, JR., ESQ., SHERIFF in and for said County and State, do hereby certify that I have received the annexed:

CIVIL ACTION COVERSHEET, SUMMONS, COMPLAINT FORM

on the 18th day of APRIL, 2014, and that I served the same on the 25th day of APRIL, 2014, at the hour of 11:30 AM within the County of CHARLESTON, State of SOUTH CAROLINA, as follows on:

PERSON SERVED: CHARLESTON FIRE DEPARTMENT
PS TITLE: SERVED ZEONOLA WRIGHT

SUBSTITUTED SERVICE: BY LEAVING A COPY THEREOF AT THEIR DWELLING HOUSE OR USUAL PLACE OF ABODE WITH A PERSON OF SUITABLE AGE AND DISCRETION, THEN RESIDING THEREIN, OR WITH AN AGENT AUTHORIZED BY APPOINTMENT OR BY LAW TO RECEIVE SERVICE OF PROCESS

Address Served: 80 BROAD STREET
CHARLESTON, SC 29401

Service By HARRISON, M.

SHERIFF'S FEES	Charges
-----	-----
** TOTALS **	.00

** NO CHARGE **

I am a SOUTH CAROLINA SHERIFF,
and I certify that the foregoing
is true and correct.

ATTEST OF CERTIFIED TRUE COPY

J. AL CANNON, JR., ESQ., SHERIFF
COUNTY OF CHARLESTON
STATE OF SOUTH CAROLINA

NOTARY PUBLIC SOUTH CAROLINA

DATE: 5/05/14

MY COMMISSION EXPIRES: 4-7-21

BY



*Sandra J Senn
Robin L Jackson
Christopher T Dorsel
Kevin M DeAntonio*

*3 Wesley Drive
P O Box 12279
Charleston, SC 29422
(843) 556-4045
F. (843) 556-4046*

Sandy@sennlegal.com

May 28, 2014

Mr. Derrell Beckley
1425 Manley Avenue
North Charleston, South Carolina 29405

RE: Derrell Beckley v. City of Charleston, et al
C/A No.: 2014-CP-10-02385

Dear Mr Beckley:

Enclosed for service please find the Defendants' Motion to Dismiss the above-referenced matter. Please know that all future correspondence to the defendants should be sent to my attention. You will also need to keep both the clerk's office and my office apprised of any address changes.

With kind regards, I am,

Sincerely,

Sandra J. Senn

kmd

Enclosure

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

NINTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-10-2385

Derrell Beckley

Plaintiff,

vs

City of Charleston, et al.

Defendant.

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:

Derrell Beckley, Bar No. Pro Se

Address:

1425 Manley Avenue, North Charleston, SC
29405

Phone. (407) 212-0641 Fax _____

E-mail: darbeck58@gmail.com Other: _____

Defendant's Attorney:

Sandra J. Senn, Bar No. 15036

Address

P.O. Box 12279, Charleston, SC 29422

Phone. (843) 556-4045 Fax (843) 556-4046

E-mail: Sandy@SennLegal.com Other: _____

☒ **MOTION HEARING REQUESTED** (attach written motion and complete **SECTIONS I and III**)

☐ **FORM MOTION, NO HEARING REQUESTED** (complete **SECTIONS II and III**)

☐ **PROPOSED ORDER/CONSENT ORDER** (complete **SECTIONS II and III**)

SECTION I: Hearing Information

Nature of Motion: Motion to Dismiss

Estimated Time Needed: 15 Minutes

Court Reporter Needed: ☒ **YES** / ☐ **NO**

SECTION II: Motion/Order Type

☒ Written motion attached

☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff / ☐ Defendant Date submitted

SECTION III: Motion Fee

☒ **PAID – AMOUNT: \$** _____

☐ **EXEMPT:**

(check reason)

☐ Rule to Show Cause in Child or Spousal Support

☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)

☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other:

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ **MOTION FEE COLLECTED: \$** _____

☐ **CONTESTED – AMOUNT DUE: \$** _____

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Derrell Beckley,

Plaintiff,

v.

City of Charleston, Charleston Police and
Fire Departments,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-10-2385

MOTION TO DISMISS

2014 MAY 28 PM 2:19
JULY 10 2014
CLERK OF COURT
BY

COME NOW the Defendants, and hereby respectfully move this Honorable Court to dismiss the Summons and Complaint in this matter pursuant to Rule 3(a), SCRCPP, and S.C. Code Ann. § 15-78-110, for failure to commence this civil action within the applicable statute of limitations.

