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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

FEB 03 2015

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

SC Court of Appeals

Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2013-000449

Raymond Carter, Appellant,

v.

Donnie Myers, Solicitor, Lexington County; Tracey Carroll, Assistant Solicitor, Lexington County; Brian Buck, Irmo Police Department; Scott Franklin, Irmo Police Department; Timothy E. Stephenson, South Carolina Law Enforcement Division; George White; Tammy Scrogam; Barbara Keadle, AKA: Diane Hinkle, Lexington County DSS; Francis Ross, Lexington County DSS; and Paulette Jolly, Guardian ad Litem, in their official and individual capacities, Defendants,

Of whom Donnie Myers, Solicitor, Lexington County; Tracey Carroll, Assistant Solicitor, Lexington County; Brian Buck, Irmo Police Department; Scott Franklin, Irmo Police Department; Timothy E. Stephenson, South Carolina Law Enforcement Division; and The Estate of George White are the Respondents.

Second

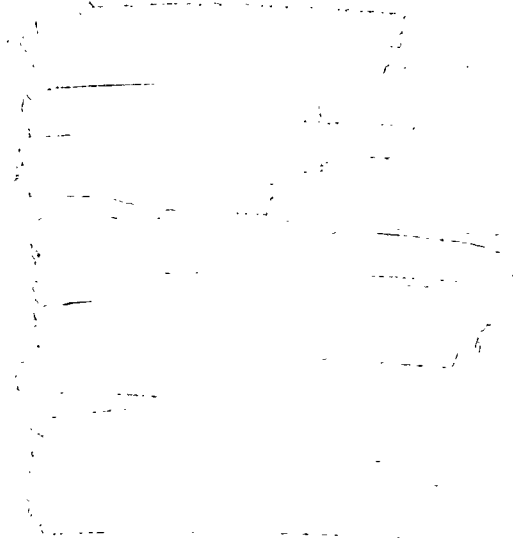
AMENDED RECORD ON APPEAL

Kassi B. Sandifer, Esquire

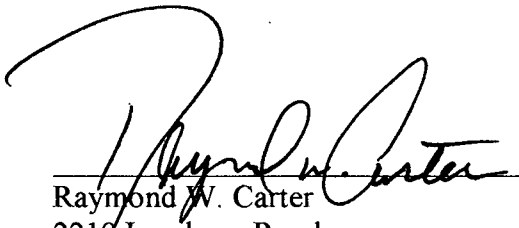
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January 28, 2015  
Columbia, SC

  
Raymond W. Carter  
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Columbia, SC 29209-3055

APPELLANT PRO SE

Cc: File

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ORDER OF FEBRUARY 7, 2013

Order to Dismiss, Honorable Judge Frank Addy, Jr. February 7, 2013

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

FORM 4

JUDGMENT IN A CIVIL CASE  
 CASE NO. 2012 CP-32-03208

Raymond Carter

FILED

Solicitor Donnie Myers, et al.

ORIGINAL

PLAINTIFF(S)

2013 FEB -8 P 5:15

DEFENDANT(S)

Submitted by: COURT

BETH A. CARRIGG  
 CLERK OF COURT  
 LEXINGTON, SC

Attorney for :  Plaintiff  Defendant  
 or  
 Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- 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: Defendants' Motions to Dismiss are **GRANTED**. Defendants employed by the 11<sup>th</sup> Circuit Solicitor's Office are entitled to absolute immunity. All other claims against all other defendants are also dismissed because the statute of limitations on all claims expired before this suit was filed. The court also finds some Defendants were not properly served, and therefore are not in default.

**ORDER INFORMATION**

This order  ends  does not end the case.  
 Additional Information for the Clerk :

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

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.

Fuller  
Circuit Court Judge

2159

Judge Code

2/8/2013

Date

**For Clerk of Court Office Use Only**

This judgment was entered on the 22 day of Feb, 2013 and a copy mailed first class or placed in the appropriate attorney's box on this 22 day of Feb, 2013 to attorneys of record or to parties (when appearing pro se) as follows:

pro se CARTER

ATTORNEY(S) FOR THE PLAINTIFF(S)

~~Stephen E. Darling~~ MORRISON  
~~H. Bernard Tisdale, III~~ DAVIDSON

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

**Court Reporter: Stacy Sheppard**

ORDER OF JUNE 30, 2011

Order of Release; Honorable Judge William Keesley, June 30, 2011

ORIGINAL

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

JUDGMENT IN A CIVIL CASE  
CASE NO. 2007-CP-32-1370

State  
2011 JUN 30 P 1:02

In Matter of Care and Treatment of Raymond W. Carter

BETH A. CARRIGS  
CLERK OF COURT  
LEXINGTON SC

PLAINTIFF(S)

DEFENDANT(S)

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.
- 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 \_\_\_\_\_

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:

THE COURT GRANTED THE MOTION FOR DIRECTED VERDICT MADE BY THE RESPONDENT AT THE CLOSE OF THE STATE'S CASE. THE STATE HAS FAILED TO PRESENT EVIDENCE THAT WOULD ALLOW THE JURY TO CONCLUDE THAT THE DEPARTMENT OF MENTAL HEALTH'S DECISION TO RELEASE MR. CARTER WAS EXERCISED UNDER §44-48-120. THE JURY WOULD BE REQUIRED TO SPECULATE IN APPROPRIATE AS TO ESSENTIAL FINDINGS NECESSARY TO FIND FOR THE STATE. MR. CARTER IS RELEASED  
Dated at Lexington, South Carolina, this 30<sup>th</sup> day of JUNE, 2011

Will P. Clark  
PRESIDING JUDGE

This judgment was entered on the 30<sup>th</sup> day of June, 2011, and a copy mailed first class this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

James Bagley, Jr

Charles J. Brooks

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

LCF 583 (11/00)

SCRPC APP-24

CLERK OF COURT

SCRPC FORM 4 (Revised 5/00)

COMPLAINT

Complaint filed in the Lexington County Circuit Court – June 22, 2012

In The Court of Common Pleas  
State of South Carolina  
County of Lexington

COPY

Raymond Carter )  
PLAINTIFF, )

V )

) Malicious Prosecution, 1-False Imprisonment  
) Wrongful Conviction, Criminal Conspiracy  
) Wrongful Adjudication to  
) To Civilly Commit To The South Carolina  
) Department of Mental Health  
) 2-False Imprisonment

Donnie Myers, Solicitor, Lexington )  
County, Tracey Carroll, Asst. )  
Solicitor )  
Lexington County, Brian )  
Buck, Irmo Police Department, Scott )  
Franklin, Irmo Police Department, )  
Timothy E. Stephenson, SC Law )  
Enforcement Division (SLED), )  
George White, Ex father-in-law, )  
Tammy Carter, (AKA: Tammy )  
Scroggham, Ex Wife, Barbara Keadle )  
(AKA: Diane Hinkle) Investigator )  
LDSS, Francis Ross, LDSS, )  
Paulette Jolly, Guardian Ad Litem, )  
In their official and individual )  
capacities, )  
DEFENDANTS. )

(Jury Trial Demanded)

Case No. \_\_\_\_\_

BETH A. CARRISS  
CLERK OF COURT  
LEXINGTON SC

2012 AUG 22 PM 1:14

FILED

June 22, 2012

INTRODUCTION

NOW COMES THE PLAINTIFF, swearing that all information and documentation provided, herewithin, have been verified or testified as being true. All dates, entries into journals, logs and blotter reports have been actual documentation either obtained at discovery, during incarceration or after the completion of the criminal sentence served by the Plaintiff. Plaintiff is filing within the statutory confines of the law. Plaintiff suffers a continuing wrong. The Plaintiff will show the Defendants did willfully, wantonly and with malice wrongfully prosecute, convict, imprison and were acting in conspiracy against the Plaintiff.

COPY

PROCEDURAL HISTORY

Plaintiff pled guilty to 1-count of Attempting or Committing a Lewd or Lascivious Act on a Minor on May 13, 2003. He received the maximum sentence of 15 years. He was originally charged on October 29, 1999 by Irmo Police Department with 1-count of Criminal Sexual Conduct w/minors 1st degree and 2-counts of Attempting or Committing a Lewd or Lascivious Act on a Minor. The Lexington County Solicitors office dropped these charges and direct indicted the Plaintiff with 7-counts of Criminal Sexual Conduct w/minors 1st degree, exposing the Plaintiff to a maximum of 210 years. All charges were dropped for the exchange of the aforementioned plea of the 1-count of Lewd Act. Plaintiff, upon advice of his attorney, was compelled into taking the plea.

On May 8, 2003, Plaintiff filed a Post Conviction Relief application (PCR) in Lexington County claiming ineffective assistance of counsel.

On June 18, 2004, a hearing is called before Honorable Judge William P. Keesley. After learning the consequences of a successful PCR application, Plaintiff voluntarily withdrew his application and the case was denied relief. By winning, Plaintiff would be exposed to the same charges that were dismissed in the plea bargain which consisted of the 7-counts of CSC 1st for a maximum exposure of 210 years.

On July 31, 2007, Plaintiff completed his sentence only to find himself remanded to the custody of Lexington County Sheriff's Department with no new criminal charges, where he was forced against his will to be evaluated whether or not he met the state's criteria of the Sexually Violent Predator Act 44-48-(10-170). Based on the evidence from the plea agreement and the dropped charges, the plaintiff is evaluated under the assumption of the evidence to be true and factual. This Act the Plaintiff is subjected to was a consequence of accepting a plea; however, the consequence was not identified by the judge or any of the Plaintiff's attorneys. He had no knowledge that by taking the plea, he would be exposed to the Act.

On November 3-4, 2008, after sitting in county jail for one year and three months, having committed no crime, Plaintiff was forced into a jury trial to determine if he was a sexually violent predator under the act.

On November 4, 2008, after the judge allowed the jury to go stand in line for hours to vote on the presidential election, the jury found for the state, that based on the evidence provided the Plaintiff met the criteria as a sexually violent predator and was committed to the South Carolina Department of Mental Health (SCDMH) for long-term care, control and treatment.

On June 30, 2011, Plaintiff is again taken to a jury trial per request of the Assistant Attorney General James Bogle, where Honorable Judge Knox McMahon stopped the trial, granted the directed verdict motion by the Plaintiff's attorney, proving the state had not met it's burden in the continued commitment of the Plaintiff. The judge then ordered Plaintiff's immediate release.

#### COUNT I. MALICIOUS PROSECUTION

As to the Defendants Donald Myers Solicitor Lexington County and Tracey Carroll, Deputy Solicitor, Lexington County:

As to the Defendant, Donald Myers, Solicitor of Lexington Co., SC, and Tracey Carroll, Assistant Solicitor of Lexington Co., SC, both Defendant's acted with wanton and willful misconduct which resulted in the wrongful conviction of the Plaintiff.

It is the solicitor's duty to seek justice, not only for any alleged victim, but also the Plaintiff. Willful and wanton misconduct occurs when; "conduct committed with an intentional or reckless disregard of the safety of others, as by failing to exercise ordinary care to prevent a known danger or to *discover* a danger." (Black's Law Dictionary, 2nd Pocket Ed. pg. 450, 2001).

After the case has been submitted from the Irmo Police Department to the Lexington County Solicitor's Office for prosecution, they neither attempted to seek justice, or investigate the claims of the Plaintiff, thus resulting in unfairness and wrongful conviction of the Plaintiff.

Due to the unfairness, the Defendant's acted with improper purpose and without probable cause, and the action resulted from the institution of such a proceeding.

Plaintiff was to believe that his professed innocence would be taken into consideration of the solicitor's office mainly that of the Defendants. However, the Defendants never inquired into the validity of evidence, questioned the material involved or provide a means in which the innocence of the Plaintiff was allowed to be known.

Defendants increased the charges against the Plaintiff, dropping the lesser charges to more serious charges which exposed the Plaintiff to more time which made the attempts of obtaining a jury trial by the Plaintiff more burdensome. The Defendant's concentrated solely on plea bargaining techniques, which ultimately led to the wrongful conviction of the Plaintiff.

The Plaintiff remained in custody at the Lexington County Detention Center (LCDC) from October 29, 1999 until he ultimately plead guilty in May 13, 2002. A jury would never hear this trial.

Specifically, on April 25, 2001, the Defendant Tracey Carroll, in the presence of Defendant Donald Myers, her boss, and Honorable Judge G. Thomas Cooper, Jr. attended a hearing for the Plaintiff to have a public defender relieved from the case (apparently the public defender was too busy to associate himself with the case) and have new counsel appointed. At that time the Plaintiff had been in the county jail for a year and seven months. This was the Plaintiff's first court appearance. The Defendant's introduced the reason why they believe this would end in a plea deal.

At that hearing the Plaintiff is finally allowed by the judge to enter testimony on the fact that he had not been allowed to make any pleadings and that Plaintiff had been pleading his innocence to anyone who would hear him, but as of yet not on the record.

Plaintiff also entered into record on that date

Case No: 2000-GS-32-490-496  
TOR//p.5,II 8-16

2007 MAY 22 PM 1:14  
RETHA, CARROLL  
CLERK OF COURT  
LEXINGTON SC

FILED

And I was pushed into a statement. At six hours I finally made up a statement and told them, Sir, look, I don't know what to tell you. I've never touched my kids. I don't even know what you're going at.

I told Mr. Young (public defender) if he looks at the statement, he will know that it's been made up because it doesn't even line up with what I've alleged against me.

Plaintiff requested a jury trial to prove his innocence. The Defendant Tracey Carroll while under the direct control of Defendant Donald Myers, after hearing testimony inserted by the plaintiff that 1) he was not receiving proper legal representation, 2) was entering a plea of not guilty, 3) professing innocence before the judge, 4) identifying that he was indigent had spent over 1 1/2 years in county jail to date without proper legal representation, ignored all issues and went on record directly after Plaintiff made his insertions that:

TOR/p. 8, ll 18 - 25; TOR/p.9, ll 1 - 7

The Court: Solicitor, what's the status of this case? It's a '99 case.

Ms. Carroll: We're prepared to try it. It was our understanding we were going to negotiate a plea. This is a confession case involving three girls under the age of six years old. The defendant has given a full confession admitting to digital penetration. So we were under the understanding that it was going to be a plea, not a trial, but we're prepared to try it.

Plaintiff then received draconian type plea offers for a crime he never committed instead of the solicitor inquiring into the validity of the alleged confession, the totality of circumstances

surrounding how it was obtained or the exculpatory evidence she had in her possession and did not release under Brady, FRCP Rule 5 to the Plaintiff or his attorney.

