

RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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

RECEIVED

JUN 17 2015

SC Court of Appeals

Case No. 2014-CP-10-2385

City of Charleston,
Charleston Police and
Charleston Fire Departments,

Respondent,

v.

Derrell Beckley

Appellant.

RECORD ON APPEAL

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

Christopher T. Dorsel, Enquire
3 Wesley Drive
Charleston, South Carolina 29422
(843)556- 4045
Attorney for Respondent

INDEX

Complaint	4
Answer	11
Court Transcripts.....	13 to 19
Exhibits	
1	20
2	21
3	22
4.....	23
5.....	24
6.....	25
7.....	26
8.....	27
9.....	28
 Certificate of Appellant	 29

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:

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014 -CP- 10 - 2385

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

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)

- 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)

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
IN THE COURT OF COMMON PLEAS

PRO SE COMPLAINT FORM

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.)

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, 20 14



Signature of Plaintiff

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

SCCA 401 (5/02)

R. pg. 7

FILED
2014 APR 16 PM 3:55
CLERK OF COURT

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)

FILED
2014 APR 16 PM 3:55
JULIE A. HARRIS, 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

[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
2014 APR 16 PM 3:53
CLERK OF COURT
NINTH JUDICIAL CIRCUIT

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.

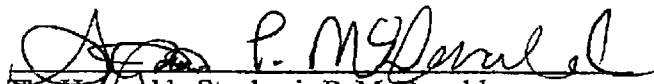
_____ The request is GRANTED. Plaintiff may proceed *in forma pauperis* without payment of _____ filing fee and/or _____ the service cost (check one or both).

_____ 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,
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

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.

SCCA 405CP (10/10)

R. pg. 10

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

BY

JULIE A. HONG
CLERK OF COURT

2014 MAY 28 PM 2:19

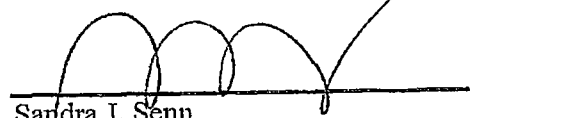
FILED

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.

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

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

COURT OF COMMON PLEAS

DERRELL BECKLEY)
PLAINTIFF,)

v.)

TRANSCRIPT OF RECORD
14-CP-10-02385

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

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

6 MR. BECKLEY: Thank you, sir.

7 THE COURT: Thank you, sir.

8

9 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

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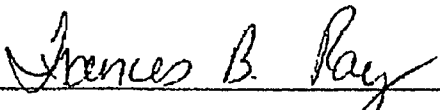
CERTIFICATE OF REPORTER

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

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:	Phone: () -		St/Beat: 122	District: T1	RA:	
			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: 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		

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	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

Event Log

Unit	Empl ID	Type	Description	Time Stamp	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



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 :
Date of Birth :

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

Exhibit 2 R. pg 21

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 OF COUNSEL

June 10, 2013

Mr. Darrell Beckley _____

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.

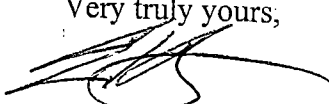
Clore Law Group will no longer be representing you on this matter and will not be protecting your statute of limitations.

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

Exhibit 3

R.pg. 22

49 IMMIGRATION ST STE 100 CHARLESTON SC 29403

AUSTIN · TX

ASHEVILLE · NC

PHONE: 843-722-8070

FAX: 843-722-9881

800-610-2546

**CITY OF CHARLESTON
TORT CLAIM FORM**

NAME: Derrell Beckley DATE: Jun 19, 2013

ADDRESS: _____

CITY: Charleston STATE: SC ZIP: 29413

CONTACT NUMBERS: _____

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.

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
JULIE A. HONG
CLERK OF COURT
BY

FILED

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.

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



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

Attorney or Party Without Attorney: BECKLEY, DERRELL		Telephone No.	Court Use Only
Att For: BECKLEY, DERRELL		SHERIFF NO. CIOT-14003872-001	
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 ** NO CHARGE **

** TOTALS ** .00

ATTEST OF CERTIFIED TRUE COPY

NOTARY PUBLIC SOUTH CAROLINA

MY COMMISSION EXPIRES: 4-7-21

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

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

DATE: 4/29/14

BY

Exhibit 6 R.pg. 25

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



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

Attorney or Party Without Attorney: BECKLEY, DERRELL		Telephone No.		Court Use Only
Att For: BECKLEY, DERRELL		SHERIFF NO. CIOT-14003872-002		
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 ** NO CHARGE **

** TOTALS ** .00

ATTEST OF CERTIFIED TRUE COPY

NOTARY PUBLIC SOUTH CAROLINA

MY COMMISSION EXPIRES: 4-7-21

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

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

DATE: 4/29/14

BY

Exhibit 7 A.pg. 26

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



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

Attorney or Party Without Attorney: BECKLEY, DERRELL		Telephone No.	Court Use Only
Att For: BECKLEY, DERRELL		SHERIFF NO. CIOT-14003872-003	
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

** NO CHARGE **

** TOTALS **

.00

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

Exhibit 8

~~R. pg. 27~~ R. pg. 27

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
JULIA 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 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.)

Judy Best L.)
Notary Public for South Carolina)

My Commission expires)

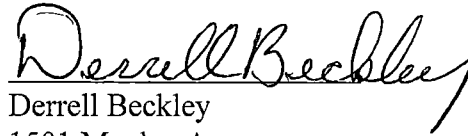
9/22/2014)

Derrell Beckley
Attorney(s) for Plaintiff

Exhibit 9 R. pg 28

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.

June 15, 2015

A handwritten signature in black ink, reading "Derrell Beckley". The signature is fluid and cursive, with the first name "Derrell" and last name "Beckley" clearly distinguishable.

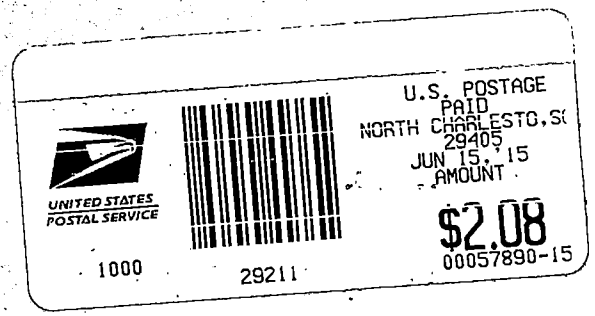
Derrell Beckley
1501 Manley Ave.
North Charleston, SC 29405
(240) 498-5766
Pro Se Appellant

RECEIVED
JUN 17 2015
SC Court of Appeals

R. pg 29

2-161
[Barcode]

by Ave.
eston, S.C. 29405



Jenny Abbott Kitchings
Clerk of Court

P.O. Box 11629

Columbia, SC 29211

RECEIVED

JUN 17 2015

SC Court of Appeals