Although not expressly stated in his *pro se* complaint, Plaintiff has brought this action under the South Carolina Tort Claims Act ("TCA"), S.C. Code Ann. § 15-78-10, *et seq.*, by alleging that a government employee or employees committed a tort against him. See S.C. Code Ann. § 15-78-70(a) ("This chapter constitutes the exclusive remedy for any tort committed by an employee of a governmental entity.") Any action brought pursuant to the TCA is "forever barred" unless it is commenced within two (2) years after the date of the alleged loss. S.C. Code § 15-78-110 A civil action is generally deemed commenced by filing and serving a summons and complaint. Rule 3(a), SCRCPP.

Plaintiff alleges in his complaint to have suffered a loss on April 14, 2011. This action was filed on April 16, 2014, three years and two days after the date of the alleged loss. Because the action was not filed and served within the TCA's two-year statutory period, the claim should properly be dismissed.

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Derrell Beckley)

Plaintiff(s))

vs.)

City of Charleston, Charleston Police,
Charleston Fire Departments)

Defendant(s))

IN THE COURT OF COMMON PLEAS

CASE NO. 2014 CP 10-2385

AFFIDAVIT OF DEFAULT

2014 JUN -4 PM 12:44
JULIUS G. COURT
BY

PERSONALLY appeared before me Derrell Beckley who, being duly sworn, states that he is the Attorney for the Plaintiff(s) and that more than thirty (30) days have elapsed since the service of the Summons and Complaint, exclusive of the date of service, upon the Defendant(s) City of Charleston, Charleston Police, Charleston Fire, : and that no Answer, Demurrer or Notice of Appearance has been served upon him as required by the Summons in this action; and that the Defendant(s) is not a member of the military service; and the Defendant(s) is in default.

Sworn to and Subscribed before me)

4 day of June, 2014.)

[Signature]
Notary Public for South Carolina)

My Commission expires)

9/22/2014)

[Signature]
Attorney(s) for Plaintiff

Senn Legal
—LLC—
ATTORNEYS AT LAW

*Sandra J. Senn
Robin L. Jackson
Christopher T. Dorsel
Kevin M. DeAntonio*

*3 Wesley Drive
P O Box 12279
Charleston, SC 29422
(843) 556-4045
F: (843) 556-4046*

Chris@sennlegal.com

June 6, 2014

The Honorable Julie J. Armstrong
Clerk of Court, Charleston County
100 Broad Street, Suite 106
Charleston, SC 29401

RE: Derrell Beckley v. City of Charleston
Case No.: 14-CP-10-02385

Dear Julie:

Enclosed in the above-referenced matter, please find the original and one (1) copy of my Notice of Appearance on behalf of Defendants. Please file the original and return the date-stamped copy to me in the self-addressed, stamped envelope that is also enclosed. By copy of this correspondence and its enclosure, Plaintiff Beckley is being provided with a copy of said filing. Please feel free to contact me should you have any questions or concerns.

With kind regards, I am,

Sincerely,



Christopher T. Dorsel

CTD/mnz
Enclosure

cc: Derrell Beckley, pro se Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Derrell Beckley,

Plaintiff,

v.

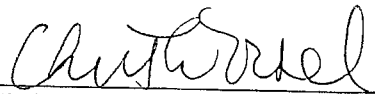
City of Charleston, Charleston Police and
Fire Departments,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-10-2385

NOTICE OF APPEARANCE

Comes now attorney Christopher T. Dorsel, of Senn Legal, LLC, respectfully enters his appearance on behalf of Defendants in the above-referenced matter and asks the court to send him copies of all notices.



Christopher T. Dorsel, Esquire
SENN LEGAL, LLC
P.O. Box 12279
Charleston, SC 29422
(843) 556-4045

June 6, 2014
Charleston, South Carolina

Common Pleas
Charleston County Judicial Center
100 Broad Street - Suite 106
Charleston, SC 29401-9401

STATE OF
SOUTH CAROLINA



Derrell Beckley
1425 Manley Ave

North Charleston, SC 29405

NOTICE OF MOTION SCHEDULING

August 14, 2014

**Motion "MDISMS - Motion/Dismiss by defendant, crt/srv" for Case: 2014CP1002385 - Derrell Beckley VS Charleston City of , defendant, et al has been added to the following Motions Roster:
122 - MOTIONS ROSTER - JUDGE DENNIS**

This hearing of this motion has been scheduled for 9/11/2014 at 9:30 AM.

MOTIONS ARE SCHEDULED COURTROOM 3B WITH JUDGE DENNIS PRESIDING

IF YOU HAVE QUESTIONS PLEASE CONTACT CAROLINE LEONARD AT.
ccleonard@charlestoncounty.org.