Defendant Carroll also refused to read the DSS log entries to verify the evidence in comparison to the alleged confession or what the only one of the alleged victims said. Instead read the alleged confession and did direct indict the Plaintiff with more charges implementing the rest of the Plaintiff's daughters as victims and increasing the charge count, from 1 to 7. Originally, the Irmo Police Department charged Plaintiff with 1-count of CSC 1st and two lewd acts, Defendant Carroll dropped the two lewd acts and increased the CSC 1st charge count to seven.

The Plaintiff continued with a new attorney who never took the matter of his innocence into full value. To date Plaintiff has professed his innocence in multiple letters to all 4 attorneys he has during this imprisonment. They have all acted only as a listening ear. At one point, the Defendant Carroll was phoned by the mother of the alleged victims (Defendant Tammy Carter (AKA Tammy Scrogam) claiming she wanted the charges dropped, wanted nothing more to do with the case, and wanted the Plaintiff released from custody, even after the Defendant Carroll allowed the mother of the alleged victim(s); her mother and father, her brother to flee the state of South Carolina. This phone call was made shortly after the first hearing in which the Plaintiff's mother received a similar call telling her that the Plaintiff would be released soon, as Defendant Carroll alleged that "if he doesn't take the plea deal, I'll have to release him". Defendant Carter (Scrogam) had told the solicitor what was mentioned above, and that she finally admitted the truth to the Plaintiff's mother in saying "he's [Plaintiff] never done anything to hurt the girls, all he ever done was give them baths and change their diapers like a father does" and "I don't know what (Defendant Brian Buck) got him to say" and "he (Plaintiff) should have never went to DSS on me or about my dad's trailer in the first place, or else he wouldn't be having to deal with this now".

While at a visit with a family friend at the Lexington County Detention Center (LCDC) that same day as these phone calls were made, the Plaintiff's mother came straight to LCDC and told the Plaintiff of the phone call. After the visitation session, Plaintiff then contacts his attorney, Marlene T. Sipes (since disbarred), and told her of the visit and requested the attorney come to LCDC for an attorney visit. This was the first part of May 2001. He never heard back from the attorney again until November 2001 (almost seven months). When the attorney comes to visit Plaintiff, she admits the phone calls were made, however, the one to my mother was only hearsay, but the solicitor's call from the Defendant Carter (AKA Scrogg) was factual, however, the attorney told Plaintiff that the "[Defendant] Carroll said it didn't matter what the Defendant Carter (AKA Scrogg) told her on the phone, she isn't dropping the charge and is still seeking the maxim sentence on the Lewd Act plea deal".

After these two events, the Plaintiff's nerves are racked, he has been held in LCDC for two years at this point and he continued to sit telling his attorney that "I'm not pleading to something I didn't do", while his attorney kept telling him "you'll just have to admit to what you did was wrong". Plaintiff told his attorney and others that if giving your child a bath or changing their diapers is a crime, then you better get some free space in prison because you'll probably over crowd them to overflowing if you go out and arrest all the other father's who've done the same.

The Defendant Carroll withheld exculpatory evidence showing that the alleged confession was the product of a 1) custodial interrogation, who 2) the Defendant's Buck, Franklin and Stephenson were acquainted with the Defendant Carter (AKA Scrogg), which involved false arrest/imprisonment with the rotation of these three officer Defendants over a period of almost 5 hours, which the time spent in this custodial interrogation should have been looked into as with the Plaintiff making this insertion that he was coerced into making the alleged confession on the record.

The Defendant Carroll also withheld exculpatory evidence in the fact that she did not disclose in discovery all files pertaining to the gathering of evidence which would have at the least given light to questions concerning the time, date and actual offense alleged. She did not once check to see if the information was valid, accurate or true.

After the Plaintiff was released from custody, Plaintiff was able to secure all DSS records and after three attempts to prove the duration of the time spend in the said custodial interrogation was able to secure documentation from South Carolina Law Enforcement Division (SLED) giving a time, date and place of the polygraph exam turned interrogation session. (See Attachments 1-8).

There was clear and convincing evidence that the Defendants Carroll and Myers should have considered when the marriage of Defendant Carter (AKA Scrogam) and Plaintiff separated in May of 1999. As documented, by Lexington County Sheriff's Investigator, quoted by one of the Defendants making the allegations, that there were only two visits (See Attachment 9) with the alleged victim(s) made out to that Gilbert, SC residence, in that time period, where the Defendant Carter (AKA Scrogam) separated and move to with her parents, between May of 1999 and October 14 when DSS alleges that the offenses charged allegedly occurred. These visits have been documented as well. Defendant Carter (Scrogam) sought separation, while Plaintiff was trying to keep the family together. Where is the motive for committing such an act when the time nor the dates alleged are not factual due to the times that Plaintiff was allowed to see his daughters. It's just not conclusive. Defendant Carter (Kidd, Scrogam) tried to invoke in her report, that the alleged "doll play" occurred the day after the DSS case changed hands from RCDSS to LDSS.

There was a case worker from Richland County DSS who was working with the children from an earlier incident where the oldest daughter had worn her younger sister's shoes to school causing an abrasion. When this case worker went out to the Irmo, SC residence the first time, the home had not been in order and a treatment plan was designed to get it where it needs to be to

house the children. Plaintiff bought paint, steam cleaner and cleaning supplies to get the house up to standards. Defendant Carter (Kidd, Scrogam) claims she did all the cleaning but inserts she was working up to 12 hours a day. The case worker, Josie Dunbar (now deceased) indicated as documented that the children had been part of her case load since November 1998 until September 1999. Ms. Dunbar came out to the Irmo residence where all the family once resided on a home visit in May 1999, one of her last home visits to the Irmo Residence and discovered that the wife, Defendant Carter (AKA Kidd, Scrogam); had in fact separated and indicated on the RDSS log that "Only [Plaintiff] was at home. He said the mother had filed for divorce against him and has taken the children with her to her parents home at Gilbert, ...she (is court ordered) lets him visit the children on the weekends. (See Attachment 10). However, there were only the two visits. Plaintiff never found the Defendant Carter (AKA Kidd, Scrogam) at home to answer his call to set up visits or either she had something to do or somewhere to go. The Plaintiff only had the two visits.

Due to the conditions of where Defendant Carter (AKA Scrogam) had placed the children in, Plaintiff contacted Ms. Dunbar to let her know he was very concerned about the safety of his children. Ms. Dunbar made many attempts to visit with the children at that Gilbert, SC location however, as documented, she could not get anyone to answer the phone and when she went out to the residence no was home. This was the exact method Plaintiff was dealing with. Defendant Carter (AKA Kidd, Scrogam) was uncooperative with the Plaintiff as well as the caseworker Ms. Dunbar finally had to call the Lexington County Sheriff's Department (LCSD) for them to check on the children.

On August 10, 1999, caseworker Dunbar from RCDSS is finally allowed to participate in a homevisit with the children. She documents that the environment is identical as what the Plaintiff had told her. She indicates on her notes "Case manager participated in home visit with (not alleged at this time[children]....[Defendant Carter (AKA Kidd, Scrogam)]'s brother John White was staying with the girls. He said [Defendant Carter] was at work; he had no way of

calling her, the girls are staying in the living room of the trailer, they are sleeping on the couches...they are dirty and demanding my attention". (See Attachment 11).

On or around August 12, 1999, Ms Dunbar receives confirmation that a visit from the LCSD had been made to the Gilbert residence. After making new contact with the Defendant Carter (AKA Scrogam) at the Gilbert residence, Ms. Dunbar "was able to follow up on the concerns about the children's safety." As documented, she was following up on the Plaintiff's complaint about the conditions at the Gilbert residence, which was included but not limited to excessive junk cars in the yard, welding rods of various lengths, power tools plugged in, no hot water heater, no oven or stove to prepare meals for the children, clothes lying all over the floor and a bathtub full of dirty clothes and unclean due in fact the Defendant Carter (AKA Kidd, Scrogam)'s family rarely bathed and did not bathe the children or clean them. These were the conditions through out this 1970's model trailer, all three children sleeping in a bed the size of a cot and other conditions not suitable for these children ages 6, 3, and 2.

Ms. Dunbar indicated three times over a period of 10 months that the three children had never been physically, sexually or mentally abused by either parent. (See Attachment 12)

She indicates to the Plaintiff that because of the children moving out there to Gilbert that she will try to transfer the case to Lexington County DSS.(See Attachment 13 - 16)

Also on this visit to the Gilbert residence where Defendant Carter (AKA Kidd, Scrogam) had taken the children, Ms. Dunbar made complete notes of the place. She has indicated that Defendant Carter (AKA Kidd, Scrogam) would not sign a treatment plan, would not find time to let case worker visit and would not cooperate with case worker. Ms. Dunbar, RCDSS indicates in her report that she had to get the LCSD to go to the location to check on the children. What she soon discovered was that the Defendant Carter's (AKA Kidd, Scrogam) had done is in fact left the three children in a camper with only a mattress and no water all day. The Defendant Carter's brother tells case worker he has no way to reach the mother (Defendant

Carter) and no way to call her, in case of an emergency involving the children.. (See also Attachments 13 - 16)

Sometime around a month later, with no visitations with the children, Plaintiff is told that Ms. Dunbar is working on getting the Plaintiff's visits set up. She indicates a treatment plan on September 22, 1999 and will try to transfer the case from RCDSS to LCDSS for the residence out in Gilbert, which Plaintiff had no control over and was in fact told later by the LCDSS that Plaintiff "should not be concerned with your children" (Defendant Barbara Keadle AKA Diane Hinkle) had originally asked the LDSS to contact the RDSS to verify the complaint, which was founded and a treatment plan drafted by Ms. Dunbar which was signed by the Plaintiff and however the Defendant Carter refused to sign until the case is transferred.

Defendant Carter (Scrogam) refused to work with Ms. Dunbar as documented and the case was transferred to LDSS on or around September 27, 1999. Also, this was the last home visit with the children indicating in her log "the girls are staying in the living room of the trailer, they are sleeping on the couch, they are dirty and demanding my attention."

On September 22, 1999, case worker Ms. Dunbar mails copies of the treatment plan that Plaintiff had already agreed to and signed. (See Attachments 17 - 18).

The Defendant Carroll and Myers had all this information in their case file and failed to respond to it or take it into consideration.

On September 23, 1999, case worker Dunbar, RCDSS was making effort to have the case transferred to LCDSS and told Plaintiff to follow up with treatment plan and transfer with them. The Plaintiff physically went to LCDSS to complain that he was not getting his visits with the children, the conditions of the environment Defendant Carter (AKA Kidd, Scrogam) had placed the children in which was a dangerous environment. Sometime during that visit to LCDSS, S. Walker identified that Plaintiff was at the office. However, she indicated that she was trying to set up a conference call with Ms. Dunbar of RCDSS and that Plaintiff left the office. Plaintiff did leave the office after almost 3 hours of waiting to speak with someone and no

one in the waiting room. A call was eventually made and was transferred to the Plaintiff's home with Walker and RCDSS case worker Dunbar.

Plaintiff had spoke to Defendant Carter (AKA Kidd, Scrogam) on the phone between the visit to LCDSS and the phone call from RCDSS/LCDSS. Ms. Dunbar indicated that Plaintiff had told her that Defendant Carter (AKA Kidd, Scrogam) "would not cooperate with caseworkers", " would not sign a treatment plan" and "no one is going to tell me or my family what the hell I have to do". (See Attachment 19 - 21). So on or about September 23, 1999, Ms. Dunbar from RCDSS and a case worker from LCDSS schedule a home visit to talk with Defendant Carter (Kidd, Scrogam).

October 5, 1999, Defendant Caseworker from LDSS Francis Ross makes an initial home visit and indicates the case has been transferred. (See Attachment 22 - 23), and now indicates, but doesn't complete this form that there is "allegations of .....(blank)" in the first part of this form noted as "Current Situation".

This first visit to the Gilbert residence continuing on a typed document from LCDSS observes there is "no odor observed, ...children looked neat and out going".....however she indicates "there is not hot water heater and the numerous junk cars in the yard" owned by Mr. Jolly of Jolly's Auto Salvage of [REDACTED] in Gilbert, a family member of Defendant Paulette Jolley. Pretty much a rehash of what was already known and indicated by RCDSS Ms. Dunbar. However, now indicates allegations of abuse. (See Attachment 22).

On October 22, 1999, out of desperation to have a continuing relationship with his daughters, Plaintiff called LCDSS complaining about his visitation privileges with the children which LCDSS indicates as the last time was "2 months" prior, which lasted for 2 1/2 hours. (See Attachment 24).

In another official summary by Defendant Franklin, IPD, he indicates on "10/20/99 that there has been no verification of neglect. (See Attachment 25). He continues specifying that the alleged victim had disclosed three times. Once to the maternal grandparent Defendant George D

White, once to Defendant Jolly (deceased) (2nd) then to a Ms. Caldwell at the Children's Center. Defendant Carter (AKA Kidd, Scrogam) now tells investigator that the Plaintiff and her split up in May through June 1999 (also Attachment 22). While referring back to LCSD Inv. Singleton's report directly from Defendant Carter (AKA Kidd, Scrogam) they separated in July. (See again Attachment 9).

The truth of the case is that the Plaintiff never sexually, physically or mentally abused his daughters, or any body's daughter. The Defendants allow either the alleged victim's advocates to just support the Defendant Carter (Scrogam) and chose to retell her lies without adequately checking the facts of the case.

On the count of Malicious Prosecution by the Defendant's Myers and Tracey Carroll, both did give to deliberate intent without justification or excuse and therefore committed a wrongful act. They acted individually and under color of the state in their official capacity. They acted with willful and wanton misconduct as such incurred ; "conduct committed with an intentional or reckless disregard of the safety of others, as by failing to exercise ordinary care to prevent a known danger or to *discover* a danger." (Black's Law Dictionary, 2nd Pocket Ed. pg. 450, 2001). When Defendant's acted by stepping out of their role as prosecutors and begin running the criminal investigation, immunity is therefore dissolved and Defendants should be held liable both in their official and individual capacities.

#### COUNT II: FALSE IMPRISONMENT

As to the DEFENDANTS: Brian Buck and Scott Franklin both of Irmo Police Department (IPD) and Timothy Stephenson, Polygraph Examiner, South Carolina Law Enforcement Division (SLED)

As to the Defendants Brian Buck and Scott Franklin both of the IPD and Timothy Stephenson of SLED, acted with wanton and willful misconduct and did of their own free will falsely arrest and imprison the Plaintiff.

