

**FORM 15  
RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

MAY 28 2015

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**SC Court of Appeals**

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

Responded.

RECORD ON APPEAL

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

Christopher Dorsel, Esquire  
3 Wesley Drive  
Charleston, South Carolina 29000  
(843)556-4045  
Attorney for Respondent

Certificate of Counsel

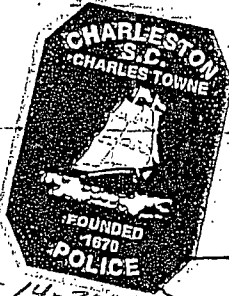
---

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

May 26, 2015



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



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

06-14-2011

Emergency Only 911

- Chief of Police ..... 720-2401
- Personnel ..... 720-2402
- Records ..... 720-2416
- Property/Evidence ..... 720-2467
- Desk Sgt. .... 720-2427
- Central Investigation ..... 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

*Tea*  
*219 vkn*

*Dody Ram*  
*White*

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:	Phone: ( ) -	St/Beat: 122	District: T1 RA: GP: L122
Nature: ACCIDENT INVOLVING A	Alarm Lvl: 1	Priority: 2	Medical Priority:
Reclassified Nature:			
Caller:	Addr: MARY ST/MEETING ST	Phone: (864) 350-3841	Alarm: 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: irt 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		

Unit	Empl ID	Type	Description	Time Stamp	Radio Log Comments	Close Code	User
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

Unit	Empl ID	Type	Description	Time Stamp	Event Log Comments	Close Code	User
		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 YYYY  
 10302 SC 06 14 2011 C03 11-0005476 000  
 FDID \* State \* Incident Date \* Station Incident Number \* Exposure \*  
 Delete  
 Change  
 No Activity  
 NFIRS Bas

**B Location\***  Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section B "Alternative Location Specification". Use only for Wildland fires.

Street address  
 Intersection  In front of  Rear of  Adjacent to  Directions  
 Number/Milepost Prefix MEETING Street or Highway ST  
 Apt./Suite/Room City CHARLESTON SC 29401  
 State Zip Code  
 Cross street or directions, as applicable MARY ST

**C Incident Type \***  
 611 Dispatched & cancelled en route  
 Incident Type

**E1 Date & Times** Midnight is 0000  
 Check boxes if dates are the same as Alarm Date.  
 Alarm \* 06 14 2011 15:46:00  
 ALARM always required  
 ARRIVAL required, unless canceled or did not arrive  
 Arrival \*  
 CONTROLLED optional, except for wildland fires  
 Controlled  
 LAST UNIT CLEARED, required except for wildland fires  
 Last Unit Cleared 06 14 2011 15:52:00

**E2 Shift & Alarm** Local Option  
 A 01 103  
 Shift or Alarm Platoun

**D Aid Given or Received\***  
 1  Mutual aid received  
 2  Automatic aid recv.  
 3  Mutual aid given  
 4  Automatic aid given  
 5  Other aid given  
 N  None  
 Their FDID Their State  
 Their Incident Number

**E3 Special Study** Local Option  
 Special Study ID Special Study #

**F Actions Taken \***  
 93 Canceled en route  
 Primary Action Taken 1:  
 Additional Action Taken 2:  
 Additional Action Taken 3:

**G1 Resources \***  
 Check this box and skip this section if an Apparatus or Personnel form is used.  
 Apparatus Personnel  
 Suppression 0001 0004  
 EMS  
 Other  
 Check box if resource counts include aid received resources.