Mail Notice To:
Derrell Beckley 1425 Manley Ave North Charleston, SC 29405

Court Info:
Common Pleas Charleston County Judicial Center 100 Broad Street - Suite 106 Charleston, SC 29401-9401

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843)958-5000

Respectfully,

Julie Armstrong
Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Derrell Beckley,
Plaintiff,

v.

City of Charleston, Charleston Police and
Fire Departments,
Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-10-2385

CERTIFICATE OF SERVICE

BY
JENNIFER L. DAVIS
CLERK OF COURT

2014 MAY 28 PM 2:19

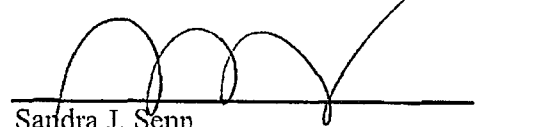
The undersigned hereby certifies that a true copy of **Defendants' Motion to Dismiss** was served this 28th day of May, 2014, by depositing the same in the United States mail, postage pre-paid, and addressed to the following:

Mr. Derrell Beckley
1425 Manley Avenue
North Charleston, South Carolina 29405



Kevin M DeAntonio
Associate
Senn Legal, LLC
P.O. Box 12279
Charleston, SC 29422

Respectfully moved,



Sandra J. Senn
Senn Legal, LLC
P.O. Box 12279
Charleston, SC 29422
(843) 556-4045
(843) 556-4046 (fax)

Attorney for Defendants

Charleston, South Carolina
May 28, 2014



*Sandra J. Senn
Robin L Jackson
Christopher T. Dorsel
Kevin M DeAntonio*

*3 Wesley Drive
P.O. Box 12279
Charleston, SC 29422
(843) 556-4045
F (843) 556-4046*

Chris@sennlegal.com

August 19, 2014

Mr. Derrell Beckley
1425 Manley Avenue
North Charleston, SC 29405

RE: Derrell Beckley v. City of Charleston
Case No.: 14-CP-10-02385

Dear Mr. Beckley:

I have received notice from the Court that a hearing on Defendant's Motion to Dismiss is scheduled to be heard on **September 11, 2014** at 9:30 a.m. in Courtroom 3B at the Charleston County Courthouse. The Courthouse is located at 100 Broad Street, Charleston, SC. If you would like to discuss this matter further, please do not hesitate to contact me.

With kind regards, I am,

Sincerely,

Christopher T. Dorsel

CTD/mnz



Sandra J. Senn
Robin L Jackson
Christopher T Dorsel
Kevin M. DeAntonio

3 Wesley Drive
P.O Box 12279
Charleston, SC 29422
(843) 556-4045
F (843) 556-4046

Chris@sennlegal.com

September 11, 2014

Mr. Derrell Beckley
1425 Manley Avenue
North Charleston, SC 29405

RE: Derrell Beckley v. City of Charleston
Case No.: 14-CP-10-02385

Dear Mr. Beckley:

Please find enclosed a Proposed Order in this case, which was requested by the judge at our hearing today. Please also find enclosed a copy of my email to the court enclosing the Proposed Order.

Sincerely,

Christopher T. Dorsel

Chris Dorsel

From: Chris Dorsel
Sent: Thursday, September 11, 2014 12:40 PM
To: mdennislc@sccourts.org
Subject: CASE NO 2014-CP-10-2385 - Beckley v City of Charleston, et al
Attachments: Proposed Order docx

Pursuant to Judge Dennis's request at today's Motion hearing, I have attached a Proposed Order. I will print a copy of this email and the Proposed Order and will provide a copy of this communication with the court to Mr. Beckley, who is *pro se*.

Please let me know if you should need any additional information in this matter.

Thank you,
Chris Dorsel

Christopher T. Dorsel
Senn Legal, LLC
3 Wesley Drive
Charleston, SC 29407
(843)556 4045
[*chris@sennlegal.com*](mailto:chris@sennlegal.com)



Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential work product. This communication is intended for the use of the individual or entity above named. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return email and destroy any copies--electronic, paper, or otherwise--which you may have of this communication. Nothing in this email should be construed as giving tax advice as no one in this law firm is qualified to give tax advice. Such advice must be sought from a tax professional.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Derrell Beckley,

Plaintiff,

v.

City of Charleston, Charleston Police and
Fire Departments,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 2014-CP-10-2385

ORDER

This matter came before the court on a Motion to Dismiss filed on behalf of Defendants City of Charleston, Police Department and Fire Departments (hereinafter, "Defendants"). Present at the September 11th, 2014, hearing were Christopher T. Dorsel, counsel for Defendants, and Derrell Beckley, *pro se*.