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DEBRA J. CARRIGG  
CLERK OF COURT  
LEXINGTON SC

FILED

On Monday, October 25, 1999, Defendants Brian Buck and Scott Franklin both of the IPD approached the Plaintiff who at that time was residing at Jake's Landing in Lexington County, out of their jurisdiction and offered Plaintiff to commit to take a polygraph test to "clear your name" from the allegations transferred to them from the LCSD Investigator Singleton and Lexington County Department of Social Services (LDSS), Defendant Barbara Keadle (AKA Diane Hinkle).

After the plaintiff conveyed this information to his father, he agreed with the Plaintiff wanting to clear his name and agreed it was a good idea to do so if they are offering the opportunity to take the polygraph.

With confidence of clearing his name, on Wednesday, October 27, 1999, Plaintiff is met by officer Buck at IPD at 08:00 am and leads with Plaintiff behind in his vehicle to SLED. Upon arrival, Defendant Buck escorts Plaintiff in a building located on the left side facing SLED on Broad River Rd, Columbia, SC, enters the door, and takes an immediate right to a "bank teller type window, with green/clear tinted glass and a push-out drawer with a log in journal of sorts in it". Defendant Buck logs both himself and Plaintiff in. As soon as he finishes, he directs Plaintiff to a door adjacent to this large window. This door is locked and he has to press a button to get it unlocked. Once opened, Defendant Buck and Plaintiff go down this hallway. Then, go to another door, press another button, and Plaintiff and Defendant Buck are confronted with another "bank teller type window". Again, Defendant Buck "signs in" with Plaintiff listed as suspect or the likes. Surely there had to be a reason why Defendant Buck was there in order to sign in.

Both these sign-in/sign-out sheets have not been allowed to be obtained, only the testing results with time and date. It is now approximately 08:40 am. The Defendant Buck and Plaintiff then approach another door in this doctor's office type waiting area with chairs, and again the button has to be pushed to unlock the door. Defendant Buck and Plaintiff then go down a long hallway with an estimate of 10 doors, 5 on each side to the last door at the end on the left hand side.

Plaintiff at this time is confused at where he is, or how to get out, or where to go if he wanted out. When in this room, Plaintiff notices a computer, while all the other rooms have a polygraph machine as those seen on TV. Plaintiff is now introduced to Defendants Scott Franklin and Timothy Stephenson. Defendant Stephenson is identified as the "Polygraph Examiner".

The Polygraph examination begins around 09:00 am after Plaintiff is strapped in with multiple wires across the chest and another few wires linked to the fingers attached to this computer, and some sample questions are asked. Plaintiff is then told to look forward and don't move. Plaintiff didn't move his head, but constantly shifted his eyes to see what Defendant Stephenson was doing. While this test is being administered, Defendant Buck and Franklin go to the attaching room where there is a two-way mirror and are looking at Plaintiff. After the questions are finished, and Plaintiff is told once more to stay still, Defendant Stephenson gets up and says "remember when we started this test that if you pass you'll be free to go?", Plaintiff answers in the affirmative, then Defendant says "do you also remember that I said if you didn't pass it things would go down hill"? Plaintiff again response in the affirmative. The Defendant Stephenson says "well, things are going to go down hill from this point". Plaintiff asked if he passed the polygraph with confidence it would clear his name, instead Defendant Stephenson responds "you failed worst than I've seen my whole 16 years of administering the polygraph test".

At that time, Defendants Stephenson steps out of the room and about 5 minutes later re-enters with Defendants Buck and Franklin. Defendant Buck tells Plaintiff that he "knows [Plaintiff] is trying to beat the system". My question assumed later was "why did he say that if Plaintiff allegedly failed the test"?

Defendant Buck and Stephenson begin a back in forth routine confusing the Plaintiff stating, "you might as well tell us what you done, we know your wife (Plaintiff's ex-wife Defendant Carter (Scrogham) worked at the then; Texaco Pit Stop in Irmo, approximately 0.29 miles from the IPD roughly a block and a half as indicated on (Attachment 26)) and she doesn't

lie", and "it's ok to tell us, we won't think no different of you", and "you aren't the first one that's ever done this, go ahead and tell us what you did".

Over the course of the polygraph exam turned interrogation, Plaintiff asked for attorney numerous of times, and was denied numerous time by all three Defendants. On one attempt to obtain an attorney, Plaintiff is told by Defendant Buck harshly that "you don't need an attorney" and "this is a family court case you won't be facing any time." Defendant Franklin told Plaintiff "this is a family court issue and you'll probably get some counseling".

So was the first hour. Around 10:35 am, Plaintiff again ask for an attorney and is refused. Plaintiff asked for a trip to the bathroom, numerous times and was denied. Plaintiff asked to use the phone as he had a dinner date with his mother, father and sister who resided with the Plaintiff's family until they separated and was there to care for the children when the Plaintiff and Defendant Carter (Scrogham) were working, the phone call was denied.

All three Defendants continued drilling the Plaintiff without stop. Calling him all sorts of names, now changing the story that "if you don't tell us what you did, you're looking at least 30 years in prison". "You better tell us what you did; now!" The Plaintiff continued inserting that he had "did nothing to [his] children" and "I don't know what you're talking about".

Plaintiff at the time of the alleged confession, Plaintiff had just worked from 23:00 p.m. to 03:00 am 5 days a week at the Pantry on US 76 in Irmo, SC. He also worked part-time at the BiLo grocer chain about 4 miles further down the road. He carried a newspaper route 7 days a week and delivered the Carolina Trader once a week. When Plaintiff came to meet Defendant Buck, he had believed he would clear his name and would be able to go home and get some sleep until it was time for his dinner engagement. Plaintiff had been drinking heavily during this time and had alcohol in his system. When Plaintiff met with Defendant Buck to go to SLED to take the polygraph test, he only had, had a short 2 hour nap, and had drank 3 beers beforehand. as also indicated in (Attachments 1 - 8)

Proceeding with the polygraph turned interrogation session, the Plaintiff became overwhelmed by the stress and the denial of an attorney, a break to smoke (in which Plaintiff was a heavy smoker at that time), anything to eat or drink, the use of the telephone, or use of the restroom to relieve himself.

Around 11:00 am, the Defendants turned on the heat and started yelling at Plaintiff. Finally, Plaintiff referred to the only times he had ever had any contact with his children and that was when he gave them baths or changed their diapers. Then, once revealing this, all three Defendants started implicating that the Plaintiff must have done something to the alleged victim then. "What did you do when you washed your children?" Plaintiff then tells them that while washing his daughter he had to wash them between the legs. Plaintiff also inserted that when he changed the alleged victims diapers, he had to use a "wet-one" to wipe in-between her legs too. Defendant Buck pushes further, making up some version of what Plaintiff later finds out to be the allegations, "well, when you give them a bath, did you touch them down there while bathing them say about the tip of your finger". Plaintiff responded with "I guess". Defendant Stephenson ask Plaintiff "did you ever get into the bath tub with your daughter", I told him once when she was an infant, the same way they show in the "Lever 2000" commercial on TV where the father is in the bathtub with his infant daughter. Defendant Stephenson shouts "that's not what you know you did, no tell us or you'll be going to prison the rest of your life!"

From that point on, the Plaintiff feels helpless, tired frustrated. The Plaintiff feels that every effort to claim he didn't commit this offense against his daughter and at one point told the officers to give him the trash can because he was going to throw up from what the Defendants were trying to implicate the Plaintiff did towards his own daughter. He is continuously called a liar and many references are made to them "knowing your wife (Carter, Scrogam) and she doesn't lie".

Plaintiff becomes paralyzed by shock and disbelief that the woman (Defendant Carter, AKA Kidd, Scrogam) he once loved and tried so desperately to save his marriage too, could

perpetrate such a horrible lie. It is known that women who are in a divorce/child custody battle, who perpetrates false allegations against a spouse are malicious and disturbed. She had motive and she acted on vendetta because the Plaintiff called DSS to complain about the safety and well being of his children as Defendant Carter (AKA Kidd, Scrogam) believed she was going to loose the children to the Plaintiff which was not the Plaintiff's intention at all.

Around 12:15 p.m., Plaintiff is now being told about what has allegedly been said that the Plaintiff was supposed to have done and making up other statements. "Did you stick your finger down there", "was it fun", "did you enjoy it", and on and on. Plaintiff was hungry, tired, sleepy, exhausted, humiliated, frustrated and in need of a restroom and smoke break. Plaintiff had never been in a situation ever in his life that was so intense. Plaintiff was naive to his rights at the time, and wanted to say anything to get out of the situation he was in.

Around 13:00 p.m., Plaintiff finally agrees to tell them what they believed happened in the course of giving his daughter a bath. The Defendants at one point asked Plaintiff if he had done the same to the other two alleged victims which had not even been mentioned at this point and would Plaintiff give a written statement based on this information?

After 4 hours restricted to a chair to take a polygraph, Defendant Stephenson finally removes the chest belts and finger couplings that were on the Plaintiff from the polygraph computer. (Example; See Attachment 31) they move into a room adjacent to the one they were in. This room had the type of polygraph machine you see on TV with the graph pens and paper. Defendant Buck pushes a piece of paper in front of the Plaintiff and tell him to "put your initial by each of those and sign it at the bottom indicating you've been read your rights". Plaintiff later finds out this was a "Waiver of Rights" form. (See Attachment 27, signed at 13:00 pm)

Around 13:10 p.m., after once again getting confirmation from the Plaintiff that he will make a statement, Defendant Franklin goes out of the room and returns with some other papers. These turn out to be the papers the alleged confession would be made on. Defendant Buck puts them in front of the Plaintiff, and as anyone can see with the various styles of writing, Plaintiff

had to be stopped several times to ask Defendant Buck what do write down next. Grossly perverting the Plaintiff's once parental duties. He is told to also include the other two Carter children and if he did the same. Defendant Buck asks questions like, "when your daughter was in the bath tub with you, did she ever come in contact with your penis"? Also, he asked "what about anywhere else in the house, did you possibly touch them there too"? "Put that down on there too".

Around 13:30 p.m., Plaintiff slides the statement over to Defendant Buck. Defendant Buck reads the statement and tells Plaintiff to indicate that Plaintiff "didn't know what made him do these things". As the Plaintiff completed this sentence and instructed to add that he never "meant to harm the children", Defendant Buck snatches the papers away from the Plaintiff and says "that isn't enough, now I'm going to ask you some more questions and you'd better tell me what I want to hear". In his own writing Defendant Buck adds Q & A type questions. (See Attachment 28 - 30) The Plaintiff can't see what he is writing, and later discovers that all the NO answered questions are just that, while all the others which he also answered in the negative, had YES answers followed by explanations of the answers by Defendant Buck. When Defendant Buck finished, he told the Plaintiff to initial and sign each page.

At 13:45pm, Plaintiff signs the pages and is told he can leave. Plaintiff is relieved that he can go to the bathroom more than anything. When exiting the building, escorted back out by Defendant Buck through this "maze", Plaintiff is asked where he will be at 3pm on Friday, October 29, 1999. Plaintiff tells Defendant Buck that he will be at the SCDOT taking his Hazardous Material endorsement for his CDL license. He said, "well as soon as you're done, we need you to come to the IPD and turn yourself in". Plaintiff asked Defendant Buck "why, I thought you said this would be a family court matter and I'd only get some counseling if I gave that statement". Buck replied, "you know what you did and you're going to get some serious time for molesting your children. They don't take lightly to your kind in prison either" "you'll probably get killed while you're in there too".

If the court would address it's attention to the Attachments 1-8 and Attachments 24 -27, you can clearly see where once they got the statement coerced out of Plaintiff, they tried to make it look as if the polygraph was given one day and the statement on another day. You'll also see where they tried to make it look like I gave a statement to them over the course of 45 minutes. The court can see where the dates were scratched out, and then changed back to the original date. Some actually have the day before's date and were changed to correspond with the date of the polygraph exam, making the statement to have been given on a different day. Let the Court be advised the polygraph exam and the interrogation were on the same day from 9:00 am - about 2:30 pm when Plaintiff is finally allowed to leave.. You'll see this evidence tampering on both the polygraph paper work and the Waiver of Rights.

There were 2 readings of Miranda. One before the polygraph, which Plaintiff acknowledged he had been read his rights and would answer the questions on the polygraph, and one at 13:00 p.m.. After all the coercive techniques applied to the Plaintiff, it appears as if the alleged confession was made in a matter of 45 minutes as the Statement is signed at 13:45 p.m.. This was the amount of time to rehash what Defendants had told Plaintiff to say, how to write it down, then taken over by Defendant Buck who amended it.

False Imprisonment is "a restraint of a person in a bounded area without justification or consent" (Black's Law Dictionary, 2nd Pocket Ed. 2001). When Defendant's held Plaintiff incommunicado for over an 4 hours, restrained to a polygraph examiner's chair by the belts around Plaintiff's chest, told not to move, that he could not have a lawyer, nothing to eat, nothing to drink, no phone calls, no contact with the outside by phone or in person, threatening lengthy prison sentences, promises of leniency and disregard for the Plaintiff's safety or concern of danger the Defendant's were able to coerce the Plaintiff into giving this false statement. While the Plaintiff was in their custody against his will, without warrant or under arrest, this implicated false imprisonment. This atmosphere created the signing of a Waiver of Rights which was not

willingly or knowingly signed, and produced an alleged confession which was involuntary by coercion and false.

On the Polygraph paper work, it is dated correctly. On the Statement the date has been written over. On the Waiver of Rights, the date has also been written over.

On the count of False Imprisonment by the Defendant's Buck, Franklin and Stephenson, all three Defendants did give to deliberate intent without justification or excuse and therefore committed a wrongful act. They acted with willful and wanton misconduct as such incurred "conduct committed with an intentional or reckless disregard of the safety of others, as by failing to exercise ordinary care to prevent a known danger or to *discover* a danger." (Black's Law Dictionary, 2nd Pocket Ed. pg. 450, 2001). All three Defendants acted without regard for the Plaintiff's inserted rights, did coerce a confession from the Plaintiff that was false, and did knowingly turn this known false, coerced confession over to the Lexington County Solicitor's office as evidence in which to prosecute the Plaintiff. After this evidence was submitted, the LDSS concluded it's case, and every effort was made by the Lexington County Solicitor's office to get a conviction based solely on this coerced, false confession.