**G2 Estimated Dollar Losses & Val**  
 LOSSES: Required for all fires if known. Opt. for non fires.  
 Property \$ 000,000  
 Contents \$ 000,000  
 PRE-INCIDENT VALUE: Optional  
 Property \$ 000,000  
 Contents \$ 000,000

**Completed Modules**  
 Fire-2  
 Structure-3  
 Civil Fire Cas.-4  
 Fire Serv. Cas.-5  
 EMS-6  
 HazMat-7  
 Wildland Fire-8  
 Apparatus-9  
 Personnel-10  
 Arson-11

**H1 Casualties** None  
 Deaths Injuries  
 Fire Service  
 Civilian  
**H2 Detector** Required for Confined Fires.  
 1  Detector alerted occupants  
 2  Detector did not alert them  
 U  Unknown

**H3 Hazardous Materials Release**  
 N  None  
 1  Natural Gas: slow leak, no evacuation or HazMat actions  
 2  Propane gas: <21 lb. tank (as in home BBQ grill)  
 3  Gasoline: vehicle fuel tank or portable container  
 4  Kerosene: fuel burning equipment or portable storage  
 5  Diesel fuel/fuel oil: vehicle fuel tank or portable  
 6  Household solvents: home/office spill, cleanup only  
 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 Prop.**  
 NN  Not Mixed  
 10  Assembly use  
 20  Education use  
 33  Medical use  
 40  Residential use  
 51  Row of stores  
 53  Enclosed mall  
 58  Bus. & Residential  
 59  Office use  
 60  Industrial use  
 63  Military use  
 65  Farm use  
 00  Other mixed use

**J Property Use\*** Structures  
 131  Church, place of worship  
 161  Restaurant or cafeteria  
 162  Bar/Tavern or nightclub  
 213  Elementary school or kindergarten  
 215  High school or junior high  
 241  College, adult education  
 311  Care facility for the aged  
 331  Hospital  
 Outside  
 124  Playground or park  
 655  Crops or orchard  
 669  Forest (timberland)  
 807  Outdoor storage area  
 919  Dump or sanitary landfill  
 931  Open land or field

341  Clinic, clinic type infirmary  
 342  Doctor/dentist office  
 361  Prison or jail, not juvenile  
 419  1-or 2-family dwelling  
 429  Multi-family dwelling  
 439  Rooming/boarding house  
 449  Commercial hotel or motel  
 459  Residential, board and care  
 464  Dormitory/barracks  
 519  Food and beverage sales  
 936  Vacant lot  
 938  Graded/care for plot of land  
 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/repairs  
 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  
 Linkup and enter a Property Use code (all of you have NOT checked a Property Use code)  
 Property Use 960  
 Street, Other

**K1 Person/Entity Involved**

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  
 N/A  
 Number Prefix Street or Highway Street Type Suffix  
 Post Office Box Apt./Suite/Room City  
 CHARLESTON  
 State Zip Code  
 SC 29401

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

**K2 Owner**

Local Option

Same as person involved? Then check this box and skip the rest of this section.

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 is:

Pooser, Robert A.

Signature

CP

Position of rank

Assignment

06

Month

15

Day

2011

Year

Check box if same as Officer making report is in charge.

E040857

Member making report is in charge.

Fleming, David B.

Signature

ENG

Position of rank

Assignment

06

Month

15

Day

2011

Year

# GLORE LAW GROUP LLC

Mark D. Glor DC GA NC OK SC  
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

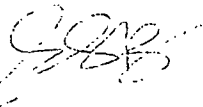
RE: My Client : Darrell Beckley  
D/O/L : 6/14/2011  
SSN : 388-66-0926  
Date of Birth : 3/26/1958

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

# 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



**Mark D. Clore** DC GA NC OK SC  
**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

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

**49 IMMIGRATION ST STE 100 CHARLESTON SC 29403**

AUSTIN · TX

ASHEVILLE · NC

PHONE: 843-722-  
FAX: 843-722-  
800-610-2



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.

