

RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals
Appellate Case No. 2015-002367

RECEIVED
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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Tanya Gee, Circuit Court Judge

Orlando I. Brown,

Appellant,

v.

State Of South Carolina,

Respondent.

Record On Appeal

Orlando I. Brown
440 Rimer Pond Road
Blythewood, S.C. 29016
(803) 477-0098
Pro Se

Temus C. Miles, Jr., Esquire
[REDACTED]
1303 Blanding Street
Columbia, S.C. 29201
(803) 256-4645
Attorneys for Respondent

Daniel R. Settana, Jr.
PO Box 7217
Columbia SC 29202

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Orlando Brown,

Plaintiff,

Vs.

South Carolina Richland County

Probate Court,

Defendant.

MOTION FOR SUMMARY

JUDGEMENT

I. Legal Memorandum

Rule 56 of the Federal Rules of civil Procedure state that where there is no genuine dispute of material facts, there is warrant for filing a Motion for Summary Judgment.

II. Motion

I hereby Motion for Summary Judgment; claiming that I was ordered to abstain from alcohol on June 26, 2014, November 21, 2013, September 19, 2013, July 25, 2013, August 20, 2012, and July 23, 2012; whereby I claim benefits to drinking alcohol; whereas there is no genuine dispute with the facts presented requiring a trial to resolve.

III. Statement of Facts

- 1.) I was ordered to abstain from alcohol on six separate occasions as evidenced in Exhibit A, B, and D, as underlined.
- 2.) I am disabled as evidenced in Exhibit E and Underlined therein.

- 3.) I am over 21 years of age and otherwise qualified to purchase and consume alcohol as evidenced in Exhibit F underlined.
- 4.) I was discriminated against because of my mental disability as evidenced in Exhibits B and D, where there it is underlined "mental condition is deteriorating."
- 5.) All citizens of the United States of America over the age of 21 are permitted to purchase and consume alcohol.
- 6.) Being ordered to abstain from alcohol because of mental condition is discriminating.
- 7.) Being ordered to abstain from alcohol is denial of a good that citizens over age 21 are normally free to partake of.

IV. **Brief**

My contention is that being ordered to abstain from alcohol is discriminatory, and has deprived me of much needed benefits. This deprivation of benefits is in direct violation of Title II of the Americans with Disabilities Act (ADA). The ADA protects disabled persons from being discriminated against because of disability. The three requirements to bring about a successful claim under Title II of ADA are: 1) must be disabled; 2) must be otherwise qualified to receive goods or services denied; and 3) must have been discriminated against because of disability. These requirements have been met as the statement of facts evidenced. It is "as a matter of law" that I Motion for Summary Judgment.

I declare under penalty of perjury that the foregoing is true



Orlando I. Brown

440 Rimer Pond Road

Blythewood, S.C. 29016

7-2-15

dated

Orlando Brown,

Plaintiff,

Vs.

State of South Carolina,

Defendant.

AMENDED MOTION FOR
SUMMARY JUDGEMENT

2015 JUL 10 11:10:16

I. Legal Memorandum

Rule 56 of the Federal Rules of civil Procedure state that where there is no genuine dispute of material facts, there is warrant for filing a Motion for Summary Judgment.

II. Motion

I hereby Motion for Summary Judgment; claiming that I was ordered to abstain from alcohol on June 26, 2014, November 21, 2013, September 19, 2013, July 25, 2013, August 20, 2012, and July 23, 2012; whereby I claim benefits to drinking alcohol; whereas there is no genuine dispute with the facts presented requiring a trial to resolve.

III. Statement of Facts

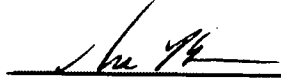
- 1.) I was ordered to abstain from alcohol on six separate occasions as evidenced in Exhibit A, B, and D, as underlined.
- 2.) I am disabled as evidenced in Exhibit E and Underlined therein.

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- 4.) I was discriminated against because of my mental disability as evidenced in Exhibits B and D, where there it is underlined "mental condition is deteriorating."
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- 6.) Being ordered to abstain from alcohol because of mental condition is discriminating.
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IV. **Brief**

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I declare under penalty of perjury that the foregoing is true



Orlando I. Brown

440 Rimer Pond Road

Blythewood, S.C. 29016

7-10-15

dated

pg. 5 of 48


Orlando Brown,

)

S.C. Court of Common Pleas

Civil # 2015CP4004012

Plaintiff,

)

Vs.

)

)

Motion To Ammend

)

Pleadings

State of South Carolina,

)

Defendant.

)

)

RICHLAND COUNTY
FILED
2015 AUG 13 PM 2:54
JEANNETTE W. HOBBS
C.C.P. & G.S.

1. Legal Memorandum

Rule 15 (b) of SCRCP clearly states that amendments are allowed in order to "conform to the evidence."

2. Proposed Order, Motion

I hereby motion the court to recognize the State of South Carolina as the sole defendant in this action, not to include Attorney General Alan Wilson as an added defendant.

3. Statement of Facts

- a.) Complaint was initially filed on 7-2-2015 with SC. Richland County Probate Court as sole defendant.
- b.) Complaint was amended on 7-10-2015 to discharge S.C. Richland County Probate Court as sole defendant and add State of South Carolina as sole defendant
- c.) On 7-20-2015 the Clerk's office discharged S.C. Richland County Probate Court from defendant status and added the State of S.C. and Attorney General Alan Wilson as defendants
- d.) The Amended Civil Cover sheet dated 7-10-2015 clearly shows the State of S.C. as the sole defendant.

4. Brief

It is my contention that the clerk's office erred when entering the facts of this case into a database so as to incorrectly show Attorney General Alan Wilson as a defendant, and he is not.



8-13-15

Dated

Orlando Ira Brown

440 Rimer Pond Road

Blythewood, S.C. 29016

(803) 741-6739

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Orlando Ira Brown,

Plaintiff,

vs.

State of South Carolina,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO: 2015-CP-40-04012

**CONSENT ORDER TO AMEND
PLEADINGS**

RICHLAND COUNTY
FILED
SEP - 1 PM 12:11
JEANETTE W. McBRIDE
C.C.P. & G.S.

This matter comes before the Court with the consent of all parties for an Order allowing Plaintiff to remove Defendants "Alan Wilson" and "Attorney General" as parties in this action.

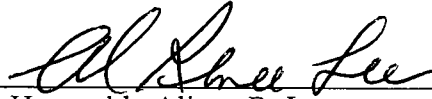
Plaintiff, appearing *pro se*, filed the Summons and Complaint in the above matter with the Richland County Clerk of Court on July 2, 2015. Plaintiff filed an Amended Complaint on July 10, 2015. The Amended Summons and Complaint removed the S.C. County Probate Court as a Defendant and added the State of South Carolina as the sole defendant in this action. However, it appears that parties identified as "Alan Wilson" and "Attorney General" were listed as Defendants with the Richland County Clerk's office by mistake.

Plaintiff filed a Motion to Amend the Pleadings on August 13, 2015 to correct the incorrectly listed Defendants and to reflect that the State of South Carolina is the sole Defendant in this matter. The parties have since informed the Court that they consent to the relief requested in Plaintiff's Motion to Amend and enter into this Consent Order.

IT IS THEREFORE ORDERED THAT, by agreement and consent, Plaintiff's Motion to remove the Defendants identified as "Alan Wilson" and "Attorney General" as parties in this action is granted. The State of South Carolina will remain the sole defendant pursuant to the Amended Summons and Complaint.

