

STATE OF SOUTH CAROLINA  
COUNTY OF FAIRFIELD  
JORDAN R. BOYD,

Plaintiff,

-vs-

LEON LOTT, IN HIS OFFICIAL CAPACITY  
AS SHERIFF OF THE RICHLAND COUNTY  
SHERIFF'S DEPARTMENT

Defendant.

2014 DEC 22 AM 10 58  
FAIRFIELD COUNTY  
CLERK OF COURT  
BETTY JO BECKHAM  
IN THE COURT OF COMMON PLEAS  
DOCKET OF 2014, CF 2014-023

**RECEIVED**

MAR 25 2015

**SC Court of Appeals**

ORDER

This matter comes before me upon Defendant's Motion to Change Venue. Defendant argues venue should be transferred from Fairfield County to Richland County pursuant to S.C. Code Ann. Sections 15-78-100 (b), 15-77-20(2), 15-77-50, and 15-7-100. A hearing was held before me on November 13, 2014, wherein both parties were represented by counsel and presented oral argument to the court.

In November, 2013, Defendant conducted a multi-county criminal investigation involving bank fraud and forgery which resulted in multiple arrests. In November, 2013, Defendant issued a press release with photographs of individuals accused of bank fraud and forgery. Defendant's press release falsely accused and incorrectly identified Plaintiff as a criminal participant in said bank fraud and forgery ring (Exhibit 1). Defendant does not deny Plaintiff was improperly named and identified. Defendant transmitted the press release and photographs to multiple media outlets across the State of South Carolina. Defendant's press release and photograph were published and reported in and by newspapers, television stations, and multiple internet sites in Fairfield County.

In November, 2013, Defendant obtained a warrant for the arrest of Plaintiff for the charges of bank fraud and forgery.

All parties agree that Defendant Richland County Sheriff and his employees are subject to suit under the South Carolina Tort Claims Act (hereinafter "SCTCA") and per S.C. Code Ann. Sections 15-78-100 (b), any action under the SCTCA must be brought in the county in which the act or omission occurred.

Defendant argues that this action should be transferred to Richland County alleging the acts and omissions set forth under 15-78-100(b) occurred in Richland County. Defendant alleges that all relevant acts of Defendant's criminal investigation of Plaintiff for bank fraud and forgery, including the publication of the press release and the obtaining of the arrest warrant, were conducted in Richland County. Defendant argues that the gravamen of Plaintiff's complaint deals with the criminal investigation conducted by Richland County deputies in Richland County and that the acts and omissions complained of by Plaintiff occurred in Richland County. Therefore, Defendant argues under South Carolina Code Ann. 15-78-100(b) venue should be transferred to Richland County.

Defendant did not produce affidavits or testimony of any witnesses to support transferring venue based on the convenience of witnesses per South Carolina Code Ann. 15-7-100. Defendant failed to meet his burden of proof and failed to provide any evidence to the Court. Therefore, Defendant's argument to transfer venue under South Carolina Code Ann. 15-7-100 is denied.

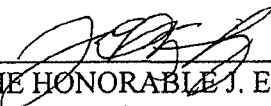
In opposing Defendant's motion, Plaintiff alleges venue is proper in Fairfield County as all acts and omissions of Defendant that led to the suit occurred in Fairfield County. Plaintiff's suit against Defendant alleges defamation including slander per se and libel per se. Plaintiff argues that

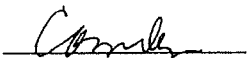
the releasing, transmitting, and requesting media outlets to publish the false press release by Defendant in Fairfield County are the acts and omissions which resulted in the defamation of Plaintiff. Plaintiff alleges his name was defamed by Defendant in Fairfield County when Fairfield County residents heard, read, and viewed the false press release and photograph that falsely accused Plaintiff of being a participant in a bank fraud/ forgery crime ring and the resulting warrant issued for his arrest. Furthermore, Plaintiff alleges Defendant's accusations that Plaintiff has been charged and/or participated in a crime constitutes slander per se and libel per se and thus damages are presumed under South Carolina law. *Sandifer v. Electrolux Corp.*, 172 F.2d 548. Therefore, Plaintiff argues his damages for defamation that occurred in Fairfield County should be determined by a Fairfield County jury.