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. STEW  
NOTARY PUBL  
SOUTH CAROLI

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-M  
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

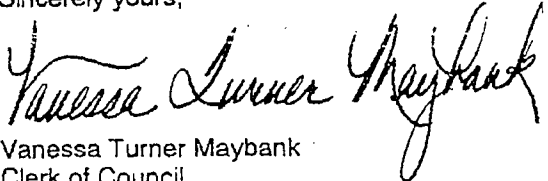
RE: Derrell Beckley:

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  
Clerk of Council

VTM/zw  
Enclosures

Cc:

Derrell Beckley  
PO Box 20886  
Charleston, SC 29413

NIKKI R. HALEY, CHAIR  
GOVERNOR

CURTIS M. LOFTIS, JR.  
STATE TREASURER

RICHARD ECKSTROM, CPA  
COMPTROLLER GENERAL



SC BUDGET AND CONTROL BOARD

INSURANCE RESERVE FUND

POST OFFICE BOX 11066  
COLUMBIA, SOUTH CAROLINA 29211  
PHONE 737-0920  
FAX (803) 737-0043

HUGH K. LEATHERMAN, 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,

A handwritten signature in cursive script that reads "Terri H. Camp".

Terri H. Camp  
Senior Claims Representative

Cc: Janie Borden  
City of Charleston



*City of Charleston*

South Carolina

JOSEPH P. RILEY, Jr.  
Mayor

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*

South Carolina

JOSEPH P. RILEY, Jr  
Mayor

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





*City of Charleston*

South Carolina

JOSEPH P. RILEY, Jr  
*Mayor*

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 (4<sup>th</sup> 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 (4<sup>th</sup> 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).

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Darrell Beckley, a/k/a Derrell Beckley,	)	C/A No.: 2:13-3561-DCN-BM
	)	
Plaintiff,	)	
	)	
vs.	)	Order
	)	
City of Charleston; Charleston Police Dept.; and Charleston Fire Dept.,	)	
	)	
Defendant(s).	)	

This is a civil action filed by a *pro se* litigant. Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District of South Carolina, pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

**PAYMENT OF THE FILING FEE:**

Plaintiff has submitted an Application to Proceed Without Prepayment of Fees and Affidavit (Form AO 240) which is construed as a Motion for Leave to Proceed *in forma pauperis*. See 28 U.S.C. § 1915. A review of the Motion reveals that Plaintiff should be relieved of the obligation to prepay the full filing fee. Plaintiff's Motion for Leave to Proceed *in forma pauperis* is **granted**, subject to the Court's right to require a payment if Plaintiff's financial condition changes, and to tax fees and costs against Plaintiff at the conclusion of this case if the Court finds the case to be without merit. See *Flint v. Haynes*, 651 F.2d 970, 972-74 (4<sup>th</sup> Cir. 1981).

**TO THE CLERK OF COURT:**

The Clerk of Court is directed *not* to issue the summonses or forward this matter to the United States Marshal for service of process at this time.

The Clerk of Court shall not enter any change of address submitted by Plaintiff which directs that mail be sent to a person other than Plaintiff unless that person is an attorney admitted to practice before this court, and the attorney has entered an appearance.

**TO PLAINTIFF:**

Plaintiff must place the civil action number listed above on any document provided to the Court pursuant to this Order. **Any future filings in this case must be sent to (Post Office Box 835, Charleston, South Carolina 29402).** All documents requiring Plaintiff's signature shall be signed

with Plaintiff's full legal name written in Plaintiff's own handwriting. *Pro se* litigants shall *not* use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this Court, Plaintiff is directed to use letter-sized (8½ inches by 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. Plaintiff is further instructed not to write to the edge of the paper, but to maintain one inch margins on the top, bottom and sides of each paper submitted.

Plaintiff is a *pro se* litigant. Plaintiff's attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised in writing (**Post Office Box 835, Charleston, South Carolina 29402**) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to meet a deadline set by this Court, your case may be dismissed for violating this Order. Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the Court with the docket number of all pending cases you have filed with this Court. Your failure to do so will not be excused by the Court.