### COUNT III. WRONGFUL CONVICTION

As to the DEFENDANTS: Donald Myers, Solicitor, Lexington County, Tracey Carroll, Asst. Solicitor, Lexington County, Brian Buck and Scott Franklin both of Irmo Police Department (IPD) Timothy Stephenson, Polygraph Examiner, South Carolina Law Enforcement Division (SLED), Barbara Keadle (Diane Hinkle) and Francis Ross both of the Lexington County DSS.

As to these Defendants, all acted with wanton and willful misconduct and did of their own free will Wrongfully Convict or provided evidence which procured a Wrongful Conviction of the Plaintiff.

The Plaintiff files for a remedy in this case and is free to attack a conviction after serving the sentence Defendant's so vehemently pursued. Plaintiff is no longer in custody and seeks a remedy for the continued suffering of lingering collateral consequences of the unlawful and or

unconstitutional conviction based on errors of fact and egregious legal areas. There is a great need for justice in this case.

The Defendants did deprive Plaintiff of due process of law in which his conviction was founded in whole or in part upon an involuntary confession, without regard to truth or falsity of confession even though there may have been other false evidence aside from the confession that may have shed light on a conviction.

The Defendant's acted under color of the state and acted individually, maliciously to gain a conviction against the Plaintiff. The connections, associations, family ties and acquaintances influenced the Defendants Myers and Carroll to act to procure a wrongful conviction.

The Defendant's must obey the laws while enforcing law, that, in the end, life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals from criminals themselves.

The Plaintiff who had requested the presence of counsel cannot be questioned concerning any crime, not just the one that has him in custody. There is the Edward's Presumption that is applicable to this case "that the subsequent waiver of counsel following [Plaintiff's] prior, multiple request for assistance of counsel is involuntary focuses on [Plaintiff's] state of mind not that of the Defendants. Once the Plaintiff asked for assistance of counsel, it is presumed that any subsequent waiver that has come at the Defendant's behest, and not of the Plaintiff's own instigation is itself product of inherently compelling pressures of custodial interrogation and not purely voluntary choice of Plaintiff. Defendant's Buck, Franklin and Stephenson, never allowed the Plaintiff a chance to believe, although Plaintiff inserted numerous times, what he was trying to tell them when confronted with the allegation and that was the Plaintiff never did any of those things alleged to his children or anybody's children.

If at anytime the Defendant's seek to introduce the Plaintiff's alleged confession into evidence, the court is charged with making an initial determination as to it's validity. The Defendant's Myers and Carroll failed to inform Plaintiff or Plaintiff's counsel that Plaintiff's

statement may have been involuntary by the Edward's Presumption and if so would render any statement inadmissible at trial was deficient performance by the Defendant's and Defendant was prejudiced before the judge. If Plaintiff knew about this or Plaintiff's attorney knew, he would have insisted on going to trial to challenge the allegations and would not have pled guilty. This was the insertion listed above in the record of transcript in which Defendant Carroll, in front of Defendant Myers stated "...this is a confession case"..."[Plaintiff] made a full confession".

According to the Fifth Amendment to the constitution, a right to have an attorney present does not attach until person is in custody and subjected to interrogation. Plaintiff was in custody and subjected to interrogation and between the hours of 09:30 am - 13:45, (actual time in direct contact with defendants was from 08:30 am - 14:25 pm) October 29, 1999 and did ask for assistance of attorney numerous times, and was denied. This incustodial interrogation produced an involuntary statement. One that was also false and the Plaintiff's alleged confession contained the only evidence from which his guilty knowledge could be inferred in a trial.

Plaintiff denied having committed the alleged offense to Defendants Barbara Keadle (AKA Diane Hinkle) and Francis Ross both of Lexington County Department of Social Services multiple times.

Plaintiff denied the allegations during the polygraph administered by Defendant Stephenson.

Plaintiff denied the allegations to Defendant's Brian Buck and Scott Franklin, both of Irmo Police Department multiple times.

Plaintiff denied the allegations to Defendant Timothy E. Stephenson of South Carolina Law Enforcement Division multiple times.

Plaintiff made a pleading in front of Honorable Judge Cooper on the record denying all the charges against Plaintiff.

Plaintiff denied allegations to Honorable Judge Westbrook at a debauched attempt to plea guilty on March 22, 2002.

Plaintiff denied the allegations to Honorable Judge Keesely.

Plaintiff denied the allegations to the Chief of Public Defenders.

Plaintiff denied the allegations to then Honorable Governor Jim Hodges.

Plaintiff, in numerous letters, to four different attorneys associated with the case, denied the allegations against him and professed his innocence as well as he had been forced by coercive techniques to make a false statement, coached by and at the behest of Defendants Buck, Franklin and Stephenson.

The Defendant's did violate laws by-passing state procedures in which they failed to protect the rights of the Plaintiff to be free of a conviction for a crime that was never committed. The Defendant's failed the Plaintiff at all stages of the proceedings and did maliciously move forward to convict on the whole or part of an alleged confession, one of which had 5 of the Defendants aquatinted with the persons who made false allegation Carter (AKA Kidd, Scrogam), while the entire time Plaintiff maintained his innocence. Because of this knowledge, the Plaintiff was doomed from the moment he stepped into the polygraph room, located deep inside of SLED.

As to the count of Wrongful Conviction by the Defendants Myers, Carroll, Buck, Franklin, Stephenson, Keadle (Hinkle) and Ross, all seven Defendants did give to deliberate intent without justification or excuse and therefore committed an unlawful act by proceeding to wrongfully convict the Plaintiff. They acted with willful and wanton misconduct as such incurred ; "conduct committed with an intentional or reckless disregard of the safety of others, as by failing to exercise ordinary care to prevent a known danger or to *discover* a danger." (Black's Law Dictionary, 2nd Pocket Ed. pg. 450, 2001).

#### COUNT IV CRIMINAL CONSPIRACY

As to the Defendants Tammy Carter (AKA Kidd, Scrogam), Paulette Jolly, Guardian Ad Litem, and George D. White (Carter (Scrogam)'s father), Barbara Keadle (AKA Diane Hinkle)

LCDSS

As to these Defendants, did, with malicious intent to cause great bodily harm, acted conspiratorially, by accusing the Plaintiff falsely.

Conspiracy is defined as "an agreement by two or more persons to commit an unlawful act; a combination for an unlawful purpose". (Black's Law Dictionary, 2nd Pocket Ed, 2001).

During the time the allegations were presented, it is known by Richland County caseworker Josie Dunbar that the Plaintiff's ex-wife, Defendant Carter (Kidd, Scrogam) had moved out from the family residence where all resided until the first week of May 1999.

The allegations were presented on October 5, 1999 to a Francis Ross and October 7, 1999 to Barbara Keadle, both of LDSS. However, it is also in documentation that the allegations first were told to Defendant Paulette Jolly, a Guardian Ad Litem and a direct link to the LCDSS as indicated in record as a "friend of the family".

Ms. Josie Dunbar with RDSS, had been working with the children from November of 1998 on a regular home visit basis until the case is transferred to LCDSS September 22, 1999.

All three of the alleged victims were questioned privately and observed as whether or not they were physically, sexually or mentally abused. On all three instances, on all three of the alleged victims, the result was the same; there were no signs or observation indicating they were ever physically, sexually or mentally abused.

Around the month of April of 1999, Plaintiff made several calls to the IPD complaining that his was argumentative, uncooperative and neglective of her husband (the Plaintiff) and the alleged victims. Some time later in the month of April, Defendant Carter (Scrogam) decided she wasn't coming home from work at the Texaco Pit Stop in Irmo, just a block and a half from the IPD. When finally arrived after mid-night, she starts an argument with Plaintiff, and after information pertaining to his wife's infidelity, Plaintiff began putting Defendant Carter (Kidd, Scrogam's) belongings on the porch. Defendant Carter (Kidd, Scrogam) called the IPD and complained that her husband was arguing with her because she was not spending time with him or the alleged victim and that Plaintiff's sister was having to play the role of the mother to them.

Plaintiff's sister (now deceased) live with the Plaintiff and his family until the wife separated as she knew the Plaintiff would have to move out of the family home as being unable to financially afford the dwelling. The Plaintiff's sister watched the girls often times all day when he had to work the multiple jobs he did. Many times when the Plaintiff and his sister went grocery shopping the Plaintiff was confronted if his sister was his new wife and inquired if the Plaintiff had divorced his wife, Defendant Carter (Kidd, Scrogam). So up until Defendant Carter (Kidd, Scrogam) issued her complaint for separation, there was no time that Plaintiff was ever along totally with his three children. Ever. Testimony is expected of the Plaintiff's sister's daughter to about the residence her mother was staying until Plaintiff moved out of the Irmo residence. Further investigation of records at Bob Brandi Petroleum will also prove her address during that time period as well as when the Defendant Carter (AKA, Kidd, Scrogam) worked at the Pit Stop within a block of IPD.

It is apparent now to the Plaintiff, that a person can not be afforded or appointed counsel in legal proceeding in Divorce if there are no complaints of abuse. While the police were at the Plaintiff's residence that night Defendant Carter (Kidd, Scrogam) called, she told the Plaintiff to get to the house, they wanted to speak with the Defendant Carter (Kidd, Scrogam) personally. When Plaintiff tried to move in, officers drew their service pistol and threatened the Plaintiff to go in the house or they would arrest Plaintiff. This while holding a 18 month old baby in his arms comforting her because her mother was yelling at all of the family. Plaintiff believes these IPD officers we're telling her she knows what to do, because without saying anything else to Plaintiff, while he waited on the porch, they all laughed got into their cruisers and drove off. It's as if they were waiting for the call to begin with as when she called, the officers were there by the time the Plaintiff went to the front door of the home to light a cigarette. Seemed like Something was already in the makings.

After they left, the next morning the Defendant Carter (Kidd, Scrogam) took the alleged victims and her belonging and moved in with her parents, Defendant George D. White and Doris

F. White, her brother Johnny White, who is mildly retarded, (age association) and sexually aggressive toward children stating once that "[Plaintiff's daughter] will never marry anyone else but me, she's mine". Further gathering of records could prove the night of the officer's visit and with the Defendant Carter (AKA Kidd, Scrogam) leaving the next morning would pin point exactly when she moved and separated from Plaintiff.

After Defendant Carter (AKA Kidd, Scrogam) moved out to her mother, Plaintiff, even after an order was signed by the judge granting weekly weekend visits had to go out to the Gilbert residence to see his children, the alleged victims. This from May 1999 - until his arrested for the alleged offenses against his daughter in October of 1999. Both visits which are documented. Plaintiff was making phone calls, driving almost 60 miles round trip and trying to catch the mother at her work place to set up a time to see the children. Phone calls were unanswered when Plaintiff drove out to the Defendant Carter (Scrogam)'s parents residence, no one was home. Just before the allegations were made, the Plaintiff was going to go to the judge and ask about the enforcement of his visitation privileges. Plaintiff later contacted Judge Allen Kellem with this same request based on the visitation allowed after he was accused of this telling the judge that he couldn't have committed this offense as he hasn't had a chance to visit with the girls but twice. The certified return receipt requested letter, shows that the judges office received the letter and will be presented at trial.

Because the Plaintiff had tried to reconcile the marriage while visiting with Defendant Carter (AKA Kidd, Scrogam), she had told her family and her IPD acquaintances that the Plaintiff was bothering her and wouldn't leave her alone. A simple 5 - 15 minute visit with the Defendant Carter (AKA Kidd, Scrogam) proved a failure and the Plaintiff was denied visiting with the alleged victims.

Defendant Carter (AKA Kidd, Scrogam), had a family friend that was a Guardian Ad Litem who lived in the Gilbert area where her parents and brother lived where she now lived with the alleged victims. the family friend Defendant Paulette Jolly (now deceased) was a direct

familial link with a Mr. Jolly of an auto salvage on ██████████ in Gilbert. The same Mr. Jolly, had several junked cars that were at the Gilbert residence where Defendant George D. White was suppose to try to repair them for him. These junk cars are noted several times in the documents of both RCDSS and LCDSS's findings of negligence at that residence along with many other items making this dwelling, an old run-down trailer unfit for the alleged victims to live. Eventually, the Defendant Carter (Scrogam) was given a directive from LCDSS to find another location to take the girls that was more suitable for their safety, what in which the complaintive first identified to RCDSS, months before any abuse allegations were made.

The Defendant Paulette Jolly is listed as the first person of authority to be informed about the sex abuse allegations of just one of the alleged of three victims. However, this is incorrect. When Defendant Carter (AKA Kidd, Scrogam) was asked was there any other abuse that she knew of, she stated in the negative. On the contrary, Defendant Paulette Jolly, a representative of the court, should have reported the alleged abuse herself, and instead instructs the Defendant Carter (AKA Kidd, Scrogam) on how and where she needs to report the alleged abuse. (See Attachment 32), where it is also added that there was hesitation on the part of Defendant Carter (AKA Kidd, Scrogam) as she noted her car was tore up, when in fact the family had over 5 vehicles that would work.

Also, referring to the Defendant Carter (AKA Kidd, Scrogam) contacting the IPD as earlier mentioned, Plaintiff finds that she has been appointed an attorney. This attorney in May of 1999, drafts a separation order (See Attachment 33) stating that the Plaintiff had been harassing, sexually abusing and interfering toward her and the children and that she would get everything in the marital assets and that the Plaintiff would get nothing. The Plaintiff contacts the attorney shortly after this motion (Notice of Motion and Motion 99-DR-32-1244, also identified here as Attachment 33) had been filed, the first week of June 1999, and tells him that he had not been abusive to anyone and if anyone was being abused it was [the Plaintiff] and the alleged victims by not having a wife or mother around and being forced to not having their father

around.. Instead the Defendant Carter (AKA Kidd, Scrogam) was "at work" from 5am - 1am the next morning, while Plaintiff's sister played mother to these innocent children.

Sometime in June, the Plaintiff is served with a revised separation order, one that the attorney states is a more "truer picture", that the Defendant Carter (AKA Kidd, Scrogam) "had to claim abuse in order to get me appointed to help her with the divorce". In this second order there is no mention of abuse of any kind. Marital assets are to go to the Plaintiff, and that they would only split the medical cost of the children. So, it is now known that the Defendant Carter (AKA Kidd, Scrogam) plan was to set the Plaintiff up for sexual abuse all along. This proves malice aforethought. She claims there was no other time that this instance occurred with the doll play or had any other abuse to the victims ever been noted, documented or observed.