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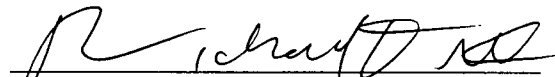
AND IT IS ORDERED, ~~this the~~ 29 day of August, 2015.



The Honorable Alison R. Lee
Circuit Court Judge

August 29, 2015
Columbia, South Carolina

WE SO MOVE:



Daniel R. Settana, Jr., Esquire
Richard E. Marsh, III, Esquire
McKay, Cauthen, Settana & Stubbley, P.A.
1303 Blanding Street
P. O. Drawer 7217
Columbia, SC 29202
(803) 256-4645
Attorneys for Defendants

I CONSENT:



Orlando Brown
440 Rimer Pond Road
Blythewood, SC 29016
803-741-6739
Plaintiff, pro se

SCANNED

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/k12

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Orlando Ira Brown,

Plaintiff,

vs.

State of South Carolina,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO: 2015-CP-40-04012

**DEFENDANT STATE OF SOUTH
CAROLINA'S NOTICE OF MOTION
AND MOTION TO DISMISS**

TO: ORLANDO IRA BROWN, *PRO SE* PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the Defendant State of South Carolina ("Defendant"), by and through the undersigned attorneys, will move the Court for an Order dismissing all claims against it pursuant to the grounds set forth in this Motion. Said Motion will be heard within ten (10) days or at such time and place as may be set by the Court thereafter in the Court of Common Pleas for Richland County, of which you will be notified.

Defendant moves to dismiss this action against it pursuant to Rules 12(b)(1), (2), (4), (5), and (6) of the South Carolina Rules of Civil Procedure on the grounds of lack of subject matter jurisdiction, lack of jurisdiction over the person, insufficiency of process, insufficiency of service of process, and that the Plaintiff's claims fail to state a cause of action upon which relief can be granted. Defendant also moves to dismiss this action against it pursuant to South Carolina Tort Claims Act, S.C. Code Ann. §15-78-10 *et seq.* (as amended), on the following grounds:

1. The Plaintiff fails to state a cause of action under the Constitution and laws of the United States and the State of South Carolina; the claims are frivolous and without merit; there is no genuine issue as to any material fact; and the Amended Complaint does not state a claim upon which relief can be granted;

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2. Plaintiff has improperly named the State of South Carolina as a Defendant in this action. According to the South Carolina Tort Claims Act, S.C. Code Ann. §15-78-70, when bringing an action against a governmental entity or against an employee acting on behalf of a governmental entity, only the agency or political subdivision shall be named as a Defendant;

3. Defendant moves to dismiss this case pursuant to Rules 12(b)(1), (2), (4), and (5) of the South Carolina Rules of Civil Procedure on the grounds of lack of jurisdiction of the subject matter; lack of jurisdiction of the person; insufficiency of process; and insufficiency of service of process;

4. Plaintiff has failed to properly serve the Defendant pursuant to Rule 4(d) of the South Carolina Rules of Civil Procedure;

5. Plaintiff has failed to serve the Complaint and Amended Complaint in accordance with the South Carolina Rules of Civil Procedure and this action should be dismissed pursuant to Rule 5(d) of the South Carolina Rules of Civil Procedure;

6. Defendant further moves to dismiss this case on the grounds that it is entitled to prosecutorial immunity from liability for claims brought under 42 U.S.C. § 1983, pursuant to the holding of *Imbler v. Pachtman*, 424 U.S. 409 (1976) and its progeny;

7. Defendant further moves to dismiss this case on the grounds that it is entitled to common law prosecutorial immunity pursuant to the holdings of *O'Laughlin v. Windham*, 330 S.C. 379, 498 S.E.2d 689 (Ct. App. 1998) and *Williams v. Condon*, 347 S.C. 227, 553 S.E.2d 496 (Ct. App. 2001);

8. Defendant further moves to dismiss this case on the grounds that it is entitled to judicial immunity pursuant to S.C. Code Ann. § 15-78-20(b) and case law of South Carolina, including the holding of *O'Laughlin v. Windham*, 330 S.C. 379, 498 S.E.2d 689 (Ct. App. 1998).

and others;

9. Defendant should be dismissed from this action due to the fact that the State of South Carolina is immune from suit for damages by virtue of its sovereign immunity.

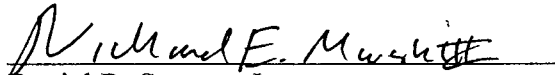
10. To the extent that Plaintiff's Complaint and Amended Complaint are interpreted to assert a claim under the South Carolina Tort Claims Act, Defendant asserts as follows: that at all times relevant hereto, it was acting through government employees, engaged in the performance of their official duties, and therefore is immune from liability pursuant to the South Carolina Tort Claims Act, S.C. CODE ANN. §15-78-10 *et seq.* Defendant is specifically immune pursuant to S.C. CODE ANN. §15-78-60(1), (2), (3), (4), (5), (12), (20), (21), (22), (23), and (25);

11. Defendant, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure and S.C. CODE ANN. §15-78-120(b) moves to dismiss Plaintiff's prayers for punitive and/or exemplary damages and costs, pursuant to the South Carolina Tort Claims Act, which provides, in pertinent part, that no award for damages under the South Carolina Tort Claims Act shall include punitive or exemplary damages. Therefore, Defendant moves to dismiss or strike any claims by the Plaintiff for punitive or exemplary damages and costs; and

12. Defendant additionally moves to dismiss pursuant to the doctrines of *res judicata* and/or collateral estoppel.

This Motion is supported by the pleadings on file with the Court, the South Carolina Rules of Civil Procedure, the South Carolina Tort Claims Act, the statutory and decisional law of the United States and the State of South Carolina, and such memoranda, and other materials as may be submitted in support hereof.

Respectfully submitted,



Daniel R. Settana, Jr.

Richard E. Marsh, III

McKay, Cauthen, Settana & Stublely, P.A.

1303 Blanding Street (29201)

P.O. Drawer 7217

Columbia, SC 29202

(803) 256-4645

Attorneys for Defendant

Columbia, South Carolina
August 10, 2015

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Orlando Ira Brown,

Plaintiff,

vs.

State of South Carolina,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO: 2015-CP-40-04012

**SOUTH CAROLINA ATTORNEY
GENERAL'S OFFICE AND
ATTORNEY GENERAL ALAN
WILSON'S NOTICE OF MOTION
AND MOTION TO DISMISS**

RICHLAND COUNTY
FILED
15 AUG 10 PM 4:25
JANETTE W. MCGRIDE
C.C.P. & G.S.

TO: ORLANDO IRA BROWN, *PRO SE* PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the alleged Defendants, the South Carolina Attorney General's Office and Attorney General Alan Wilson ("Defendants"), by and through their undersigned attorneys, will move the Court for an Order dismissing the case against them pursuant to the grounds set forth in this Motion. Said Motion will be heard within ten (10) days or at such time and place as may be set by the Court thereafter in the Court of Common Pleas for Richland County, of which you will be notified.

The alleged Defendants move to dismiss the case against them on the following grounds:

- 1) The Plaintiff fails to state a cause of action under the Constitution and the laws of the United States and the State of South Carolina; the claims are frivolous and without merit; there is no genuine issue as to any material fact; and the Amended Complaint does not state a claim upon which relief can be granted;
- 2) The alleged Defendants move to dismiss this case pursuant to Rules 12(b)(1), (2), (4), and (5) of the South Carolina Rules of Civil Procedure on the grounds of lack of jurisdiction of the subject matter; lack of jurisdiction of the person; insufficiency of process; and insufficiency of service of process.