Motions for the change of venue are addressed by the sound discretion of the trial court. *Jeter v. South Carolina Department of Transportation*, 369 S.C. 433, 438 (2006). Having reviewed all evidence and argument presented to the Court by all parties, I find and conclude that the acts and omissions giving rise to Plaintiff's complaint occurred in Fairfield County. I therefore find and conclude that the venue is properly set before this Court in Fairfield County.

It is THEREFORE ORDERED, ADJUDGED, AND DECREED that the Defendant's Motion To Change Venue is hereby DENIED.

**IT IS SO ORDERED.**

  
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THE HONORABLE J. ERNEST KINARD, JR.  
Presiding Judge  
Sixth Judicial Circuit

, South Carolina  
12/11, 2014.



# Richland County Sheriff's Department

## Wells Fargo Fraud/Forgery Ring



Courtney BLAIR



Katerlie BRELAND



Whitney GREEN



Tasha JONES



Dionna MOORE



Labritney SEASE



Robert ANDERSON



Emmanuel OKOYE, Jr.



Lamontae HAMMOND



Ronnie STONE



Yotoni DUNLAP



Britney HOLMES



Candace SWEAT



Donquarius RICHARDSON



Patrick WILLIAMS



Darryl SAMUEL



Steven JOHNSON



Mary WEAVER



Jessica BLAKE



Jeshia ROBINSON



Keith BORDEN



Demetrius FULLER



Saquan RICHARDSON



Taeshawn SINGLETARY



Ashley TURNER



Lasley COLEMAN



Julianar HIBBLER



Remon WEST



Rodney GLOVER



Richard PATTERSON



Edmond DOUGLAS



Alexis JOHNSON



Ladaleza ROBERTS



Miranda SALES



Karl WEST



Marcus WILLIAMS



James RANDOLPH



Marquavious JONES



Alexis RIVERS



Rachade BOULWARE



Willie HAMPTON



Braxton PEARSONS



Gregory LIDE

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**RICHLAND COUNTY, SC** — Former criminals, single parents, homeless people and college students were targeted as co-conspirators in a massive financial services fraud uncovered by the Richland County Sheriff's Department and announced Thursday.

Four ringleaders recruited nearly 90 individuals to open new bank accounts at TD Bank, Wells Fargo and Woodforest Bank. For as little as \$100 or \$200, accounts were established and account information, starter checks and debit cards were handed over to ringleaders. Those leaders then used the accounts to defraud the banks of more than \$100,000 over the past year through bad checks and ATM withdrawals, authorities said.

Forty suspects, who authorities said managed to scam TD Bank of \$40,000, were charged earlier this year. But the department's newly formed financial services unit discovered those arrested were recruited by four people investigators are calling ringleaders in the scam.

Sheriff Leon Lott on Thursday announced an additional 51 suspects were involved in scamming Wells Fargo of an additional \$72,000. Nine arrests have been made. An additional 42 suspects are sought.

Among those arrested were the four ringleaders.

"Financial crimes tend to go under the radar," Lott said at a press conference. "Looking at that area . . . the amount is staggering."

Those arrested, with their ages and charges, were: Courtney Blair, 25, two counts of bank fraud and two counts of forgery; Katrell Breland, 24, two counts of bank fraud and two counts of forgery; Whitney Green, 22, three counts of forgery, conspiracy and bank fraud; Lorenzo Young, 19, bank fraud; Terry Daniels, 24, five counts of forgery and four counts of bank fraud.

Also Rachade Boulware, 19, five counts of bank fraud, forgery, conspiracy, burglary, trespassing, receiving stolen property, failure to stop for blue lights and three counts of probation violation; Ashley Turner, 25, bank fraud; Mary Weaver, 20, bank fraud; and Rodney Glover, 22, bank fraud.

Young also faces charges of burglary and murder stemming from the July shooting of 33-year-old Kelly Hunnewell inside a bakery at 93 Tommy Circle.

The remaining suspects sought are:

Robert Anderson, 26; Jessica Blake, 25; Keith Borden, 29; Jordan Boyd, 19; Lesley Coleman, 30; Edmond Douglas, 32; Yotorri Dunlap, 22; Demetris Fuller, 30; Rodney Glover, 22; Lamontae Hammond, 19; Willie Hampton, 21; Jullanar Hibbler, 28; Brittany Holmes, 27; Alexis Johnson, 29; Steven Johnson, 24; Marquavius Jones, 24; Tasha Jones, 21; Lajuan Lewis, 22; Gregory Lide, 24; Dionna Moore, 20; Emmanuel Okoye, 22; Richard Patterson, 25; Braxton Pearsons, 20; James Randolph, 31; Donquarius Richardson, 19; Saquan Richardson, 19; Alexis Rivers, 20; Ladaiza Roberts, 18; Iesha Robinson, 22; Miranda Sales, 22; Darryl Samuel, 20; Labrittney Sease, 26; Taeshaun Singletary, 22; Ronnie Stone, 24; Candace Sweat, 29; Hakeem Tucker, 20; Ashley Turner, 25; Mary Weaver, 20; Karl West, 20; Remon West, 28; Marcus Williams, 41; and Patrick Williams, 26.