Plaintiff believes that the Defendant Carter (AKA Kidd, Scrogam) would eventually get everything in the marital assets back anyway after she planned to set him up for the sex abuse allegations with her friends and acquaintances already in place to make everything work out perfectly as planned.

After Plaintiff continues to inquire into the safety and well being of his children, the alleged victims, and the opportunity to get to visit them from RCDSS. Plaintiff tells about the conditions that the Defendant Carter (AKA Kidd, Scrogam) places the children in. Plaintiff goes into details about the junk cars, power tools plugged in, no stove or oven to prepare balanced meals with, no hot water heater, 7 people living in a trailer where the smallest of 2 bedrooms are smaller than a prison cell, and the clothes all over the floor, the bath tub overflowing with dirty clothes, the stench of the place, bugs, rats, feces and urine, with roach egg casings, family not bathing or wearing clean clothes; Ms. Dunbar at RCDSS concluded that these conditions initiating a treatment plan identifying the items exactly as the Plaintiff had complained of and "needing [her] assistance".

Defendant George D. White was the first one to allege that the alleged victim (1) had made any comment or action toward anything that had to do with anything the Plaintiff had done.

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BETH A. CARROLL  
CLERK OF COURT  
LEXINGTON, MS

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to his children. The Defendant George D. White told Plaintiff, after learning that Plaintiff had told RCDSS of the conditions at the Gilbert residence, that he would kill him for going on him in one of two of the visits the Plaintiff finally was allowed to visit his children out there. Plaintiff had never seen Defendant George D. White so furious. At one point his wife Doris F. White was restraining him holding him back from wanting to jump on the Plaintiff and the Plaintiff yelled to his girls that he loved them and would see them later, being compelled to leave.

Shortly after this incident, Plaintiff is informed that the RCDSS was calling the sheriff to the residence to check on the girls. Finally, Ms. Dunbar visits and finds the condition as Plaintiff mentions.

Plaintiff is informed by RCDSS's Ms. Dunbar that she is getting the case transferred to LDSS. Within a day or two the case is transferred and on the first home visit, the caseworker is handed the allegations. Documentation would indicate RCDSS caseworker Ms. Dunbar with the children just days before. Now we have this new caseworker, who I believe is involved and listed as Defendant Barbara Keadle (AKA Diane Hinkle) of DSS. Plaintiff is quite sure there was an acquaintance with her and Paulette Jolly a familial tie. As Defendant Francis Ross begins her first home visit, every thing seems in place and not at all as RCDSS case worker Dunbar had reported previously, no negligence, the house is clean, and now we have allegations that the Plaintiff has touch his daughter sexually.

The originality of the allegations came from Defendant George D. White, claiming that the alleged victim had touch a doll with a [writing] pen in the mid-section saying "daddy does this all the time". Some time later the original story changes to daddy touch me with his finger. The story keeps evolving with different clothes, a three year old operating a child-proof lighters or some ignition devise to set the home on fire to burn her father up, etc.

Plaintiff indicates the allegations were the design of the Defendants George D. White and the Defendant Carter (AKA Kidd, Scrogam), with Defendant Paulette Jolly assisting the

maneuvering, as everything went strategically in place. Paulette Jolly again indicated in (See Attachment 34

On October 7, 1999 when LCDSS case manager steps in, she over does the allegations and just does everything she can to belittle, slander, and bewilder the Plaintiff. Even after the Plaintiff has been in jail, the Plaintiff's mother called to find out what exactly was her son charged with and when was it suppose to happen. Instead, all Defendant Keadle (AKA Diane Hinkle) can do is tell Plaintiff's mom she raised a monster, and that Keadle told Plaintiff's mom that she "hopes he is killed when he goes to prison." Later, it is documented that the phone called pretty much proves that Defendant Keadle (AKA Diane Hinkle) is a very unstable individual as she stated the Plaintiff's mother "called her "everything but a child of God: and will never believe her son did this". (See Attachment 35)

Defendant Keadle (AKA Diane Hinkle) also tried coercing a statement out of the Plaintiff when he was originally confronted with the allegations. Plaintiff was called into LCDSS from Keadle (AKA Hinkle). Plaintiff met with Keadle and she presented the allegations. After being told over and over that the Plaintiff had "molested" his children, the Plaintiff becomes somewhat upset. He bangs his fist on the table and tells Defendant Keadle to that if she were a man she would get popped in the jaw for saying something like that. However, in her account of the situation, she indicates that "he threatened this case worker beating his head on the table...very hostile and ....emotionally handicapped". She then exhibits that Plaintiff had no "concern for the children" when in fact the Plaintiff's whole point of being there was to check on the safety and well being of them, nothing else. Keadle also inserts in documentation that Plaintiff "has a very poor concept of reality".(See Attachment 336)

Because they couldn't identify the abuse had occurred out at the Gilbert residence, Defendant Carter (AKA Kidd, Scrogam), along with Defendant's Keadle, Defendant Buck, Franklin and Stephenson, then arranged the time and date of the alleged offense so it would back date everything to when the Defendant Carter (AKA Kidd, Scrogam) and children were still

living together in the Irmo residence which made for the quite convenience of Defendant Carter (AKA, Kidd, Scrogam)'s acquaintances/buddies at the IPD to step in. Now, the Defendant Carter (AKA Kidd, Scrogam) couldn't loose. The alleged offense became offenses, and had now occurred in Irmo, SC during the time they were living together. At that time, the oldest daughter was 5, middle daughter just turned three and the youngest, just over 24 months.

As to the count of Criminal Conspiracy by the Defendants Tammy Carter (AKA Kidd, Scrogam), George D. White and Paulette Jolly, and Barbara Keadle (AKA Diane Hinkle) LCDSS, all three Defendants did give to deliberate intent without justification to act in a criminal, wanton and willful act by conspiring against the Plaintiff with malice aforethought. They acted with willfully and wantonly with intent to cause sever harm to the Plaintiff which could have resulted in death. The charge of conspiracy involves "an agreement between two or more persons to commit an unlawful act that causes damage to a 'person' or property. (Black's Law Dictionary, 2nd Pocket Ed. pg. 450, 2001).

Plaintiff charges that his lost of livelihood, liberty, freedoms and 12 1/2 years of his life due to false imprisonment are damages that these defendant's caused and are most sever.

COUNT V. WRONGFUL ADJUDICATION TO COMMIT TO THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH, AND CONTINUING CONSEQUENCES

As to all the Defendants role in this injustice.

All of the Defendants in this injustice played a major part in determining whether or not the Plaintiff was to be considered under the states Sexually Violent Predator Act. All the Defendants acted with willful and wanton action, misconduct and enforcement to assure that a conviction was made with out regard to the Plaintiff's safety, constitutional rights or protect him from the threat of danger, or find such a danger which may risk the Plaintiff's right to be free from prosecution of a crime he did not commit.

The Defendant's actions, misconduct and enforcement, secured a conviction which, without the knowledge of the Plaintiff, where he would, after 2 years 7 months and 19 days in

county detention would have continued to insist on a trial to prove his innocence. The state's Sexually Violent Predator Act was enacted because a group of "dangerously violent sex offenders" exist that the need to be civilly committed to indefinite "control, care and treatment" in a secure facility.

The actions, misconduct and enforcement of all the Defendant's induced a conviction that became under scrutiny of the Act. On August 1, 2007, Plaintiff had completed a 15 year non-violent (parolable) sentence in the SC Department of Corrections. He had believed he was going to be released until 30 days prior to his release until Correction's officials told him that there would be a hold placed on him by the Attorney General's office because the offense the Plaintiff plead to, 1-Count of Lewd or Lascivious Act on a minor, was a qualifying charge.

The state appointed psychiatrist, and court appointed psychiatrist for the Plaintiff, both concluded that since the Plaintiff could not address the allegations the way they had them on paper, that he was in denial and was in fact a candidate under the Sexually Violent Predator Act.

The Plaintiff is released from the Dept. of Corrections into the custody of the Lexington County Sheriff's Department, detained in a "secure" area until such a time a trial can be held to determine if he was a Sexually Violent Predator under the Act.

After 1 year and 3 months, 3 days, the Plaintiff only seeing his attorney one time, is forced into a trial to determine if he met the criteria under state law. Based on the state's psychiatrist, she testified as to the charges that were expunged by order of Honorable Marc Westbrooks, and Solicitor Defendant Donnie Myers. The statute states clearly that the person 1) must be charged with a qualify offense, and that 2) there exist a personality or mental abnormality in order to be civilly committed.

The evidenced used to convince the jury that the Plaintiff met the state's criteria under the Act was that of the dismissed charges, and the Plaintiff's false, coerced statement. When asked of the state's psychiatrist by the Attorney General if she felt that the Plaintiff met the criteria as a Sexually Violent Predator, she stated that [the Plaintiff] should have had more insight to the

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weight of his offense and since he didn't admit at first to what I had [the alleged confession] that the Plaintiff was in denial and in need of the Act's "long-term, control, care and treatment".

With no physical evidence in this case, the psychiatrists were left solely to make their determination of what sexual act had actually transpired, by the use of the Plaintiff's false coerced statement.

On November 3-4, 2008, this trial was conducted. After the judge released the jury on recess to go vote for the presidential election, the jury came back and once again heard the testimony of the state's psychiatrist as she itemized for the Attorney General the false coerced statement. Shortly thereafter, the jury was released to deliberate and returned for the state that the Plaintiff met the criteria for commitment.

From November 6, 2008 until June 30, 2011, the plaintiff is remanded to the South Carolina Department of Mental Health to be treated as a Sexually Violent Predator. This exposed to Plaintiff to real sexually violent predators and was at constant risk for threat of harm and death!

The actions of all the Defendant's, the false allegations, the false polygraph, the false coerced statement and the ultimate conviction for an act or acts that never occurred placed the Plaintiff in grave danger. He was not allowed to deny any charges against him; both the one dropped at the plea deal or the one he actually pled guilty to. He had to admit to 8 different charges in the Sexually Violent Treatment Program, while at the same time having had the state's psychiatrist state that if [the Plaintiff] only had some supervision after his release from prison, she "would have recommended outpatient treatment" for this Sexually Violent offense[s].

The court appointed psychiatrist for the Plaintiff testified that the Plaintiff was an "opportunistic offender" and that civil commitment was "overkill in [Plaintiff's] case". The Act shows that plaintiff pled guilty to the 1- count of Lewd Act on a minor. However, the Plaintiff, even if he had committed the offense[s], which he attest again he did not, did not meet

the criteria under the act because the Act did not meet the criteria for "long-term, control, care and treatment" of the Plaintiff.

The civil commitment into the SC Department of Mental Health was based solely on the presentment of the same evidence the Defendant's maliciously, willfully and wantonly used against the Plaintiff to compel a plea from him and that of the testimony of the Defendant's.

Plaintiff asserts, by all the Defendant's act[s] did conspiratorially, maliciously, willfully and wantonly, to cause great harm, did produce a conviction which led to the Plaintiff being considered under the Act.

#### COUNT VI 2. FALSE IMPRISONMENT

To All the Defendants listed in this complaint.

To all the Defendants listed in this Complaint, did maliciously, willfully, wantonly acting in conspiracy did cause directly the wrongful adjudication of the Plaintiff into the state Sexually Violent Predator Treatment Program, a place located deep inside the SC Department of Corrections, which exposed the Plaintiff to great bodily harm and a disregard from the Plaintiff's rights to be free of a conviction for a crime that was never committed.

On November 6, 2008, the Plaintiff was found by a jury, that by the actions of the Defendants to render a conviction against the Plaintiff, that the Plaintiff met the criteria of the Sexually Violent Predator Act.

The Act specifies, that 1) the [Plaintiff] must have a qualifying offense and that 2) the [Plaintiff] must have a personality or mental abnormality that causes great difficulties controlling his sexual urges.

Pursuant to the Diagnostic and Statistics Manual (DSM IV, 2007), the Plaintiff fell under scrutiny of the Act and based on the diagnostic criteria of the Act was committed to the SC Department of Mental Health for "long-term, control, care and treatment".

The DSM IV was used by the state's psychiatrist in using the evidence gathered, entered into documentation, charges that were made and dismissed, and if any testimony from alleged victims to make a diagnosis of the Plaintiff.

Based on the Defendant's actions, the state's psychiatrist testified that her findings in the trial court were conclusive with the mental abnormality of "paraphilia" she deemed, "not otherwise specified (NOS)".

In order for the diagnostic criteria to have been met, based solely on the allegation, charge, false statement and conviction of the Plaintiff, the DSM IV identified these traits similar to those who molest children.

After the Plaintiff was civilly committed to the SC Dept. of Mental Health, he later discovers that the statute along with the diagnostic criteria and the DSM IV shed light on his case based on if the offense[s] ever occurred. 1) they were deemed "opportunistic" in nature, 2) within a familial setting and 3) only to allegedly occur once during the course of one day.

According to the DSM IV, as quoted by chief psychiatrist, after two evaluations of the Plaintiff, that

"despite these previously assigned diagnoses [of the trial court] it is the opinion of the undersigned that [the Plaintiff] does not meet criteria for any paraphilia. According to the 7 criminal indictments the sexual crimes are alleged to have happened between May 1, 1999 and October 1, 1999. From available police and legal documents, it appears the offenses comprising the seven charges occurred in the course of one day. This time period does not meet the six-month diagnostic criterion for paraphilias, including pedophilia. [the state's psychiatrist] diagnosed [the Plaintiff] with Paraphilia NOS because he "denied[d] these thoughts and behaviors [regarding his daughters] persisted for more than six months". However, as indicated in the DSM-IV-TR, "the essential features of a Paraphilia are recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving 1) nonhuman objects, 2) the suffering or humiliation of oneself or one's partner or 3) children or other nonconsenting persons, *that occur over a period of at least 6 months [italics added by psychiatrist]*. This description indicates the six-month criterion applies to any paraphilia, including Paraphilia NOS."

Note the psychiatrist is only able to use the charges, the charge pled to, and police and legal documentation. No other information is used, and the case has long since been closed. There were no further charges, there were no new charges, there were no new allegations, and three different authorities concluded their case.

Even with testing, that should have been conducted by the Defendant's Myers and Carroll, later subjected to the Plaintiff, showed that 1) he did not show deviant sexual arousal on the Penile Plethmysograph, and on a RRASOR which is an actuarial risk assessment instrument comprised of item statistically associated with sexual recidivism, to estimate the probability that a convicted sex offender will commit a future sex offense as indexed by official records "(i.e., arrest, convictions, and admissions)", the Plaintiff's score was 0.