3) Plaintiff has failed to properly serve the alleged Defendants pursuant to Rule 4(d) of the South Carolina Rules of Civil Procedure;

4) Plaintiff has failed to serve the Amended Complaint in accordance with the South Carolina Rules of Civil Procedure and this action should be dismissed pursuant to Rule 5(d) of the South Carolina Rules of Civil Procedure;

5) The alleged Defendants were not named as a party in either the caption or body of the Complaint or Amended Complaint, but were improperly added later to the lawsuit only after Plaintiff amended his pleadings. Therefore, these alleged Defendants must be dismissed pursuant to Rules 12(b)(1), (2) and (6);

6) The alleged Defendants moves to dismiss this case pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure on the grounds that Plaintiff's Amended Complaint fails to state facts sufficient to constitute a cause of action against them and Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted;

7) The alleged Defendants further move to dismiss this case on the grounds that they are entitled to prosecutorial immunity from liability for claims brought under 42 U.S.C. § 1983, pursuant to the holding of *Imbler v. Pachtman*, 424 U.S. 409 (1976) and its progeny;

8) The alleged Defendants further move to dismiss this case on the grounds that they are entitled to common law prosecutorial immunity pursuant to the holdings of *O'Laughlin v. Windham*, 330 S.C. 379, 498 S.E.2d 689 (Ct. App. 1998) and *Williams v. Condon*, 347 S.C. 227, 553 S.E.2d 496 (Ct. App. 2001);

9) Additionally, to the extent that Plaintiff's Complaint is construed to allege a cause of action against the SCAG or the current or former director of the SCAG in his official capacity, they are immune from suit pursuant to the doctrine of Sovereign Immunity;

10) To the extent that Plaintiff's Amended Complaint is interpreted to assert a claim under the South Carolina Tort Claims Act, the alleged Defendants assert as follows: that at all times relevant hereto, they were acting through government employees, engaged in the performance of their official duties, and therefore are immune from liability pursuant to the South Carolina Tort Claims Act, S.C. CODE ANN. §15-78-10 *et seq.* The alleged Defendants are specifically immune pursuant to S.C. CODE ANN. §15-78-60(1), (2), (3), (4), (5), (12), (20), (21), (22), (23), and (25);

11) The alleged Defendants, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure and S.C. CODE ANN. §15-78-120(b) move to dismiss Plaintiff's prayers for punitive and/or exemplary damages and costs, pursuant to the South Carolina Tort Claims Act, which provides, in pertinent part, that no award for damages under the South Carolina Tort Claims Act shall include punitive or exemplary damages. Therefore, the alleged Defendants move to dismiss or strike any claims by the Plaintiff for punitive or exemplary damages and costs.

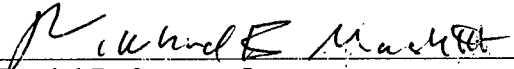
12) The alleged Defendants additionally move to dismiss this case against them pursuant to Rule 12(b)(6), SCRCP, in that Plaintiff has improperly named as defendants individual employees of a governmental entity, who were acting, at all times relevant herein, within the course and scope of their employment with governmental entities and agencies of the State of South Carolina. S.C. Code Ann. § 15-78-70 provides that when bringing an action against a governmental entity or against an employee acting on behalf of a governmental entity, only the agency or political subdivision shall be named as defendant. Defendant Wilson was acting as agent or employee of the State of South Carolina or one of its entities, agencies, or political subdivisions at all times relevant herein; therefore the State of South Carolina or its

entity, agency, or political subdivision is the proper entity to defend this matter rather than the individually named Defendants; and

13) Defendants additionally move to dismiss pursuant to the doctrines of *res judicata* and/or collateral estoppel.

This Motion is supported by the pleadings on file with the Court, the South Carolina Rules of Civil Procedure, the South Carolina Tort Claims Act, the statutory and decisional law of the United States of America and the State of South Carolina, and such memoranda as may be submitted in support hereof.

Respectfully submitted,


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Attorneys for Defendant

Columbia, South Carolina
August 10, 2015

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Orlando Ira Brown,

Plaintiff,

vs.

State of South Carolina,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO: 2015-CP-40-04012

PROPOSED ORDER

This matter came before this Court on September 30, 2015, for a hearing on Plaintiff's Amended Motion for Summary Judgment and Defendant State of South Carolina's ("State") Motion to Dismiss. Present at the hearings were pro se Plaintiff, Orlando Ira Brown, and counsel for Defendant State, Richard E. Marsh, III, Esquire.

Defendant State moves to dismiss this action against it pursuant to Rule 12(b)(6), SCRCR, on the grounds that the Plaintiff's claims fail to state a cause of action upon which relief can be granted and there is no genuine issue as to any material fact.

Having reviewed the pleadings, and the arguments of the parties, the Motion to Dismiss is granted and the Plaintiff's Amended Complaint and this action is dismissed with prejudice. Consequently, Plaintiff's Amended Motion for Summary Judgment is moot.

BACKGROUND

Plaintiff, appearing *pro se*, filed the Summons and Complaint in the above matter with the Richland County Clerk of Court on July 2, 2015. Plaintiff initially named only the Richland County Probate Court as a Defendant. Plaintiff filed an Amended Complaint on July 10, 2015. The Amended Summons and Complaint removed the Richland County Probate Court as a Defendant and added the State of South Carolina as the sole defendant in this action.

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N.B.

Plaintiff's Amended Complaint alleges he faces discrimination because of a mental disability in violation of Title II of the Americans with Disabilities Act ("ADA"). Specifically, Plaintiff claims that the Richland County Probate Court ordered him to abstain from alcohol "on six occasions." Plaintiff contends that alcohol consumption alleviates the symptoms of his disability, and that without alcohol consumption he has suffered mentally, emotionally, socially and physically. Plaintiff acknowledges in his Amended Complaint that the Richland County Probate Court was informed that Plaintiff "was avoiding treatment and abusing drugs and alcohol" but argues that "abstaining from alcohol has caused undo stress and anxiety." Plaintiff's only reference to the Defendant State of South Carolina ("Defendant State") is as a geographic reference, stating the "Probate Court, in the name of care, has made it illegal for me to consume alcohol in South Carolina." There appears to be no other mention of Defendant State in Plaintiff's Amended Complaint.

RULE 12(b)(6) STANDARD

"A trial judge in the civil setting may dismiss a claim when the defendant demonstrates the plaintiff has failed 'to state facts sufficient to constitute a cause of action' in the pleadings filed with the court." *Williams v. Condon*, 347 S.C. 227, 232-33, 553 S.E.2d 496, 499 (Ct. App. 2001) (citing Rule 12(b)(6), SCRCP); *Flateau v. Harrelson*, 355 S.C. 197, 202, 584 S.E.2d 413, 415 (Ct. App. 2003) (citing *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999)). "The trial court's ruling on a Rule 12(b)(6) motion must be bottomed and premised solely upon the allegations set forth by the plaintiff." *Williams*, 347 S.C. at 233, 553 S.E.2d at 499. "The question to be considered is whether, in the light most favorable to the plaintiff, the pleadings articulate any valid claim for relief." *Id.*

IMPROPER PARTY

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M.B.

