

**COPY**

STATE OF SOUTH CAROLINA )  
COUNTY OF DARLINGTON )

IN THE COURT OF COMMON PLEAS  
FOR THE FOURTH JUDICIAL CIRCUIT

Haley Jefferson, as Personal  
Representative of the Estate of Michael  
Jefferson,

Civil Action No. 2012-CP-16-0301

Plaintiff,

**ORDER**

v.

Landmark Inn 786 Hospitality, LLC,

Defendant.

**RECEIVED**

SEP 10 2015

SC Court of Appeals

SCOTT B. JEFFERSON  
CLERK OF COURT/PMC  
DARLINGTON COUNTY, S.C.

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**STATEMENT OF THE CASE**

This matter arises out of a May 31, 2009 incident wherein Decedent Michael Jefferson ("Decedent") was shot while he was in the parking lot of the Landmark Inn ("Landmark") located in Hartsville, South Carolina. Pursuant to a lease agreement, Defendant 786 Hospitality, LLC was operating Landmark at the time of the shooting. As a result of the shooting, Decedent was paralyzed and ultimately died on May 4, 2011.

In February 2012, Plaintiff Haley Jefferson, Decedent's sister, was appointed as the Personal Representative of Decedent's Estate. In her Complaint filed on March 30, 2012, the Plaintiff alleges that Landmark failed to exercise reasonable care in providing for Decedent's safety while he was on the Landmark property and that this failure proximately caused Decedent's injuries and subsequent death. Specifically, the Complaint alleges that the Defendant was negligent and/or grossly negligent:

- a. In failing to provide safe conditions for guests and patrons, including [Decedent];
- b. In failing to ascertain possible dangerous circumstances on the premises;

TRUE CERTIFIED COPY

*Scott B. Jefferson*

CLERK OF COURT/PMC  
DARLINGTON COUNTY, S.C.

attached exhibits and the Plaintiff's Memorandum in Opposition to Defendant's Motion for Summary Judgment.

For the reasons set forth below, the Court **GRANTS** Defendant's Motion and makes the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. Prior to the May 31, 2009 shooting incident, Decedent had been convicted of the following crimes: Strong Arm Robbery; Assault and Battery of a High and Aggravated Nature; Possession of Crack Cocaine; Armed Robbery with a Deadly Weapon; and Assault and Battery of a High and Aggravated Nature.

2. In May 2009, Hartsville, South Carolina had several alleged gang factions, including the "1212" gang and the "Across the Creek" gang.

3. Decedent was lifelong friends with members of the "1212" gang, including Forrest Lenn Royal, Jr. ["Royal"].

4. Royal had multiple prior convictions for drug offenses and was a member of the "1212" gang.

5. Darenzo Trevon Graham ["Graham"] was a member of the "Across the Creek" gang.

6. Graham had an extensive criminal history, including numerous weapons, drug and assault charges.

7. On May 31, 2009, Decedent, Royal, Graham and others were trespassing on the Landmark property.

8. None of these people, specifically including Decedent, were registered guests of Landmark.

9. At approximately 7:54 p.m. on May 31, 2009, numerous shots were fired in the Landmark parking lot, resulting in Royal being killed and Decedent being shot and paralyzed.

10. Immediately after being shot, Decedent was found with a loaded TEC-9 semi-automatic weapon under his body.

11. Decedent had marijuana in his pocket when he was shot.

12. At the hospital, Decedent identified Graham as his shooter.

13. Prior to the May 31, 2009 shooting, Decedent had been warned by law enforcement "to get out of this [criminal] life before it took it."

14. After Decedent was shot, members of the Across the Creek gang threatened to go to Decedent's house to kill him.

15. Graham was indicted for killing Royal and shooting Decedent.

16. Across the Creek gang members also threatened the Plaintiff and Royal's mother following a bond hearing for Graham.

### **CONCLUSIONS OF LAW**

1. To establish negligence in a premises liability action, the Plaintiff must prove the following three elements: (1) a duty of care owed by Defendant to Plaintiff; (2) Defendant's breach of that duty by a negligent act or omission; and (3) damage proximately resulting from the breach of duty.

2. The nature and scope of duty in a premises liability action, if any, is determined based upon the status or classification of the person injured at the time of his injury.

3. Decedent was a trespasser at Landmark at the time he was shot.

4. Defendant owed no duty to the Decedent, a trespasser, except the duty not to do him willful or wanton injury.

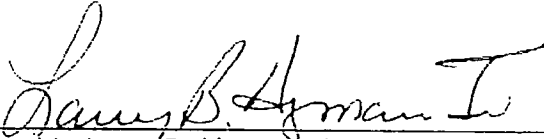
5. In the light most favorable to the Plaintiff, there is no evidence that Defendant willfully or wantonly injured the Decedent.

6. The determination of the existence of a duty is solely the responsibility of the Court.

7. No conduct of the Defendant proximately caused Decedent's injuries and damages.

8. Plaintiff's claims against the Defendant fail to state a cause of action as a matter of law.

Based on the foregoing, the Court hereby **GRANTS** Defendant's Motion for Summary Judgment and orders that each party to pay their own costs.

  
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Honorable Larry B. Hyman, Jr.

June 30, 2015