This was conclusive in the SCDMH's chief psychiatrist findings that the Plaintiff does not possess the "emotional or volitional capacity that predisposes the person to commit sexually violent offenses" (SCCA §44-48-30). "As explicated by the SC Sexually Violent Predator Act and by the US Supreme Court in *Kansas v. Crane* (2002), such a lack of volitional control is required for a respondent to be civilly committed as a Sexually Violent Predator." She continues in conclusion that "from *available* documentation [that procured by all Defendant's] describing t[he Plaintiff's] [alleged] offense[s], there is little to suggest that he had serious difficulty controlling his behavior at that time".

Additionally, and closing this SCDMH psychiatrist was to assess by the DSM-IV, and the evidence given by all the Defendants, that "it does not appear that [the Plaintiff's] risk level for reoffending at this time is such that he could be considered likely to engage in acts of sexual violence. An actuarial risk assessment instrument places [the Plaintiff] in the lowest possible risk category for sexual recidivism, one that is lower than the typical sex offender."

All psychiatrist based their evaluation on the allegations, an alleged failed polygraph, a false, coerced statement, and the charge pled to and those dismissed along with the DSM-IV to

accurately conclude that the offender was not a Sexually Violent Predator. Based on this evaluation, the SCDMH Sexually Violent Predator Treatment Program's director granted permission for the Plaintiff to petition the court for his release.

Based on the information provided by all the Defendants, they produced a wrongful conviction, which caused damage to the Plaintiff in which they wrongfully imprisoned him, without regard to his safety, disregard for his rights, or the threat of great bodily injury.

The Defendant's were all notified that a trial would be held to determine if the Plaintiff was a sexually violent predator. They refused to intervene. They were notified that the Plaintiff had been civilly committed and yet, stood by and did not object to the use of their evidence to stop this trial from occurring in which the Plaintiff lost another 2 years and 8 months stolen from his life by the sole acts of the Defendants.

The Defendants did willfully, wantonly, maliciously, conspiratorially with intent to cause great bodily harm, were a causation link in having the Plaintiff illegally civilly committed and it is their allegations, misconduct and conviction that were a direct casual link in the consideration under the state's sexually violent predator Act.

#### CONCLUSION

For the foregoing reasons, Plaintiff prays that this Court grant relief to him in the fact that he was factually and actually innocent of all charges against him. That the judgment of conviction entered in State of South Carolina v. Raymond W. Carter (02-GS-32-589) be vacated and his entire record expunged of any and all incidents, charges both prosecuted or dismissed related to this case permanently as though they never occurred, thus vindicating the Plaintiff wholly and completely.

The Plaintiff also prays that this Court find conclusively the acts herein be true and that the attachments are all official documentation and that all the Defendants be found guilty of all Counts in this Complaint.

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BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON SC

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That the Plaintiff be completely and entirely, both at state and federal levels, removed from any and all sex offender registry data bases.

That the Plaintiff be completely and entirely, both state and federal levels, removed from any and all sex offender registries mentioning that he is a sexually violent predator.

That the Plaintiff be compensated to the highest allowed by the state of South Carolina's wrongful conviction allotted funds to compensate him for his life he lost because of the actions of all the Defendants.

That this Court award the Plaintiff \$112,800,000.00 (one hundred-twelve million -eight hundred thousand dollars) for the amount of time taken away from a growing, nurturing relationship with his children, and all the life events involved had the Plaintiff not been taken from his children, as compensation for all the life events they would have enjoyed together that can never be replaced.

That this Court find in favor of the Plaintiff and award the amount of \$12,800,000.00 (twelve-million-eight hundred thousand dollars), to restore the life, liberty and pursuit of happiness stole of him by the Defendants for the years of incarceration the Plaintiff endured.

That this Court find in favor of the Plaintiff and award the amount of \$750,000,000.00 (seven hundred and fifty million dollars) for the intentional infliction of emotional, psychological and physical damages endured by the Plaintiff by having him treated for a mental abnormality or personality disorder that he never had.

That this Court find in favor of the Plaintiff and award the amount of \$3,800,000.00 (three million - eight hundred thousand dollars) for the emotional, psychological and economic damages incurred by the Plaintiff while being listed on the sex offender registry from November 8, 2008 until the present.

That this Court find in favor of the Plaintiff and award the amount of 380,000,000.00 (three hundred and eighty million dollars) for the emotional, psychological and economic

damages incurred by the Plaintiff while being listed on the sex offender registry from November 8, 2008 until the present as a Sexually Violent Predator.

That this Court find in favor of the Plaintiff and hold all Defendants sued in their individual and official capacity be held liable for the actions complained herewithin.

That this Court find in favor of the Plaintiff and hold Defendants Tammy Carter (AKA Kidd, AKA Scroggum), George D. White and Barbara Keadle (AKA Diane Hinkle) criminally liable as to the charge of perjury to this honorable court, directed psychological abuse in coaching the one alleged victim into believing that something actually happened to her and then, only after the alleged statement is coerced out of the Plaintiff by Defendant Carter's acquaintances with the Irmo Police Department, Defendant Buck, Franklin and Stephenson, made the other two victims out to be the same. Hold each and issue warrants for the arrest for all three Defendants with a total exposure of up to 25 years in prison and to stand trial for each count, with malicious intent and the fullest extent of the law in South Carolina. May these three Defendants also be charged criminally for the emotional and psychological damages they inflicted on the children of the Plaintiff to achieve custody of the children and monetary gain.

That this Court find the Defendant's civilly liable for false allegations and find in favor of the Plaintiff awarding him \$12,800,000.00 (twelve million eight hundred thousand dollars) each Defendant for the intentional, malicious aforethought of placing the Plaintiff in threat of great bodily harm to include the risk of death at the hands of prisoners, mental health patients and police officers on a daily basis for 12.8 years.

That this Court find in favor of the Plaintiff and award a judgment against the South Carolina Department of Mental Health charging Plaintiff for the amount of time he was wrongfully imprisoned in their facility from 11/06/2008 - 06/29/2011 in the amount of \$261,885.12, and that all threats, letterhead, billing statements, collection notices cease and desist with a balance of \$0.00 owed to them as a result of this miscarriage of justice against the Plaintiff.

That ALL Defendants be ordered to have no contact with the Plaintiff, seek to harm, initiate further complaint from and be noted as vendetta, and that ALL Defendants be held criminally liable for a violation of such order to protect the Plaintiff from future harm at the hands of these Defendants, noting so after this action is file as being just that.

and

That this Court find in favor of the Plaintiff any other relief or reward deem justifiable and proper for this type of case.

June 22, 2012  
Columbia, SC

Respectfully Submitted,



Raymond W. Carter  
2219 Leesburg Road  
Columbia, SC 29209-3055

ANSWER

Answer to the Complaint by Appellee Myers

10/18/12

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

IN THE COURT OF COMMON PLEAS

Raymond Carter, )  
Plaintiff, )

Civil Action No. 12-CP-32-3208

v. )

**NOTICE OF MOTION AND MOTION TO DISMISS AS TO DONNIE MYERS**

Donnie Myers, Solicitor, Lexington )  
County; Tracey Carroll, Assistant )  
Solicitor, Lexington County; Brian Buck, )  
Irmo Police Department; Scott Franklin, )  
Irmo Police Department; Timothy E. )  
Stephenson, South Carolina Law )  
Enforcement (SLED); George White, Ex )  
father-in-law; Tammy Carter, (AKA )  
Tammy Scroggham), Ex wife; Barbara )  
Keadle (AKA Diane Hinkle) Investigator )  
LDSS; Francis Ross, LDSS; Paulette )  
Jolly, Guardian ad Litem, in their official )  
and individual capacities, )  
Defendants. )

TO: RAYMOND CARTER, PRO SE PLAINTIFF

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for Defendant Myers will move before the Presiding Judge of the Eleventh Judicial Circuit at the Lexington County Courthouse, Lexington, South Carolina, on the tenth (10th) day after service hereof at 10:00 a.m. or as soon thereafter as counsel may be heard, or at such time and place as may be set by the Court, for an Order:

1. Dismissing the Complaint on the grounds that Solicitor Myers enjoys absolute immunity for his involvement in this matter as Solicitor of the Eleventh Judicial Circuit.

2. Dismissing the Complaint on the grounds that this action is barred by the applicable statute of limitations under the South Carolina Tort Claims Act, §15-78-10 et seq. of the Code of Laws of the State of South Carolina, in that on the face of the Complaint it appears that the matter is involving Solicitor Myers occurred during the prosecution of the Plaintiff and that the statute of limitations has since expired;

3. Dismissing the Complaint on the grounds that Solicitor Myers, in his official and individual capacity, is immune from suit pursuant to the terms, conditions, and limitations of the South Carolina Tort Claims Act §15-78-10 et seq. of the Code of Laws of the State of South Carolina;

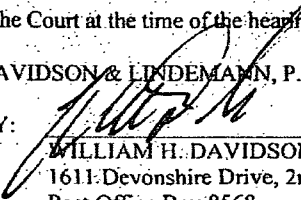
4. Dismissing the Complaint on the grounds that the conviction of the Plaintiff has not been vacated and therefore no viable cause of action exist against Solicitor Myers under any theory of law; and

5. Dismissing the Complaint on the grounds that the Plaintiff has failed to properly plead their Complaint pursuant to Rule 10 of the SCRPC.

Said Motion is based upon the pleadings filed in this case, rules of Court, and such other matters as may be properly presented to the Court at the time of the hearing.

DAVIDSON & LINDEMANN, P.A.

BY:

  
WILLIAM H. DAVIDSON, II  
1611 Devonshire Drive, 2nd Floor  
Post Office Box 8568  
Columbia, South Carolina 29202  
wdavidson@dml-law.com  
(803) 806-8222  
(803) 806-8855

ATTORNEY FOR DEFENDANT MYERS

COLUMBIA, SOUTH CAROLINA  
OCTOBER 18, 2012

RESPONSE

Response to Answer to Appellee Myers

PLAINTIFF'S COPY

STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF COMMON PLEAS  
COUNTY OF LEXINGTON )

Raymond Carter, )  
 ) C/A No. 12-CP-32-3208  
Plaintiff, )

V. )  
 ) **RESPONSE to CO-DEFENDANTS**  
 ) **DONNIE MYERS and TRACEY CARROLL**  
 ) **MOTION to DISMISS**

Donnie Myers, Solicitor, et al., )  
 )  
Defendants. )

TO: DEFENDANTS AND THEIR ATTORNEY OF RECORD:

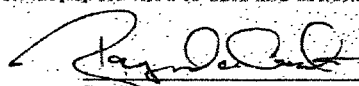
You are hereby notified that on November 30, 2012, at 2:30 p. m. or as soon as this honorable Court will hear this motion, in the Court of Common Pleas of the Lexington County Judicial Center, Plaintiff Raymond Carter will bring this Motion to deny relief sought by Defendants Donnie Myers and Tracey Carroll's Motion to Dismiss.

Plaintiff request all provisions in this article be denied as Plaintiff has filed within the proper constraints of the statute of limitation, Defendants knew or should have know the consequences following their action and participated individually and official under color of state law.

As to the aforementioned defendant's Motions, dated October 18, 2012, move that the court hear this motion to deny relief sought of the Defendants.

This motion is based on all papers filed to date and actions or evidence received at the hearing.

November 7, 2012  
Columbia, SC

  
Raymond Carter, Plaintiff Pro Se  
2219 Leesburg Road  
Columbia, SC 29209-3055

Cc: File

STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF COMMON PLEAS  
COUNTY OF LEXINGTON )

Raymond Carter, )  
 ) C/A No. 12-CP-32-3208  
Plaintiff, )

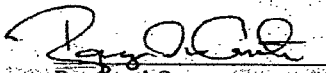
V. )  
 ) **CERTIFICATE OF SERVICE**

Donnie Myers, Solicitor, et al. )  
 )  
Defendants. )

I, Raymond Carter, hereby certify under penalty of perjury that a true and correct copy of this Motion to Deny has been provided to the below listed Attorney for Defendants Myers and Carroll by depositing it in the United States Mails on this 8th day of November, 2012.

Davidson & Linddemann, P.A.  
William H. Davidson, II  
1611 Devonshire Drive, 2nd Floor  
Columbia, SC  
29202-8568

Columbia, SC  
November 8, 2012

  
Raymond Carter  
2219 Leesburg Road  
Columbia, SC 29209-3055

PLAINTIFF PRO SE

Cc: File  
Clerk of Court, Lexington County

ANSWER

Answer to the Complaint by Appellees' Buck and Franklin

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )

IN THE COURT OF COMMON PLEAS

Raymond Carter, )  
 )  
Plaintiff, )

C/A #: 12-CP-32-03208

v. )

**MOTION FOR JUDGMENT ON THE  
PLEADINGS PURSUANT TO SCRCP 12 (C)  
AND TO DISMISS PURSUANT TO SCRCP  
12(B)(6) BY DEFENDANTS BRIAN BUCK,  
IRMO POLICE DEPARTMENT AND  
SCOTT FRANKLIN, IRMO POLICE  
DEPARTMENT**

Donnie Myers, Solicitor Lexington )  
County, Tracey Carroll, Asst Solicitor )  
Lexington County, Brian Buck, Irmo )  
Police Dept., Scott Franklin, Irmo Police )  
Department, Timothy E. Stephenson, SC )  
Law Enforcement Division (SLED), )  
George White, Ex-Father-in-Law, )  
Tammy Carter, (aka Tammy Scrogham), )  
Ex-wife, Barbara Keadle (aka Diane )  
Hinkle), Investigator LDSS, Francis )  
Ross, LDSS, Paulette Jolly, Guardian ad )  
Litem, in their official and individual )  
capacities, )  
 )  
Defendants. )

TO: RAYMOND CARTER, PRO SE PLAINTIFF;

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for the Defendants Brian Buck, Irmo Police Department and Scott Franklin, Irmo Police Department hereby moves before the Presiding Judge of the Eleventh Judicial Circuit at the Lexington County Courthouse, Lexington, South Carolina, on the tenth (10th) day after service hereof at 10:00 a.m. or as soon thereafter as counsel may be heard, or at such time and place as may be set by the Court, for an Order dismissing this case as against these Defendants pursuant to South Carolina Rule of Civil Procedure 12(b)(6) and/or granting judgment on the pleadings to these Defendants pursuant to South Carolina Rule of Civil Procedure 12(c) on the following grounds:

1. The Complaint fails to state facts sufficient to state a claim against these Defendants.

2. It is apparent upon the face of the Complaint that the claims asserted against these Defendants are frivolous.

3. It is apparent upon the face of the Complaint that the claims asserted against these Defendants are time barred by the statute of limitations contained in the South Carolina Tort Claims Act, S.C. Code Ann. Section 15-78-110.