Defendant State should be dismissed from this action due to the fact that the State of South Carolina is immune from suit for damages by virtue of its sovereign immunity. Plaintiff's exclusive remedy in tort, if any actually lies, is pursuant to the South Carolina Tort Claims Act (hereinafter "the Act"), S.C. CODE ANN. § 15-78-10, *et seq.* The Act provides, in pertinent part,

The General Assembly in this chapter intends to grant the State, its political subdivisions, and employees, while acting within the scope of official duty, immunity from liability and suit for any tort except as waived by this chapter. The General Assembly additionally intends to provide for liability on the part of the State, its political subdivisions, and employees, while acting within the scope of official duty, only to the extent provided herein. All other immunities applicable to a governmental entity, its employees, and agents are expressly preserved. The remedy provided by this chapter is the exclusive civil remedy available for any tort committed by a governmental entity, its employees, or its agents except as provided in Section 15-78-70(b).

S.C. CODE ANN. § 15-78-20(b). The exception detailed above is found in S.C. CODE ANN. § 15-78-70(b), which states,

Nothing in this chapter may be construed to give an employee of a governmental entity immunity from suit and liability if it is proved that the employee's conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude.

The Act specifically governs all tort claims against governmental entities and is the exclusive remedy available to Plaintiff against any governmental entity or its employees, assuming Plaintiff has any available remedy. *See Flateau*, 355 S.C. at 204, 584 S.E.2d at 416.

In this case, the Plaintiff must name the appropriate state agency or political subdivision as the defendant in place of the State of South Carolina pursuant to S.C. CODE ANN. § 15-78-70, which states,

On or after January 1, 1989, a person, when bringing an action against a governmental entity under the provision of this chapter, ***shall name as a party defendant only the agency or political subdivision for which the employee was acting*** and is not required to name the employee individually, unless the agency or political subdivision for which the employee was acting cannot be determined at the time the action is instituted. In the event that the employee is individually

named, the agency or political subdivision for which the employee was action must be substituted as the party defendant.

S.C. CODE ANN. § 15-78-70(c) (emphasis added). The Act defines “agency” as the following:

. . . the individual office, agency, authority, department, commission, board, division, instrumentality, or institution, including a state-supported governmental health care facility, school, college, university, or technical college, which employs the employee whose act or omission gives rise to a claim under this chapter.

S.C. CODE ANN. § 15-78-30(a). The Act further defines “political subdivision” as the following:

. . . the counties, municipalities, school districts, a regional transportation authority established pursuant to Chapter 25 of Title 58, and an operator as defined in item (8) of Section 58-25-20 which provides public transportation on behalf of a regional transportation authority, and special purpose districts of the State and any agency, governmental health care facility, department, or subdivision thereof.

S.C. CODE ANN. § 15-78-30(h).

Consequently, because the State of South Carolina is neither an “agency” nor a “political subdivision” as defined by the Act, Defendant State is improperly named as a party in this action and must be dismissed.

TORT CLAIMS IMMUNITIES

Even assuming Defendant State was a proper party in this action, it would be entitled to immunity under the South Carolina Tort Claims Act. The South Carolina Tort Claims Act, codified at S.C. CODE ANN. § 15-78-10 *et seq.*, is a limited waiver of governmental immunity. *Staubes v. City of Folly Beach*, 331 S.C. 192, 204, 500 S.E.2d 160, 167 (Ct. App. 1998) (internal citation omitted). S.C. CODE ANN. § 15-78-60 sets forth forty (40) exceptions to the waiver of sovereign immunity. “The exceptions under the Act must be construed liberally in favor of limiting the liability of the State and its political subdivisions.” *Staubes*, 331 S.C. at 205, 500 S.E.2d at 167 (citing S.C. CODE ANN. § 15-78-20(f)).

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N.B.

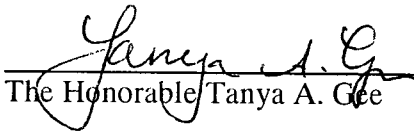
S.C. CODE ANN. § 15-78-60(23) provides immunity for the “institution or prosecution of any judicial or administrative proceeding.” In this case, Defendant State would be immune from liability for any damages that may have been incurred by Plaintiff from the institution or prosecution of any proceeding related to Plaintiff by the Probate Court.

Furthermore, S.C. CODE ANN. § 15-78-60(4) provides immunity for “. . . enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation or written policies.” In this case, assuming Defendant State had any involvement in the events giving rise to this action, Defendant State was enforcing or complying with the laws and policies of the State of South Carolina relating to the judicial proceedings of Plaintiff. *See* S.C. CODE ANN. § 17-1-10 *et seq.*

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above-captioned case, be, and the same is hereby **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.

Columbia, South Carolina
October 13, 2015


The Honorable Tanya A. Gee

SCANNED

Complaint

South Carolina Richland County Probate Court ordered me to abstain from alcohol on six separate occasions, claiming the reason is that my alleged "mental condition is deteriorating." Alcohol consumption alleviates symptoms of my disability, as I am a mentally disabled person. That is the reason I was summoned to probate court. I was ordered to probate court because I am a mentally disabled person. It was told to the court that I was avoiding treatment and abusing drugs and alcohol. Alcohol consumption is a benefit I have been denied repeatedly, causing my quality of life to decline and several areas in my life great suffering. There are four areas in my life experiencing the impact of those orders to abstain. Those areas are mentally, emotionally, socially, and physically.

1. Mentally I feel humiliated, degraded, embarrassed and further stigmatized with having my greatest freedom as an American, choice, taken away from me because of my disability. Life is tolerable with alcohol.
2. Emotionally, I have been depressed. I don't have any form of relief to look forward to, not the relief I gain from alcohol. It is emotionally stagnating to be treated as if I am incompetent and not capable of making my own choices. I feel like a five year old not able to have his/her way. Life is much more capable of being enjoyed with liberty to have a choice in this matter.
3. Socially, I am segregated from the likes of many and most normal citizens who don't know what it is like to have this choice taken away. I shy away from social engagements, afraid of anyone getting to know me; otherwise they would have an innate ability to conjure up feelings of paternity, further stigmatizing me. I feel like a cat stuck in the top of a tree, paralyzed from fear to come down.
4. Physically, abstaining from alcohol has caused undo stress and anxiety. I can't sleep like normal people anymore. I feel restless most of the time, and it is due entirely to the disparaging treatment of probate court.

Probate Court has overstepped their bounds. They should have treated me like a normal citizen, who like most, have areas or issues in their life to work on, but not needing the court's ability to deny goods or services. Probate Court, in the name of care, has made it illegal for me to consume alcohol in South Carolina. They have charged me with being disabled and convicted me to abstain from alcohol, which is totally unfair. I am sick and tired of being discriminated against because of my disability. Being discriminated against feels like an elephant sitting on my chest. Title II of the ADA prohibits discrimination because of disability. Title II of the ADA is the statute I am seeking protection under in this instant action.

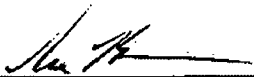
I invoke the England Reservation and reserve all federal-law issues for federal court.

Relief

I exact the Court to Title II of the Americans with Disabilities Act (ADA) where there are no expressed caps on remedy. I request \$15,000,000.00 (15 Million) total for compensatory damages, mental anguish, inconvenience, lack of enjoyment of life, emotional distress, and pain and suffering. I further ask the Court to take into consideration, that because I am a mentally disabled person, South Carolina Probate Court will continue to ban me from alcohol for the remainder of my life before that court, unless I die, or am no longer disabled. With that being requested, I also request any other appropriate relief.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 2nd day of July, 2015.