**IT IS SO ORDERED.**



---

Bristow Marchant  
United States Magistrate Judge

February 20, 2014  
Charleston, South Carolina

*Plaintiff's attention is directed to the important warning on the next page.*



## IMPORTANT INFORMATION ....PLEASE READ CAREFULLY

### WARNING TO PRO SE PARTY OR NONPARTY FILERS

All Documents That You File with the Court Will Be Available to the Public on the Internet Through Pacer (Public Access to Court Electronic Records) and the Court's Electronic Case Filing System. **CERTAIN *PERSONAL IDENTIFYING INFORMATION* SHOULD NOT BE INCLUDED IN OR SHOULD BE REMOVED FROM ALL DOCUMENTS BEFORE YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING.**

Rule 5.2 of the Federal Rules of Civil Procedure provides for privacy protection of electronic or paper filings made with the court. Rule 5.2 applies to ALL documents submitted for filing, including pleadings, exhibits to pleadings, discovery responses, and any other document submitted by any party or nonparty for filing. Unless otherwise ordered by the court, a party or nonparty filer should not put certain types of an individual's personal identifying information in documents submitted for filing to any United States District Court. If it is necessary to file a document that already contains personal identifying information, the personal identifying information should be "blacked out" or redacted prior to submitting the document to the Clerk of Court for filing. A person filing any document containing their own personal identifying information waives the protection of Rule 5.2(a) by filing the information without redaction and not under seal.

1. Personal information protected by Rule 5.2(a):

- (a) **Social Security and Taxpayer identification numbers.** If an individual's social security number or a taxpayer identification number must be included in a document, the filer may include only the last four digits of that number.
- (b) **Names of Minor Children.** If the involvement of a minor child must be mentioned, the filer may include only the initials of that child.
- (c) **Dates of Birth.** If an individual's date of birth must be included in a document, the filer may include only the year of birth.
- (d) **Financial Account Numbers.** If financial account numbers are relevant, the filer may include only the last four digits of these numbers.

2. Protection of other sensitive personal information – such as driver's license numbers and alien registration numbers – may be sought under Rule 5.2(d)(Filings Made Under Seal) and (e) (Protective Orders).

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.	)	<b><u>ORDER</u></b>
	)	
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).<sup>1</sup> No objections have been filed to the magistrate judge's


---

<sup>1</sup>In 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

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.

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

STATE OF SOUTH CAROLINA )

COUNTY OF Charleston )

Derrell Beckley )

Plaintiff(s) )

City of Charleston, vs. )

Charleston Police and Fire Departments )

Defendant(s) )

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014 -CP- 10 - 2385

(Please Print)

Submitted By: Derrell Beckley

Address: 1425 Manley Ave.

North Charleston, SC 29405

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)

- |  |  |  |   |
|--|--|--|---|
| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> Employment (120)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Other (199)</li> </ul> | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li>Previous Notice of Intent Case #<br/><u>20</u> -CP- <u>        </u></li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299)</li> </ul>                               | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Assault/Slander/Libel (300)</li> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input checked="" type="checkbox"/> Other (399)</li> </ul>   | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input type="checkbox"/> Other (499)</li> </ul>   |
| <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul>   | <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Drv. License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture-Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul> | <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript of Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)</li> <li><input type="checkbox"/> Confession of Judgment (770)</li> <li><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)</li> <li><input type="checkbox"/> Other (799)</li> </ul> | <p><b>Appeals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Public Service Commission (990)</li> <li><input type="checkbox"/> Employment Security Commission (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |
| <p><b>Special/Complex /Other</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input type="checkbox"/> Other (699)</li> <li><input type="checkbox"/> Sexual Predator (510)</li> </ul>  | <ul style="list-style-type: none"> <li><input type="checkbox"/> Pharmaceuticals (630)</li> <li><input type="checkbox"/> Unfair Trade Practices (640)</li> <li><input type="checkbox"/> Foreign Subpoenas (650)</li> <li><input type="checkbox"/> Motion to Quash Subpoena in Out-of-County Action (660)</li> </ul>   |  |   |

Civil Rights

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

2014 APR 10 PM 3:54  
CLERK OF COURT

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 10<sup>th</sup> 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

2014 APR 16 PM 3:53  
CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.  
SCCA 405CP (10/10)

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

Pro Se Financial Affidavit,

Enter the full name of the plaintiff in this action )

DERRELL BECKLEY )

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

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. )

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 10<sup>th</sup>  
day of April 2014  
[Signature]  
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(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 15 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.