The Court heard arguments from both parties in this matter, which arises from a June 14, 2011, incident in Charleston, South Carolina. Because Plaintiff has alleged in his complaint that a government employee or employees committed a tort against him, this claim is subject to the South Carolina Tort Claims Act ("TCA"). See S.C. Code Ann. § 15-78-70(a) ("This chapter constitutes the exclusive remedy for any tort committed by an employee of a governmental entity."). Pursuant to the TCA, any action brought pursuant to the TCA is "forever barred" unless it is commenced within two (2) years after the date of the alleged loss. S.C. Code § 15-78-110.

Plaintiff alleged in his complaint to have suffered a loss on April 14, 2011, and the current lawsuit was filed on April 16, 2014. Because this action was not filed within the TCA's two-year statutory period, Plaintiff's claims in this suit are barred and this matter is dismissed with prejudice.

THEREFORE, the Court grants Defendants' Motion to Dismiss and dismisses all claims against Defendants with prejudice.

AND IT IS SO ORDERED.

The Honorable R. Markley Dennis, Jr.
Chief Administrative Judge, Ninth Judicial Circuit

_____, 2014
Charleston, South Carolina

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-10-2385

Derrell Beckley

City of Charleston, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

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
- ☐ **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, TRIAL JUDGE, 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: Motion to Dismiss by Defendant, filed on 5/28/2014, is GRANTED

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk :

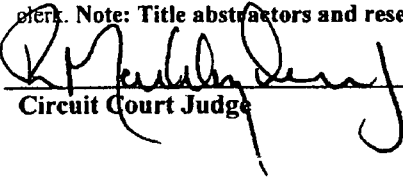
INFORMATION FOR THE JUDGMENT INDEX

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)
N/A		\$
		\$
		\$

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

2060

Judge Code

9/11/2014

Date

For Clerk of Court Office Use Only

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Derrell Beckley,

Plaintiff,

v.

City of Charleston, Charleston Police and
Fire Departments,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-10-2385

ORDER

FILED
2014 SEP 16 PM 3:11
JULIE L. ALLEN, CLERK OF COURT

This matter came before the court on a Motion to Dismiss filed on behalf of Defendants City of Charleston, Police Department and Fire Departments (hereinafter, "Defendants"). Present at the September 11th, 2014, hearing were Christopher T. Dorsel, counsel for Defendants, and Derrell Beckley, *pro se*.

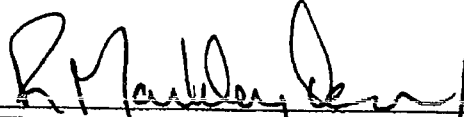
The Court heard arguments from both parties in this matter, which arises from a June 14, 2011, incident in Charleston, South Carolina. Because Plaintiff has alleged in his complaint that a government employee or employees committed a tort against him, this claim is subject to the South Carolina Tort Claims Act ("TCA"). See S.C. Code Ann. § 15-78-70(a) ("This chapter constitutes the exclusive remedy for any tort committed by an employee of a governmental entity."). Pursuant to the TCA, any action brought pursuant to the TCA is "forever barred" unless it is commenced within two (2) years after the date of the alleged loss. S.C. Code § 15-78-110.

Plaintiff alleged in his complaint to have suffered a loss on April 14, 2011, and the current lawsuit was filed on April 16, 2014. Because this action was not filed within the TCA's two-year statutory period, Plaintiff's claims in this suit are barred and this matter is dismissed with prejudice.

EMD/1

THEREFORE, the Court grants Defendants' Motion to Dismiss and dismisses all claims against Defendants with prejudice.

AND IT IS SO ORDERED.

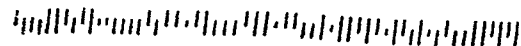


The Honorable R. Markley Dennis, Jr.
Chief Administrative Judge, Ninth Judicial Circuit

September 12, 2014
Charleston, South Carolina

HNDJ/2

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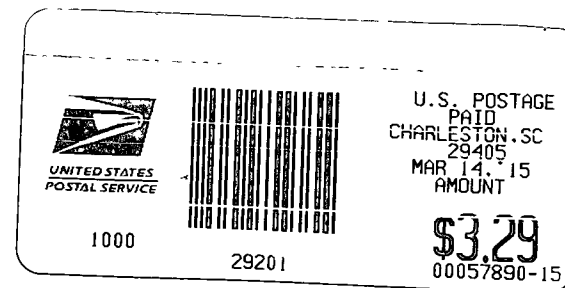


1501 Manley Ave
North Charleston, SC 29405

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SC Court of Appeals



Jenny Abbott Kitchings
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Columbia SC 29201