Signature

Orlando Brown
440 Rimer Pond Road
Blythewood, S.C. 29016

Amended Complaint

Under color of state law, South Carolina Richland County Probate Court ordered me to abstain from alcohol on six separate occasions, claiming the reason is that my alleged "mental condition is deteriorating." Alcohol consumption alleviates symptoms of my disability, as I am a mentally disabled person. That is the reason I was summoned to probate court. I was ordered to probate court because I am a mentally disabled person. It was told to the court that I was avoiding treatment and abusing drugs and alcohol. Alcohol consumption is a benefit I have been denied repeatedly, causing my quality of life to decline and several areas in my life great suffering. There are four areas in my life experiencing the impact of those orders to abstain. Those areas are mentally, emotionally, socially, and physically.

1. Mentally I feel humiliated, degraded, embarrassed and further stigmatized with having my greatest freedom as an American, choice, taken away from me because of my disability. Life is tolerable with alcohol.
2. Emotionally, I have been depressed. I don't have any form of relief to look forward to, not the relief I gain from alcohol. It is emotionally stagnating to be treated as if I am incompetent and not capable of making my own choices. I feel like a five year old not able to have his/her way. Life is much more capable of being enjoyed with liberty to have a choice in this matter.
3. Socially, I am segregated from the likes of many and most normal citizens who don't know what it is like to have this choice taken away. I shy away from social engagements, afraid of anyone getting to know me; otherwise they would have an innate ability to conjure up feelings of paternity, further stigmatizing me. I feel like a cat stuck in the top of a tree, paralyzed from fear to come down.
4. Physically, abstaining from alcohol has caused undo stress and anxiety. I can't sleep like normal people anymore. I feel restless most of the time, and it is due entirely to the disparaging treatment of probate court.

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pg. 25 of 48
MB

Probate Court has overstepped their bounds. They should have treated me like a normal citizen, who like most, have areas or issues in their life to work on, but not needing the court's ability to deny goods or services. Probate Court, in the name of care, has made it illegal for me to consume alcohol in South Carolina. They have charged me with being disabled and convicted me to abstain from alcohol, which is totally unfair. I am sick and tired of being discriminated against because of my disability. Being discriminated against feels like an elephant sitting on my chest. Title II of the ADA prohibits discrimination because of disability. Title II of the ADA is the statute I am seeking protection under in this instant action.

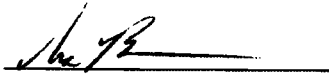
I invoke the England Reservation and reserve all federal-law issues for federal court.

Relief

I exact the Court to Title II of the Americans with Disabilities Act (ADA) where there are no expressed caps on remedy. I request \$15,000,000.00 (15 Million) total for compensatory damages, mental anguish, inconvenience, lack of enjoyment of life, emotional distress, and pain and suffering. I further ask the Court to take into consideration, that because I am a mentally disabled person, South Carolina Probate Court will continue to ban me from alcohol for the remainder of my life before that court, unless I die, or am no longer disabled. With that being requested, I also request any other appropriate relief.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10th day of July, 2015.



Signature

Orlando Brown
440 Rimer Pond Road
Blythewood, S.C. 29016

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MB

State of South Carolina	)	In The Court of Common Pleas
County of Richland	)	Fifth Judicial Circuit
Orlando Ira Brown,	)	CA No. 2015-CP-40-04012
	)	
Plaintiff,	)	
Vs.	)	Plaintiff's Response to
	)	Defendant State of South
	)	Carolina's Answer of Motion to
	)	Dismiss
State of South Carolina,	)	
Defendant.	)	

2015 AUG 20 PM 2:10
 JENNIFER M. ROSS
 CLERK OF COURT
 RICHMOND COUNTY

Please take notice that Defendant alleges many violations of the South Carolina Rules of Civil Procedure (S.C.R.C.P.). On the record you will only find filings over ten days, of proof of service, which is hardly ground for dismissal. Defendant also claims the South Carolina Tort Claims Act, and statutory and decisional law of the United States and the State of South Carolina as grounds for dismissal. The defendants' claims are not all inclusive of arguments for this action, and thus responded to in the order of which received as follows:

- 1.) Defendant states there is no cause of action. Cause of action is briefly, and plainly stated on page 2 of complaint as, "discrimination because of disability," under Title 11 of Americans with Disabilities Act (ADA). S.C.R.C. P. 8(a)(1) instructs pleading as, "short and plain statement of the grounds ...," eluding to my point that material facts can be revealed in other parts of the complaint, such as in this matter, the Motion for Summary Judgment. This claim is fully merited and again shows cause of action in the Statement of Facts, pointing to the evidence filed, in the

Amended Motion for Summary Judgment.

Amended

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Amended

- 2.) Defendant alleges that the State of South Carolina is improperly named as a defendant and uses the South Carolina Tort Claims Act to assert. The State of Carolina is properly named as the liable party by which its agents acted "under color of state law." Also, according to S.C.R.C.P. 17(a), "benefit of another shall be brought in the name of the state."
- 3.) Defendant claims lack of subject matter jurisdiction. If defendant is alleging that this court does not have jurisdiction, being the court of Common Pleas, and that jurisdiction belongs to the Federal Government, then S.C.R.C.P. 82(c) would dictate a remand, and not that of a dismissal. State courts have power to hear virtually any claim arising under federal or state law, except those falling under exclusive jurisdiction of the federal courts, such as tax or bankruptcy courts. Defendant further claims lack of jurisdiction of the person. I assert that this court has jurisdiction of the person and the subject matter by way of the filing of this action, giving the State of South Carolina jurisdiction over the person and the subject matter. Defendant alleges last in (3.), insufficiency of process and insufficiency of service of process without any evidence on the record of such insufficiency.
- 4.) Defendant alleges violation S.C.R.C.P. 4(d), not filing summons and complaint together. Let the record show Affidavit of Service on August 13, 2015, proving summons and complaint served together on July 10, 2015.
- 5.) Defendant alleges violating S.C.R.C.P. 5(d) which governs timeliness of filing proof of service. S.C.R.C.P. 5(d) does not dictate dismissal for filing proof of service after time allotted.
- 6.) Defendant claims immunity from liability for claims brought under 42 U.S.C. 1983 pursuant to a case law. This claim arises under Title 11 of ADA and not 42 U.S.C 1983. Additionally, at 42 U.S.C. 2000 d-7, you will find an unambiguous waiver of immunity. What is meant by unambiguous is that there is no "many ways" to interpret the waiver.

Under 42 U.S.C. 2000 d-7, the States and all their political subdivisions are liable for complaints of discrimination because of disability, as long as complainant is recipient of federal funds. I am recipient of disability funds as evidenced in Exhibit E. filed in this action.

- 7.) Defendant asserts that case should be dismissed based on common law prosecutorial immunity, State code, and case law. A prosecutor is not on trial in this action. The State is on trial with whether or not the state is liable to uphold federal laws. See 42 U.S.C. 2000 d-7, which is an unambiguous waiver of state's immunity.
- 8.) Defendant claims judicial immunity pursuant to S.C. code and case law of South Carolina. A claim arising under S.C. law against a judge only, would make this defense applicable. This claim is against the state for denying free access. The state is under an unambiguous waiver at 42 U.S.C. 2000 d-7, and is not entitled to judicial immunity.
- 9.) Defendant claims sovereign immunity. The State of South Carolina waived its right of sovereign immunity in 1986 when it assumed limited liability because of 42 U.S.C. 2000 d-7, which is an unambiguous waiver of immunity.
- 10.) Defendant claims the S.C. Tort Claims Act as immunity because government employees acted in ways relevant to their official duty. In 1986, the S.C. Tort Law assumed South Carolina as having limited liability, and thus waived immunity per 42 U.S.C. 2000 d-7, which is an unambiguous waiver of immunity in cases of discrimination because of disability, and other special cases set forth by the federal government, for Complainants that receive federal assistance. Also, see Tennessee V. Lane. The court introduced an "as applied" test and held that state governments may be sued for violating Title 11 of ADA as it applies to claims involving the fundamental right of access. The court held that the legislative record includes ample evidence to justify the ADA remedies, including damages.
- 11.) Defendant moves to dismiss prayers for punitive or exemplary damages, which are not available under Title 11 of ADA, nor requested.