4. It is apparent upon the face of the pleadings that Plaintiff's claims are barred by his prior conviction, which has not been set aside, so that the issues he raises are barred by the doctrines of collateral estoppel and res judicata.

5. It is apparent upon the face of the Complaint that Plaintiff's claims against these Defendants are barred by the South Carolina Tort Claims Act, S.C. Code Section 15-78-70(a).

Said Motion is based upon the pleadings filed in this case, rules of Court, and such other matters as may be properly presented to the Court at the time of the hearing.

MORRISON LAW FIRM, LLC

By: 

David L. Morrison

Kassi B. Sandifer

7453 Irmo Drive, Suite B

Columbia, South Carolina 29212

Phone: (803) 661-6285

Fax: (803) 661-6289

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ATTORNEY FOR THE DEFENDANTS BUCK  
AND FRANKLIN

Columbia, South Carolina

October 19, 2012

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

Raymond Carter, )

Plaintiff, )

v. )

Donnie Myers, Solicitor Lexington )  
County, Tracey Carroll, Asst Solicitor )  
Lexington County, Brian Buck, Irmo )  
Police Dept., Scott Franklin, Irmo Police )  
Department, Timothy E. Stephenson, SC )  
Law Enforcement Division (SLED), )  
George White, Ex-Father-in-Law, )  
Tammy Carter, (aka Tammy Scrogam), )  
Ex-wife, Barbara Keadle (aka Diane )  
Hinkle), Investigator LDSS, Francis )  
Ross, LDSS, Paulette Jolly, Guardian ad )  
Litem, in their official and individual )  
capacities, )

Defendants. )

IN THE COURT OF COMMON PLEAS

C/A #: 12-CP-32-03208

ANSWER ON BEHALF OF DEFENDANTS  
BRIAN BUCK, IRMO POLICE  
DEPARTMENT AND SCOTT FRANKLIN  
IRMO POLICE DEPARTMENT  
(Jury Trial Requested)

These Defendants, Brian Buck, Irmo Police Department and Scott Franklin, Irmo Police Department, not waiving but expressly preserving all defenses raised in the Motion for Judgment on the Pleadings and to Dismiss served and filed contemporaneously herewith, answer the Complaint of the Plaintiff as follows:

**FOR A FIRST DEFENSE**

1. The Summons and Complaint fails to state facts sufficient to state a cause of action. These Defendants reserve the right to file a motion pursuant to Rule 12(b)(6), SCRC.

**FOR A SECOND DEFENSE**

2. These Defendants are entitled to judgment on the pleadings pursuant to SCRCP 12(c) in that it is apparent upon the face of the Complaint that Plaintiff's claims are barred by the statute of limitations.

**FOR A THIRD DEFENSE**

3. These Defendants are entitled to judgment on the pleadings pursuant to SCRCP 12(c) in that it is apparent upon the face of the Complaint that Plaintiff's claims are barred by the Plaintiff's previous conviction upon these charges and therefore the claims are barred by the doctrines of collateral estoppel and/or res judicata.

**FOR A FOURTH DEFENSE**

4. These Defendants deny each and every allegation of the Plaintiff's Complaint not hereinafter specifically admitted.

5. The material allegations of the Complaint that assert claims against these Defendants are denied in their entirety.

6. The allegations asserted against other Defendants require no response from these Defendants. To the extent any response is required, these Defendants would not have sufficient knowledge of the matters asserted in order to form a belief as to the truth and veracity of those claims and therefore those allegations are denied.

7. These Defendants admit that Plaintiff was pled guilty and was convicted of crimes against the State many years ago, specifically more than three years prior to the filing of this Summons and Complaint. These Defendants further admit that matters that occurred prior to his conviction form the basis for the claims alleged against these Defendants.

8. These Defendants further admit that Plaintiff has not had that conviction reversed or overturned.

**FOR A FIFTH DEFENSE**

9. Plaintiff's claims are barred by the appropriate statute of limitations, including South Carolina Code, Section 15-78-110, which provides for a two year statute of limitations for actions under the South Carolina Tort Claims Act.

**FOR A SIXTH DEFENSE**

10. Plaintiff's claims are barred by the appropriate statute of limitations, including the three year statute of limitations that would apply to any federal claims brought under federal law, if any.

**FOR A SEVENTH DEFENSE**

11. The Summons and Complaint has not been properly served and therefore this action must be dismissed.

**FOR AN EIGHTH DEFENSE**

12. Plaintiff's claims are barred by the doctrine of collateral estoppel in that he has pled guilty and been convicted of crimes against the State and therefore cannot challenge the legitimacy of matters alleged in the Complaint.

**FOR A NINTH DEFENSE**

13. Plaintiff's claims are barred by the doctrine of res judicata in that he has pled guilty and been convicted of crimes against the State and therefore cannot challenge the legitimacy of matters alleged in the Complaint.

**FOR A TENTH DEFENSE**

14. Plaintiff's claims are barred by the doctrine of sovereign immunity.

**FOR AN ELEVENTH DEFENSE**

15. Plaintiff's claims are barred by the South Carolina Tort Claims Act.

**FOR A TWELFTH DEFENSE**

16. Plaintiff's claims are barred by South Carolina Code Section, 15-78-70 in that these individual defendants are immune from suit.

**FOR A THIRTEENTH DEFENSE**

17. Plaintiff's claims are barred by sovereign immunity under the South Carolina Tort Claims Act, including but not limited to South Carolina Code Ann. Section 15-78-60 (1), (2), (3), (4), (5), (6), (23) and (25).

WHEREFORE, having fully answered the Complaint of the Plaintiff, these Defendants pray that the Complaint be dismissed with prejudice, for the costs of this action, and for such other and further relief as the Court deems just and proper.

MORRISON LAW FIRM, LLC

By: 

David L. Morrison, (Fed. #3581)

Kassi B. Sandifer, (Fed. #7439)

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ATTORNEYS FOR THE DEFENDANTS  
BRIAN BUCK, SCOTT FRANKLIN AND  
THE IRMO POLICE DEPARTMENT

Columbia, South Carolina

October 19, 2012

RESPONSE

Response to Answer to Appellee Buck, Franklin

Plaintiff's Copy

COPY FILED

2012 NOV 16 A 9 36

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

IN THE COURT OF COMMON PLEAS

Raymond Carter, )  
Plaintiff, )

C/A No. 12-CP-32-3208

BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON, SC

V. )

RESPONSE CO-DEFENDANTS  
SCOTT FRANKLIN and BRIAN BUCK  
MOTION to DENY RELIEF

Donnie Myers, Solicitor, et al., )  
Defendants. )

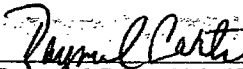
TO: DEFENDANTS AND THEIR ATTORNEY OF RECORD:

You are hereby notified that on November 30, 2012, at 2:30 p. m. or as soon as this honorable Court will hear this motion, in the Court of Common Pleas of the Lexington County Judicial Center, Plaintiff Raymond Carter will bring this Motion to Deny Relief sought by Defendants Scott Franklin and Brian Buck and to respond to Defendant's Franklin and Buck's Motion for the Judgment of the Pleading.

As to the aforementioned defendant's Motions, dated October 19, 2012, move that the court hear this motion to deny relief sought of the Defendants.

This motion is based on all papers filed to date and actions or evidence received at the hearing.

November 7, 2012  
Columbia, SC

  
Raymond Carter, Plaintiff Pro Se  
2219 Leesburg Road  
Columbia, SC 29209-3055

Cc: File

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

Raymond Carter, )

Plaintiff, )

V. )

Donnie Myers, Solicitor, et al., )  
Defendants. )

IN THE COURT OF COMMON PLEAS

C/A No. 12-CP-32-3208

**MEMORANDUM IN SUPPORT  
OF MOTION to DENY RELIEF**

**FILED**

2012 NOV 16 A 9 36

BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON SC

Plaintiff respectfully requests, pursuant to SCCA § 15-78-110, 15-3-550, an order denying relief to Defendant's Motions for Dismissal, denial of allegations and Judgment on the Pleadings at a Motion's hearing on or before November 30, 2012, or at the earliest time the court can hear this Motion.

This motion is made on the grounds that:

1. The Defendant's Third Defense, Defendant's claim that Plaintiff's actions are barred by a previous conviction. However, under Corum Nobis, it is acceptable for the Court to enter a correction in a judgment it already gave.

2. While under the continuing consequences of said previous conviction, as a patient in the SC Department of Mental Health, Plaintiff was in active appeal with the court system. However, on June 30, 2011, (See Exhibit 1) the Plaintiff was released from custody and had not other means to continue the appeal process. Plaintiff could not use final appellate remedies or pursue the issuance of Habeas Corpus in his pursuit to exhaust.

3. The Writ of Habeas Corpus shall not extend to a prisoner unless:

- 1) He is *in custody* under or by color of this authority of the state of South Carolina or is committed for trial before some court thereof; or

2) He is *in custody* for an act done or omitted in pursuance of an Act of Congress, or an order, process, judgment or decree of a court or judgment of the State of South Carolina; *or*

3) He is *in custody* in violation of the Constitution or laws or treaties of the State of South Carolina or the United States; *or*

4) He, being a citizen of a foreign state and domiciled therein is *in custody* for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission order or sanction of any foreign state, or under color thereof, the validity and effect of which depend upon the law of nations; *or*

5) It is necessary to bring him into court to testify or for trial (Federal Habeas Corpus Handbook, 2nd Ed.)

4. So, as for the Defendant's Motion to Judgment on the Pleadings, that motion should be denied.

5. As for the Defendant's Fourth Defense, Defendant's deny all allegations against them without providing the court with any tangible, exonerable or physical evidence. Wherefore, the Plaintiff has shown with evidence that these Defendants were in fact involved, participated, signed documentation and written testimony to their actions but deny the circumstances surrounding how they were to arrive at their action to proceed in a manner in violation of the law and the Plaintiff's constitutional rights.

6. As to the veracity of the claims against the Defendant's in their Fourth Defense, because the Defendant's memories have been clouded by what means known of the Plaintiff, they knew and should have know at that time and any time after police training that you do not get an arrest leading to a conviction by these means, and therefore, Plaintiff request this hearing to refresh their memory of the truth and how it effected the Plaintiff's life.

7. As to the Defendant's Fifth Defense, under SCCA § 15-78-110, the Defendant's seem to believe that the statute of limitations has expired on this matter before the Court. However, it is because of the Defendant's actions that have had a continuing consequence on the Plaintiff. The Plaintiff according to this statute has correctly filed a Complaint in this matter within the statutes time allotment. Plaintiff reinserts that there are no remedies available under any other appellate or Habeas corpus court that can be brought before this Court to seek the relief in which the Plaintiff has sought.

8. As for the Defendant's Seventh Defense, the Defendant's were properly served with a Summons and Complaint via the United States Mail on September 27th and 29th accordingly, specifically through the use of the United States Mail Return Receipt Requested (PS Form 3811, Feb. 2004) signed by Defendants, (See Exhibit 2). Therefore, the motion to dismiss under this response must also be denied.

9. As for the Defendant's Eighth and Ninth Defenses, the Defendants bring forth that the Complaint file by Plaintiff should be barred by the doctrine of collateral estoppel and res judicata because it is Court record the Plaintiff pled guilty, under which circumstances as the evidence submitted by the Defendant's were render in order to secure this plea. The evidence is tainted and had the Defendant's not violated the Plaintiff's rights by entering this evidence, would have been free from conviction. The Plaintiff inserts the proper doctrine of this case and that is of the doctrine of collateral-order.

A definitive meaning of collateral-order doctrine:

A doctrine *allowing appeal* from an interlocutory order that conclusively determines an issue wholly separate from the merits of the action and effectively unreviewable on appeal from a final judgment. (Black's Law Dictionary, 2nd Ed., 2001).

As to the defense of res judicata, we have to look only at the collateral-order doctrine to confirm that the case is that of residuum being that the Defendant's actions have violated the Plaintiff's rights, an initial act, then it's continuing collateral consequences of

their actions are residual in nature. Therefore the request based on collateral-esstoppel and res judicata should be denied.

10. As for the Defendant's Tenth through Thirteenth Defense, claiming that Plaintiff's claims are barred by Sovereign immunity and the SC Tort Claims Act, Plaintiff respectfully requests these actions be denied. Sovereign immunity is only granted when the Defense was not a part of the action and had no knowledge of the actions. However, in this case the Defendants knew and should have known that they were violating the Plaintiff's rights and failed to do anything about it.

Because of the Defendant's actions they knew about, it resulted in the Plaintiff being committed to the SC Department of Mental Health for treatment of a mental disorder he never had. In a sense you can say that the Defendant's actions said for example that the Plaintiff has cancer, although there be no scientific, medical or physical proof of such and he is treated for a cancer he never had. In that example, there would be collateral consequences of hair falling out, upset stomach, diarrhea. Where in the case at hand the Defendant's actions said that the Plaintiff had sexually abused one daughter and because the Defendant's coerced and compelled Plaintiff's involuntary statement, change it from one alleged victim to three, and basically coerced the plea bargain. Because of the actions of the Defendant's using the example, they said that this was truth as with the cancer. Because of the Defendant's telling the Court, the Plaintiff is sent first for punishment, then through yet a following trial is committed to the SC Dept. of Mental Health for an offense or mental abnormality that the Plaintiff never had. Plaintiff continues to suffer from collateral consequences of what the Defendant's said, and request that the Defendant's immunity claim be denied.

**CONCLUSION**

WHEREFORE, having completely answered the Answer on Behalf of Defendant's Franklin and Buck, formally of the Irmo, Police Department, pray that this court grant a hearing on the matters listed herewithin, and that all Defenses be therefore denied.