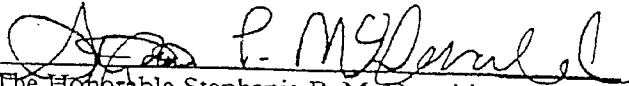
The request is GRANTED. Plaintiff may proceed *in forma pauperis* without payment of  the filing fee and/or  the service cost (check one or both).

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 )

Derrell Beckley )

Plaintiff, )

vs. )

City of Charleston, et al. )

Defendant. )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-10-2385

**MOTION AND ORDER INFORMATION  
FORM AND COVER SHEET**

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

RY  
JULY 16 2014  
CLERK OF COURT  
2014 MAY 28 PM 2:19

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), SCRCP, 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), SCRCP.

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  
CLERK OF COURT

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 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,

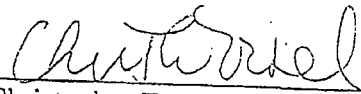
v.

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



*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*

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



*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*

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

Chris Dorsel, Esq.  
Senn Legal, LLC  
1000 1st Ave  
Charleston, WV 25301  
(304) 786-8145  
[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 11<sup>th</sup>, 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

Derrell Beckley

City of Charleston, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or
	<input type="checkbox"/> Self-Represented Litigant

- DISPOSITION TYPE (CHECK ONE)**
- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
  - DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
  - ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
  - ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
  - DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court: 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 :

FILED  
 2014 SEP 16 PM 3:10  
 CLERK OF COURT  
 ANASTROG

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.

*[Signature]*  
 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 J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

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 11<sup>th</sup>, 2014, hearing were Christopher T. Dorsel, counsel for Defendants, and Derrell Beckley, *pro se*.

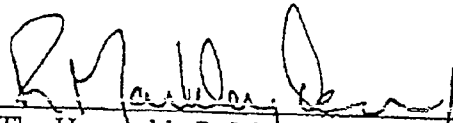
The Court heard arguments from both parties in this matter, which arises from a June 14, 2011, incident in Charleston, South Carolina. Because Plaintiff has alleged in his complaint that a government employee or employees committed a tort against him, this claim is subject to the South Carolina Tort 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.

embj/s

**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

STATE OF SOUTH CAROLINA)  
COUNTY OF CHARLESTON )

COURT OF COMMON PLEAS

DERRELL BECKLEY )  
PLAINTIFF, )

TRANSCRIPT OF RECORD  
14-CP-10-02385

v. )

CITY OF CHARLESTON, )  
CHARLESTON POLICE AND )  
FIRE DEPARTMENTS )

DEFENDANTS.)

September 11, 2014  
Charleston, South Carolina

**BEFORE :**

THE HONORABLE R. MARKLEY DENNIS, JUDGE

**APPEARANCES:**

DERRELL BECKLEY  
Appearing Pro Se

CHRISTOPHER T. DORSEL, ESQ.  
Attorney for Defendants

FRANCES BAKIS-RAY, RPR  
Circuit Court Reporter

**INDEX**

	Page
Motion to dismiss	3
Ruling of the Court	5

(There were no exhibits submitted.)