- 12.) Defendant claims res judicata and/or collateral estoppel apply. Res judicata and collateral estoppel apply when a prior case with identical merits has had a judgment on the merits. In this action, the identical prior case had no judgment on the merits, therefore making res judicata and collateral estoppel not applicable.

Brief

It is my contention that the federal laws and S.C.R.C.P. will persist and dictate that the Defendant's Motion to Dismiss is unwarranted.

8-20-15

Date



Orlando Ira Brown

440 Rimer Pond Road

Blythewood, South Carolina 29016

1 State of South Carolina Court of Common Pleas
2 County of Richland Fifth Judicial Circuit
3 Transcript of Record

4 Orlando Ira Brown,)
5 Plaintiff,)
6 vs.) 2015-CP-40-04012
7 SC Richland County)
8 Probate Court, et. al,)
9 Defendants.)

10 September 30, 2015
11 Columbia, South Carolina

12 B E F O R E:

13 The Honorable Tanya A. Gee, Judge
14

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

16 Orlando Ira Brown, Pro Se

17 Richard E. Marsh, III, Esquire
18 Attorney for Richland County Probate Court
19

20 STACY S. JOHNSON
21 CIRCUIT COURT REPORTER

22

23

24

25

ORIGINAL

1413
~~1413~~
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I N D E X

WITNESS

PAGE

Certificate Of Reporter

9

E X H I B I T S

(No exhibits were marked.)

~~1-28-13~~
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P R O C E E D I N G S

BAILIFF: All rise, please.

THE COURT: Thank you, y'all. You may be seated.

All right. I know that Mr. Bloom has been here -- or Brown. I'm sorry. Mr. Brown has been here for a long time because one of his motions was listed as 2:00 PM with others listed at 3:30 PM. So is Mr. Marsh here as well?

MR. MARSH: Yes, Your Honor.

THE COURT: Okay. Let's go ahead and do that case first.

All right. We have motions to dismiss filed by the State of South Carolina and an amended motion for summary judgment filed by Mr. Brown in this case; is that correct?

MR. BROWN: Yes.

THE COURT: All right. I'll go ahead and hear that motion to dismiss from Mr. Marsh. Are you Mr. Marsh?

MR. MARSH: I am, Your Honor.

THE COURT: Nice to meet you. I'm sorry. I met Mr. Brown earlier when he was in my courtroom, so nice to meet you.

MR. MARSH: Rich Marsh for the Defendant, the State of South Carolina.

Your Honor, there were two motions to dismiss filed in this case. Plaintiff Orlando Brown has actually consented to the dismissal of the defendants in one of the motions to

~~Page 33 of 48~~
Page 33 of 48

1 dismiss. Alan Wilson and the Attorney's General's Office
2 are no longer defendants in this action, so it's solely the
3 State of South Carolina.

4 This case was filed originally against the South
5 Carolina Probate Court for the County of Richland.
6 Plaintiff's complaint essentially alleged in the amended
7 complaint, which is essentially -- it's my understanding is
8 essentially the same thing as the original complaint, is
9 predicated on the idea that Mr. -- Plaintiff's involvement
10 with a treatment program with LRADAC for alcohol and
11 substance abuse is inconsistent with the section -- or
12 Title II of the Americans with Disabilities Act and has
13 sued for money damages under that section. If you would --
14 I have a memorandum --

15 **THE COURT:** I have it.

16 **MR. MARSH:** Okay. And in that we assert claims and
17 defenses including we move to dismiss under 12(b)(6) under
18 the South Carolina Tort Claims Act. Pursuant to the South
19 Carolina Tort Claims Act and certain various immunities
20 underneath and through it, but beyond that, Your Honor, the
21 facts as alleged by the Plaintiff simply do not support any
22 basis of relief under the Title II of the Americans with
23 Disabilities Act.

24 **THE COURT:** And his argument is that because the
25 probate court issued an order stating that he can no longer

~~Page 30 of 43~~
Lab 2934 of 48

1 drink alcohol that that is a violation of the Americans
2 with Disabilities Acts?

3 **MR. MARSH:** That's my understanding, Your Honor.

4 **THE COURT:** Okay. All right, Mr. Brown.

5 **MR. BROWN:** Good afternoon, Your Honor.

6 **THE COURT:** Good afternoon.

7 **MR. BROWN:** Yes, I filed a complaint against the
8 State of South Carolina for taking away my right to drink
9 alcohol under the Americans with Disabilities Act. If I
10 could just read for you briefly from a brief that I had
11 e-mailed to you.

12 Many people have fought and died for the liberty to
13 purchase and consume alcohol. That liberty was taken away
14 from me by South Carolina, Richland County Probate Court,
15 because of a mental disability. Title II of the Americans
16 with Disabilities Act requires three components to make a
17 successful claim of discrimination. One is you must have
18 either a physical or mental disability; two, you must
19 otherwise be qualified for the goods or services denied;
20 three, discrimination must be because of disability. The
21 South Carolina Rules of Civil Procedure dictates that when
22 there's no need to go to trial for the merits a motion for
23 summary judgment can be filed. That's -- I went a little
24 further than I was supposed to, but --

25 **THE COURT:** No, that's okay. You can go ahead and

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Lab pg. 35 of 48

1 argue your motion for summary judgment as well. That's
2 okay.

3 **MR. BROWN:** Okay. Well, the merits of this case has
4 been filed in this action and this motion for summary
5 judgment dictates that the motion should be granted as a
6 matter of law. All the merits are filed. As far as the
7 motion to dismiss is concerned, I've responded to the
8 defense's answer with proper statutes and South Carolina
9 Rules of Civil Procedure so as to overcome all of the
10 defense's reasons for dismissal and so I move the Court to
11 deny the defense's motion to dismiss.

12 **THE COURT:** All right. I had reviewed this file
13 prior to coming into the courtroom. I had also received
14 -- my law clerk had received a couple of e-mails from
15 Mr. Brown that I reviewed and I believe she sent those on
16 to Mr. Marsh. Have you --

17 **MR. MARSH:** Your Honor, I have actually not seen a
18 copy of either those or the brief submitted to the Court.

19 **THE COURT:** (Hanging.)

20 **MR. MARSH:** Thank you, Your Honor.

21 **THE COURT:** And I have also reviewed the Defendant's
22 motion to dismiss and memorandum in support of the motion
23 to dismiss. The Defendant's motion to dismiss is granted
24 for the reasons provided. Primarily because of the
25 immunity to this State under the South Carolina Tort Claims

1 Act.

2 **MR. BROWN:** Your Honor, I object.

3 **THE COURT:** I understand that you disagree with the
4 ruling and you are welcome to file a motion after the order
5 comes out, but I'm gonna go ahead and rule on the motion
6 now. I would ask Mr. Marsh to prepare a proposed order for
7 me.