Columbia, SC



Raymond Carter  
2219 Leesburg Road  
Columbia, SC 29209-3055

PLAINTIFF PRO SE

Cc: File  
Clerk of Court, Lexington County

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

Raymond Carter, )

Plaintiff, )

V. )

Donnie Myers, Solicitor, et al., )

Defendants. )

IN THE COURT OF COMMON PLEAS

FILED

C/A No. 12-CP-32-3208 2012 NOV 16 A 9 36


BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON, SC

CERTIFICATE OF SERVICE

I, Raymond Carter, hereby certify under penalty of perjury that a true and correct copy of this Motion to Deny and its two attachments, have been provided to the below listed Attorney for Defendants Franklin and Buck by depositing it in the United States Mails on this 8th day of November, 2012.

MORRISON LAW FIRM, LLC  
David L. Morrison, (Fed. #3581)  
Kassi B. Sandifer, (Fed. #7439)  
7453 Irmo Drive, Suite B  
Columbia, SC 29212

Columbia, SC  
November 8, 2012

  
Raymond Carter  
2219 Leesburg Road  
Columbia, SC 29209-3055

PLAINTIFF PRO SE

Cc: File  
Clerk of Court, Lexington County

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State of South Carolina  
County of Lexington

Court of Common Pleas

Raymond W. Carter )  
 )  
 Plaintiff, )  
 v. )  
 Donnie Myers, et al. )  
 )  
 Defendant. )

Transcript of Record  
12-CP-32-3208

February 7, 2013  
Lexington, South Carolina

B E F O R E:

The Honorable Frank R. Addy, Jr., Judge.

A P P E A R A N C E S:

Raymond W. Carter, Pro Se

William H. Davidson, II, Esquire  
Attorney for Defendant Donnie Myers

Kassi B. Sandifer, Esquire  
Attorney for Defendants Buck and Franklin

Stacy L. Sheppard, RPR  
Circuit Court Reporter

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WITNESSES

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(There were no witnesses.)

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NO.

DESCRIPTION

ID.

EVD.

(There were no exhibits.)

1 (The following proceedings were held on  
2 February 7, 2013.)

3 **THE COURT:** All right. We're on the record of  
4 12-CP-32-3208, Raymond Carter, plaintiff, versus  
5 Donnie Myers, Solicitor, et al. And, apparently,  
6 Mr. Carter is not present. I'm looking through the  
7 file trying to find where some notification was  
8 provided to Mr. Carter. Can anyone speak to that?

9 Madame Clerk, is it the practice of the clerk's  
10 office to notify him or --

11 **THE CLERK:** We do. I sent notice out to him on  
12 January 11th.

13 **THE COURT:** Okay. Of this hearing today?

14 **THE CLERK:** Yes. Do you want me to put that --

15 **THE COURT:** If you could print that out, that  
16 would be perhaps helpful. I can add that to the  
17 file.

18 Apparently, he did receive notice. What the  
19 clerk is telling me is that he did receive notice of  
20 this hearing and, apparently, he has chosen not to  
21 come. So, at this point in time, I'm happy to hear  
22 from y'all concerning your motions.

23 **MR. DAVIDSON:** Your Honor, I represent  
24 Solicitor Myers in this suit. Mr. Carter has filed  
25 in this action basically a 41-page complaint on --

1 alleging a multitude of sins by a multitude of  
2 people.

3 This all stems out of a criminal investigation  
4 that Mr. Carter was involved in that started, I  
5 believe, in Irmo. And it started in 1999 as a  
6 result of him being accused of sexual misconduct  
7 with minors. And I believe it was three or four  
8 counts with children under, I think, it's six years  
9 of age, little girls.

10 He ultimately pled guilty to one count on May  
11 13th, 2003, on the -- and this is all taking it from  
12 his complaint. I'm not going outside the confines  
13 of his complaint. As a result of that plea, the  
14 other charges were dropped. And he ultimately did  
15 file a PCR, which he ultimately dropped, which was  
16 held before Judge Keesley, when he realized that if,  
17 in fact, he was successful on his PCR and got that  
18 plea overturned, then he would be facing the other  
19 charges also.

20 Solicitor Myers' office was involved in the  
21 prosecution of that matter and the individual by the  
22 name of Tracey Carroll. Ms. Carroll is now a  
23 magistrate judge in Aiken and has been so since  
24 about 2003, I believe, Your Honor.

25 As a result of the facts in this case, he was

1 released ultimately from the department of  
2 corrections in '07. There was some question about  
3 whether or not he was a sexually violent predator.  
4 As a result of that, he went through the process.  
5 The Attorney General's office actually tried one of  
6 the cases, according to his own pleadings. He was  
7 found to be a sexually violent predator.

8 It must have been overturned and retried in  
9 front of Judge McMahon who actually DV'd that charge  
10 and now Mr. Carter is living on Leesburg Road in  
11 Columbia and is a registered sex offender and is  
12 actually on the web site. And I checked, the  
13 address he has on the web site is the same address  
14 he used for the complaint and I assume it's the  
15 22...

16 **THE CLERK:** 2219.

17 **MR. DAVIDSON:** Leesburg Road. Yeah, that's the  
18 same address.

19 The allegations against Solicitor Myers -- in  
20 looking at this case also, let me make sure you  
21 understand, only Solicitor Myers has been served as  
22 far as any of the governmental officials are  
23 concerned from my understanding. Ms. Carroll has  
24 not been served.

25 I know he has filed a affidavit of fault as to

1 Timothy Stevenson. He was not a SLED agent. He  
2 actually was a Dorchester deputy at the time who was  
3 on assignment at SLED to do polygraph work.

4 My conversation with Mr. Stevenson is he has  
5 not received a copy of the complaint, but that's for  
6 another day probably in another hearing because I  
7 don't represent Mr. Stevenson.

8 Solicitor Myers who I have -- we filed a motion  
9 on his behalf for prosecutorial immunity under the  
10 case law, as well as under the Tort Claims Act,  
11 subsection, I believe, is 23, Your Honor, of  
12 15-78-60. We also filed saying that he had not had,  
13 and quite honestly cannot have, his convictions  
14 overturned because quite honestly he's served his  
15 time.

16 He has brought against Solicitor Myers charges  
17 of malicious prosecution, which is his first count.  
18 And he has brought charges in regard to Solicitor  
19 Myers in his fifth and fourth and sixth count,  
20 dealing with the matters surrounding his prosecution  
21 civilly for his sexually violent predator case.

22 As the Court is aware in the malicious  
23 prosecution case, number one, he would have to show  
24 that lack of probable cause and the fact that the  
25 conviction was successfully terminated in his favor,

1 neither of which he can do.

2 Number two, all of the allegations taking them  
3 in the light most favorable to the plaintiff based  
4 on his own pleadings, shows that everything he talks  
5 about Solicitor Myers deals with Solicitor Myers or  
6 Solicitor Myers' office handling the prosecution of  
7 this matter. And even to the point that he talks  
8 about Ms. Carroll, who worked for Solicitor Myers,  
9 not providing exculpatory information, all of which  
10 would have been information that would have dealt  
11 with the prosecution.

12 Based on Tim Williams versus Charles Condon, a  
13 South Carolina Supreme Court case, I believe -- no,  
14 South Carolina Court of Appeals that was decided  
15 2001, solicitors in the prosecution of matters in  
16 the State of South Carolina have absolute immunity.  
17 So we believe this action on all counts, the  
18 malicious prosecution count, what, if any, role,  
19 even though the SVP allegations in subsection five  
20 and six have no mention of Solicitor Myers, even if  
21 they did and he was involved in the prosecution of  
22 those matters, would enjoy absolute prosecutorial  
23 immunity. And, actually, those allegations deal  
24 with the Attorney General's office prosecuting those  
25 matters.

1           So we believe in this case, Your Honor, taking  
2           the evidence in the light most favorable to  
3           Solicitor Myers, the action should be dismissed  
4           because he enjoys absolute prosecutorial immunity.

5           **THE COURT:** All right. Thank you.

6           **MS. SANDIFER:** Your Honor, Kassi Sandifer for  
7           Brian Buck and Scott Franklin, both with the Irmo  
8           Police Department.

9           The plaintiff has alleged four causes of action  
10          against Mr. Buck, Captain Buck, and Franklin. He's  
11          alleged false imprisonment and a wrongful conviction  
12          claim stemming from the charge back in 1999. He  
13          says that we coerced a confession from him. And  
14          he's also alleged a false imprisonment claim and a  
15          wrongful conviction claim based out of the charge  
16          under the Sexually Violent Predators Act that the  
17          Attorney General brought forth against him in 2008.

18          As to the 19 -- the claims that occurred  
19          arising out of the 1999 charge, we believe that we  
20          are entitled to have those dismissed because based  
21          on pleadings, the statute has run. This happened in  
22          1999. It's been 13 years.

23          **THE COURT:** I agree.

24          **MS. SANDIFER:** Based on the claims arising out  
25          of the 2008 charge, we had nothing to do with that,

1 that was the Attorney General bringing those  
2 charges.

3 He has no allegations, he's alleged no  
4 allegations in his complaint against us. And,  
5 again, the statute has run. So we believe that  
6 there's been a failure to state a claim against  
7 Captain Buck and Franklin. And even if there is a  
8 claim against them, the statute has run.

9 **THE COURT:** All right. Very good.

10 All right. I will certainly be dismissing  
11 against Mr. Myers, as well as any other prosecutor  
12 based upon prosecutorial immunity. I will be  
13 dismissing as against the other defendants based  
14 upon the statute of limitations having run.

15 I have noticed in the file where apparently  
16 Mr. Carter requested an entry of default against  
17 Timothy Stevenson, Tammy Kidd a/k/a Tammy Carter and  
18 George White. Attached to the request for entry of  
19 default are the returned receipt cards. None of  
20 those cards are marked restricted delivery to the  
21 addressee, nor are any of the cards signed by the  
22 actual individuals being sued. So service has not  
23 been effected upon those individuals as well.

24 I find the case should be dismissed due to the  
25 statute of limitations. Thank you very much.

1           **MS. SANDIFER:** Thank you, Your Honor.

2           (A recess transpired.)

3           **THE COURT:** We're back on the record sort of in  
4 case 12-CP-32-3208. The attorney for Solicitor  
5 Myers and some of the other parties involved in that  
6 case are not present, but I was just completing the  
7 last hearing that I had and I noticed the gentleman  
8 in the audience who apparently is Raymond Carter.  
9 And I'm explaining -- or I had explained a moment  
10 ago to Raymond Carter that about 40 minutes ago, I  
11 dismissed his case on the grounds of prosecutorial  
12 immunity, as well as it being beyond the statute of  
13 limitations. Obviously, Mr. Carter was not present,  
14 but he is now.

15           You understand that's kind of where we are,  
16 Mr. Carter?

17           **MR. CARTER:** Yes, sir.

18           **THE COURT:** All right. Obviously, if you want  
19 to appeal my decision on those grounds or on that  
20 basis, you'll need to file a notice of intent to  
21 appeal within 30 days and proceed to the Court of  
22 Appeals, all right.

23           **MR. CARTER:** Can I ask one question about the  
24 statute of limitations?

25           **THE COURT:** Sure, please, by all means.

1           **MR. CARTER:** There was a continuing consequence  
2 that was based on my taking the initial plea at the  
3 beginning of this thing. The continuing  
4 consequences put me in the department of mental  
5 health and I was released on June 30th of 2011. It  
6 was my understanding under the law that I had a year  
7 to file from the time I was released.

8           **THE COURT:** That is not my understanding,  
9 Mr. Carter. The acts that you complained about in  
10 your complaint -- what was presented to me was that  
11 essentially the acts complained about in your  
12 complaint took place in 1999 or something. And, you  
13 know, if you were going to bring suit against them,  
14 obviously there are certain requirements. And I  
15 can't really go -- because the other parties aren't  
16 here, so I'm not supposed to discuss with you since  
17 you weren't here, but I'm trying to fill you in on  
18 what I'm ruling or what I had ruled, that the  
19 statute of limitations on your cause of action would  
20 have run, at the very least, three years after you  
21 received a beneficial result, assuming that you had  
22 gotten the charges dismissed or what have you.

23           In your case, you tendered a plea of guilty,  
24 apparently, on those charges. If you had had them  
25 dismissed, then obviously you would have been in a

1 much better position to pursue a malicious  
2 prosecution type of action or a negligence action,  
3 gross negligence, whatever the case may be. So  
4 that's sort of where you are, sir.

5 And, obviously, if you want the Court to  
6 reconsider that decision, you'll need to file a Rule  
7 59 motion, if you choose to appeal. You'll also  
8 need to do that within 30 days, file that notice of  
9 intent, okay.

10 **MR. CARTER:** Thank you, Your Honor.

11 **THE COURT:** Thank you, sir.

12  
13 **END OF PROCEEDINGS**  
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CERTIFICATE

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

Respectfully Submitted,



Raymond W. Carter  
2219 Leesburg Road  
Columbia, SC 29209-3055

APPELLANT PRO SE

January 28, 2015  
Columbia, SC

**RECEIVED**

FEB 03 2015

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2013-000449

Raymond W. Carter

**RECEIVED**

FEB 03 2015

**SC Court of Appeals**

Appellant,

v.

Donnie Myers, Solicitor, Lexington County, Tracey Carroll, Asst. Solicitor, Lexington County, Brian Buck, Irmo Police Department, Scott Franklin, Irmo Police Department, Timothy E. Stephenson, SC Law Enforcement Division, (SLED), The Estate of George D. White, Ex father in law, Tammy Carter (AKA: Tammy Kidd, AKKA: Tammy Scrogam, Ex Wife, Barbara Keadle (AKA: Diane Hinkle) Investigator, LCDSS, Francis Ross, LCDSS, Paulette Jolly, Guardian Ad Litem,

Appellees,

PROOF OF SERVICE

I, Raymond W. Carter, the Appellant, hereby certify that I have served this amended Record on Appeal on this 28th day of January, 2015, by depositing a copy of it in the United States Mail, postage paid, addressed to:

Jenny A. Kitchings, Clerk  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

William H. Davidson, II, PA  
Attorney for Appellees' Myers  
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Columbia, SC 29202-8568

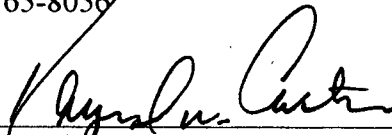
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Tammy A. Kidd  
1246 Blue Lick Road  
Shepherdsville, KY 40165

Timothy E. Stephenson  
709 Old Trolley Road  
Summerville, SC 29485

The Estate of George D. White  
1249 Highway 44 W.  
Shepherdsville, KY 40165-8056

January 28, 2015  
Columbia, SC

  
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Cc: File