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

JORDAN R. BOYD,

Plaintiff,

-vs-

LEON LOTT, IN HIS OFFICIAL  
CAPACITY AS SHERIFF OF THE  
RICHLAND COUNTY SHERIFF'S  
DEPARTMENT

Defendant.

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2014-CP-20-0328

2015 FEB 23 AM 10 50  
FAIRFIELD COUNTY  
CLERK OF COURT  
DETROIT MI

**ORDER DENYING DEFENDANT'S  
MOTION TO ALTER OR AMEND ORDER  
AND/OR MOTION FOR  
RECONSIDERATION**

This matter comes before me upon Defendant's Motion to Alter or Amend Order/or Motion for Reconsideration. A hearing was held before me on November 13, 2014, wherein both parties were represented by counsel and presented oral argument to the court. This Court issued an Order dated December 11, 2015 denying Defendant's motion to change venue from Fairfield County, to Richland County. Defendant argued that venue should be transferred pursuant to S.C. Code Ann. Sections 15-78-100 (b), 15-77-20(2), 15-77-50, and 15-7-100.

Motions for the change of venue are addressed by the sound discretion of the trial court. *Jeter v. South Carolina Department of Transportation*, 369 S.C. 433, 438 (2006). Both parties agree that Section 15-78-100(b) of the South Carolina Tort Claims Act controls venue in this case and that any action under the SCTCA must be brought 'in the county in which the act or omission occurred.'

Defendant now asks the Court to alter or amend its decision denying Defendant's motion to change venue. Defendant argues that the Court failed to state the 'acts and omissions' which occurred in Fairfield County that give rise to proper venue in Fairfield County. Plaintiff argued and presented evidence that Defendant published, broadcasted, and transmitted a false and defamatory press release through multiple media mediums including television, newspaper, and social media sites in Fairfield County. Plaintiff stated in his complaint that upon learning of the false report, Defendant failed and omitted to retract the publication. Plaintiff alleged that a warrant was taken out against Plaintiff, a Fairfield County resident, and presented for his arrest. Plaintiff alleged in his complaint and during argument that the actions of Defendant in Fairfield County defamed Plaintiff in his home county of Fairfield. I find that all of the above stated actions by Defendant took place in Fairfield County and constitute acts and omissions as set forth under Section 15-78-100(b) of the South Carolina Tort Claims Act.


Secondly, Defendant requests that the Court construe the meaning of the phrase 'in which the acts or omission occurred.' Defendant argues that the decision of the United States Supreme Court in *Richards v. United States*, 369 U.S. 1 (1962) controls in this matter. The Court concluded in *Richards* that venue lies 'where the acts or omissions take place, not where they have their operative effect.' Defendant argues that any negligent acts or omissions of Defendant took place in Richland County and that the negative operative effects of such actions, if any, occurred in Fairfield County. The Court finds Defendant's argument unpersuasive. This Court finds again that not only did the acts and omissions of the Defendant take place in Fairfield County, but also their operative effects took place in Fairfield County. Defendant caused a false and defamatory press release to be published, broadcasted, and transmitted through multiple


media mediums including television, newspaper, and social media sites in Fairfield County. Additionally, Defendant failed and omitted to retract the false and defamatory press release after it learned of its falsity. These are clear actions and omissions by Defendant that took place in Fairfield County and satisfy Section 15-78-100(b) of the South Carolina Tort Claims Act.

I therefore find and conclude that the venue is properly set before this Court in Fairfield County.

It is THEREFORE ORDERED, ADJUDGED, AND DECREED that the Defendant's Motion To Alter/Amend and Motion to Reconsider is hereby DENIED.

**IT IS SO ORDERED.**

  
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THE HONORABLE J. ERNEST KINARD, JR.  
Presiding Judge  
Sixth Judicial Circuit

, South Carolina  
2/17, 2015.