8 **MR. MARSH:** Yes, Your Honor.

9 **THE COURT:** Mr. -- and Mr. Brown has an e-mail
10 address, so will you record his e-mail address to be sure
11 that --

12 **MR. MARSH:** I -- I'm sorry.

13 **THE COURT:** -- you give him a copy of the proposed
14 order at the same time that you send it to the Court?

15 **MR. MARSH:** Yes, Your, Honor.

16 **THE COURT:** All right.

17 **MR. BROWN:** Your Honor, may I ask one question?

18 **THE COURT:** You may.

19 **MR. BROWN:** How does the South Carolina Tort Claims
20 Act override the Americans with Disabilities Act? That's a
21 Federal statute that I filed under and the South Carolina
22 Tort Claims Act does require that the South -- that South
23 Carolina does not have immunity over claims where there
24 are people who are receiving Federal assistance and I'm a
25 recipient of Federal assistance.

1 **THE COURT:** Okay. You can make any of those arguments
2 in any motion for reconsideration and if you'd like to
3 appeal the order, you may, but my ruling stands.

4 Thank you very much.

5 **MR. MARSH:** Your Honor, would you like me to attempt
6 to address any of those in this order or simply confine it
7 to the basis of my memorandum?

8 **THE COURT:** In your proposed order, you may address
9 those issues.

10 **MR. MARSH:** Okay. I'll return this to Your Honor.

11 **THE COURT:** Thank you. All right. Thank y'all very
12 much.

13 (Proceedings were concluded at 3:36 PM.)
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~~Page 38 of 48~~
Lab. pg. 38 of 48

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned case in Circuit Court on the 30th day of September, 2015.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

I do further certify that I am neither of kin, counsel, nor have an interest to any party hereto.

December 10, 2015

Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER



INVOICE

INVOICE: SSJ1194

DATE: 12/10/2015

CASE STYLE: Orlando Ira Brown vs. SC Richland County Probate Court
2015-CP-40-04012

RE: Hearing held 9/30/15; Richland County
Before the Hon. Tanya A. Gee

REQUESTED BY: Orlando Ira Brown
440 Rimer Pond Road
Blythewood, S.C. 29016

TYPE: Original, 9 pages at \$ 3.25 pp \$ 29.25

POSTAGE: 5.75

TOTAL: \$ 35.00

DEPOSIT RECEIVED: 35.00

BALANCE DUE: \$.00

SUBMITTED BY:


Stacy S. Johnson, RPR
Circuit Court Reporter
125 Firebridge Drive
Chapin, SC 29036
803-622-6989

***** PAID IN FULL *****

~~PAID 12/10/15~~
LaB. 19.40 of 48

Richland County Common Pleas

COSTS AND PAYMENTS

CASE NUMBER: 2015CP4004012

SORTED BY: CASE PARTY

DEFENDANT: Orlando Ira Brown

DESCRIPTION	ASSESSED AMT	PAID AMT	BALANCE DUE	DISBURSED AMT	CHARGE/ACTION
Civil Filing Fee County 44%/100% PAYEE: Richland County Treasurer	\$44.00	\$44.00	\$0.00	\$44.00	Summons & Complaint
Civil Filing Fee State 56% PAYEE: Richland County Treasurer	\$56.00	\$56.00	\$0.00	\$56.00	Summons & Complaint
Motion/Order Filing Fee \$25 PAYEE: Richland County Treasurer	\$25.00	\$25.00	\$0.00	\$25.00	Motion/Motion Filing Fee
Motion/Order Filing Fee \$25 PAYEE: Richland County Treasurer	\$25.00	\$25.00	\$0.00	\$25.00	Motion/Motion Filing Fee
Motion/Order Filing Fee \$25 PAYEE: Richland County Treasurer	\$25.00	\$25.00	\$0.00	\$25.00	Motion/Motion Filing Fee
Motion/Order Filing Fee \$25 PAYEE: Richland County Treasurer	\$25.00	\$25.00	\$0.00	\$25.00	Motion/Motion Filing Fee
SCJD Filing Fee Proviso \$50 / \$25 PAYEE: Richland County Treasurer	\$50.00	\$50.00	\$0.00	\$50.00	Summons & Complaint
Total :	\$250.00	\$250.00	\$0.00	\$250.00	

Print Date: 12/18/2015
 Print Time: 10:43:47AM
 Requested By: COCPUBLIC

File: CostBill.rpt V6.1

Page 1 of 2

1/19/16
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Richland County Common Pleas

COSTS AND PAYMENTS

CASE NUMBER: 2015CP4004012

SORTED BY: CASE PARTY

DEFENDANT: Orlando Ira Brown

DESCRIPTION	ASSESSED AMT	PAID AMT	BALANCE DUE	DISBURSED AMT	CHARGE/ACTION
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PAYMENT DATE	RECEIPT #	PAID AMT	RECEIVED FROM	USER ID
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7/2/2015	195612	\$150.00	Brown, Orlando Ira	METTSB
7/17/2015	196195	\$25.00	Brown, Orlando Ira	METTSB
8/10/2015	197091	\$25.00	Mckay, Cauthen	jm232740
8/10/2015	197092	\$25.00	Mckay, Cauthen	jm232740
8/13/2015	197249	\$25.00	Brown, Orlando Ira	METTSB

Total : 250.00

Total Assessed : \$250.00

Total Paid : \$250.00

Total Disbursed : \$250.00

Total Balance Due : \$0.00

Print Date: 12.18.2015
 Print Time: 10:43:47AM
 Requested By: COCPUBLIC

File: CostBill.rpt V6.1

Page 2 of 2

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STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
)
Orlando Brown)
_____)

IN THE PROBATE COURT
CASE #2014-CD-40-0118

SUPPLEMENTAL ORDER

On May 29, 2014 Keisha Perry of the Lexington/Richland Alcohol and Drug Abuse Council (LRADAC) filed an Affidavit of Noncompliance with this Court, alleging that Orlando Brown is in contempt of this Court's Order dated September 19th, 2013, wherein Judge Jacqueline Belton ordered Mr. Brown to continue involuntary outpatient treatment at Columbia Area Mental Health Center (CAMHC) and LRADAC for a period not to exceed twelve (12) months. He was also ordered to comply with their treatment recommendations, take all prescribed medication, abstain from drugs and alcohol, and keep all scheduled appointments. The Affidavit alleges that Mr. Brown continues to abuse alcohol/drugs and requests a hearing to consider inpatient treatment or other alternatives. A Supplemental Hearing was held on June 26, 2014. Present at the hearing were Orlando Brown, Keisha Perry, and Marvin L. Bartlett, Court appointed attorney; Shirley Nelson, mother.

After receiving the testimony, I conclude that Orlando Brown is ordered and has agreed to re-engage with treatment at LRADAC and CAMHC for a period not to exceed twelve (12) months. Additionally, Mr. Brown has agreed to attend AA meetings. He is ordered to comply with their treatment recommendations, take all prescribed medications, abstain from drugs and alcohol, and keep all scheduled appointments. He is scheduled for an appointment at LRADAC on June 30th at 8:00am. He must also continue with seeking stable employment and make all appointments with Vocational Rehabilitation and any other programs CAMHC has set up for him.

IT IS SO ORDERED.