1 THE COURT: You're Derrell Beckley?

2 MR. BECKLEY: Yes, sir.

3 THE COURT: Mr. Dorsel, this is your  
4 motion, sir?

5 MR. DORSEL: Yes, Your Honor.

6 THE COURT: Okay.

7 MR. DORSEL: I'm Chris Dorsel here on  
8 behalf of the City of Charleston, Police, City of  
9 Charleston, and the Fire Department.

10 THE COURT: Okay.

11 MR. DORSEL: We — this is a case that  
12 was, involved an accident that occurred on  
13 April 14th, 2011. Suit was filed on April 16th,  
14 2014. This was filed pursuant to the Tort Claims  
15 Act, two year statute for that, obviously filed  
16 outside of that. And it was also filed outside of  
17 the three year statute so we filed a motion to  
18 dismiss based on filing outside of any applicable  
19 statute.

20 THE COURT: Okay. Mr. Beckley, I'll happy  
21 to hear from you, sir. There's a statute of  
22 limitations that's unfortunately a very strict one  
23 effecting the Tort Claims Act.

24 MR. BECKLEY: Yes, sir, but I filed this  
25 claim on the 10th of April. I filed it with the

1 court.

2 THE COURT: Filed on the 10th of April of  
3 what year, sir?

4 MR. BECKLEY: Of 2014, sir.

5 THE COURT: Yeah, well, the problem ---

6 MR. BECKLEY: And, Judge, I went to a  
7 proceeding and the judge granted it on the 16th.

8 THE COURT: He granted you the right to  
9 proceed pro se in forma pauperis, Judge McDonald  
10 did. But in looking at the pleading itself, it  
11 alleges that the accident, the incident occurred on  
12 April 14th, 2011.

13 MR. BECKLEY: Yes, sir.

14 THE COURT: That means on April the 13th,  
15 2013, your statute of limitations in bringing this  
16 expired. It had to be brought before that date for  
17 you to proceed by law.

18 MR. BECKLEY: '13, sir?

19 THE COURT: 2013, yes, sir.

20 MR. BECKLEY: Statute of limitations?

21 THE COURT: Yes, sir, there is.

22 MR. BECKLEY: I had a lawyer at that time,  
23 sir.

24 THE COURT: Sir, go talk to your lawyer.  
25 Your lawyer, whatever -- find out from the lawyer

1 why, but your lawyer is not here today. I'd be  
2 happy to tell him he's made the same mistake; but  
3 there's a two year statute of limitations, sir, in  
4 the Tort Claims Act, and that's what this clearly  
5 is.

6 Your motion is granted, Mr. Dorsel.

7 MR. DORSEL: Thank you, Your Honor.

8 THE COURT: Thank you, sir.

9 MR. DORSEL: Your Honor, there's another  
10 case on the roster where a voluntary dismissal has  
11 been entered. It is Jackson, Rodney Jackson versus  
12 Charleston County, Charleston County Sheriff's  
13 Office.

14 THE COURT: Do you have the number?

15 MR. DORSEL: I don't have the number, I  
16 apologize.

17 THE COURT: We'll find it. Thank you very  
18 much.

19 MR. DORSEL: May I hand this up?

20 THE COURT: Yes, thank you.

21 MR. BECKLEY: How do I appeal this  
22 decision?

23 THE COURT: You'll have a right of appeal,  
24 yes, sir, and you'll get an order that says motion  
25 to dismiss.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I'm gonna -- if you will prepare the appropriate order.

You'll get that order and when you receive that order you'll have 30 days in which to file your appeal, sir.

MR. BECKLEY: Thank you, sir.

THE COURT: Thank you, sir.

\* \* \* END OF REQUESTED TRANSCRIPT OF RECORD \* \* \*

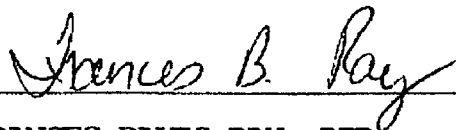
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)  
COUNTY OF FLORENCE )

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 1st day of February, 2015.



FRANCES BAKIS-RAY, RPR