Dated this 26th day of
June 2014

Kayla R. Daulton
Associate Judge of Probate Court

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE MATTER OF:
ORLANDO BROWN (DUAL))

IN THE PROBATE COURT

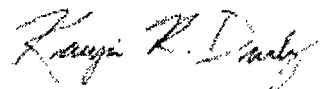
CASE #2013-MI-40-0726 & 2013-CD-40-0101

SUPPLEMENTAL HEARING ORDER

On May 17, 2013, Laurinda Saxon of Columbia Area Mental Health Center (CAMHC) and on May 28 Keisha Perry of Lexington/Richland Alcohol and Drug Abuse Council (LRADAC) filed Affidavits of Noncompliance with this Court, alleging that Orlando Brown is in contempt of the Court Orders dated, August 20, 2012 and July 23, 2012-wherein Judge Nancy Moody ordered **Mr. Brown** to involuntary treatment at CAMHC and LRADAC for a period of twelve (12) months. He was also ordered to comply with all prescribed medications, abstain from drugs and alcohol, and keep all appointments as scheduled. The Affidavits allege that Orlando Brown is not keeping appointments, is demonstrating signs or symptoms that his mental condition is deteriorating, has a history of violence and/or antisocial behavior; continues to abuse drugs and/or alcohol, has failed to participate in court ordered chemical treatment, and requests a hearing to consider inpatient treatment or other alternatives. A Supplemental Hearing was held on June 13, 2013 and Orlando Brown was ordered to outpatient treatment at CAMHC. He was also ordered to treatment at LRADAC once he has completed outpatient treatment at Richland Springs. A Review Hearing was held on November 21, 2013. Present at the hearing were Orlando Brown; Keisha Perry; LaQuandra Nesmith, CAMHC; Shirley Nelson, mother; and J. Eric Kaufmann, Court appointed attorney and Guardian ad Litem.

After reviewing the Affidavit and receiving the testimony from the hearing, Orlando Brown is ordered and has agreed to continue with treatment at Columbia Area Mental Health Center (CAMHC) for a period not to exceed twelve (12) months. He must comply with their treatment recommendations, take all prescribed medications, and keep all scheduled appointments. Mr. Brown is order to outpatient treatment at LRADAC for a period not to exceed twelve (12) months. He must abstain from drugs and alcohol and keep all scheduled appointments. Mr. Brown must attend NA/AA meetings a minimum of five (5) a week.

IT IS SO ORDERED.

Dated this 21st day ofNovember, 2013


Kayin Darby
Associate Judge of Probate Court

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE MATTER OF:)

ORLANDO BROWN (DUAL))

IN THE PROBATE COURT

CASE #2013-MI-40-0665 & 2013-CD-40-0101

SUPPLEMENTAL HEARING ORDER

On May 17, 2013, Laurinda Saxon of Columbia Area Mental Health Center (CAMHC) and on May 28 Keisha Perry of Lexington/Richland Alcohol and Drug Abuse Council (LRADAD) filed Affidavits of Noncompliance with this Court, alleging that Orlando Brown is in contempt of the Court Orders dated, August 20, 2012 and July 23, 2012 wherein Judge Nancy Moody ordered Mr. Brown to involuntary treatment at CAMHC and LRADAC for a period of twelve (12) months. He was also ordered to comply with all prescribed medications, abstain from drugs and alcohol, and keep all appointments as scheduled. The Affidavits allege that Orlando Brown is not keeping appointments, is demonstrating signs or symptoms that his mental condition is deteriorating, has a history of violence and/or antisocial behavior, continues to abuse drugs and/or alcohol, has failed to participate in court ordered chemical treatment, and requests a hearing to consider inpatient treatment or other alternatives. A Supplemental Hearing was held on June 13, 2013 and Orlando Brown was ordered to outpatient treatment at CAMHC. He was also ordered to treatment at LRADAC once he has completed outpatient treatment at Richland Springs. A Review Hearing was held on July 25, 2013. Present at the hearing were Orlando Brown; Keisha Perry; Shirley Nelson, mother; and Marvin L. Bartlett, Jr., Court appointed attorney and Guardian ad Litem.

After reviewing the Affidavit and receiving the testimony from the hearing, Orlando Brown is ordered and has agreed to continue with treatment at Columbia Area Mental Health Center (CAMHC) for a period not to exceed twelve (12) months. He must comply with their treatment recommendations, take all prescribed medications, and keep all scheduled appointments. Mr. Brown is order to outpatient treatment at LRADAC for a period not to exceed twelve (12) months. He must abstain from drugs and alcohol and keep all scheduled appointments. Another hearing will be held on August 22.

IT IS SO ORDERED.

Dated this 25th day ofJuly, 2013

Amy W. McCulloch

Amy W. McCulloch
Judge of Probate Court

Exhibit E.

SOCIAL SECURITY ADMINISTRATION

Date: February 18, 2015
Claim Number: XXX-XX-1385A
XXX-XX-1385DI

SHIRLEY NELSON FOR
ORLANDO I BROWN
440 RIMER POND RD
BLYTHEWOOD SC 29016-9504

You asked us for information from your record. The information that you requested is shown below. If you want anyone else to have this information, you may send them this letter.

Information About Current Social Security Benefits

Beginning December 2014, the full monthly
Social Security benefit before any deductions is.....\$ 1176.90

We deduct \$136.40 for medical insurance premiums each month.

The regular monthly Social Security payment is.....\$ 1040.00
(We must round down to the whole dollar.)

Social Security benefits for a given month are paid the following month. (For example, Social Security benefits for March are paid in April.)

Your Social Security benefits are paid on or about the third of each month.

Other Important Information

OUR RECORDS SHOW YOU ARE RECEIVING DISABILITY BENEFITS BECAUSE IT HAS BEEN DETERMINED THAT YOU ARE DISABLED WITHIN THE MEANING OF THE SOCIAL SECURITY LAW BASED ON A MENTAL DISABILITY.

SUSPECT SOCIAL SECURITY FRAUD?

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

SSA
1835 Assembly Street
11th Floor
Columbia, SC 29201

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South Carolina DRIVER'S LICENSE

DL# [REDACTED] BROWN, ORLANDO IRA
440 RIVER POND RD
BLYTHEWOOD SC 290169504

DOB: 05-06-1972
Issued: 11-23-2011
Expires: 05-06-2021
Class: D
Sex: M
Weight: [REDACTED]
Height: [REDACTED]
Restrict: None
Endorse: None

05-06-1972

40083 D 2

Governor

Exhibit: F

CERTIFICATE OF COUNSEL

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals
Appellate Case No. 2015-002367

RECEIVED

FEB 29 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Tanya Gee, Circuit Court Judge

Orlando I. Brown, Pro Se,

Appellant,

v.

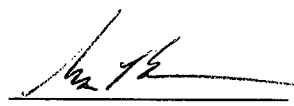
The State Of South Carolina,

Respondent.

Certificate of Counsel for Record On Appeal

I certify that the Record On Appeal complies with RULE 210(g). It contains all material proposed by both parties.

2-24-2016


Orlando I. Brown
440 Rimer Pond Road
Blythewood, S.C. 29016
(803) 477-0098
Pro Se

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PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals
Appellate Case No. 2015-002367

RECEIVED

FEB 29 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
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Orlando I. Brown, Pro Se,

Appellant,

v.

The State Of South Carolina,

Respondent.

Proof of Service of Record On Appeal and Final Brief

I hereby certify that on 2-29-2016, I hand delivered a copy of the foregoing Record On Appeal and Final Brief to Respondent's lawyers Mr. Richard E. Marsh, III, and Mr. Temus C. Miles, Jr. at their mutual place of employment address of 1303 Blanding Street, Columbia, S.C. 29201.



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