

EXHIBITS

EXHIBIT 1-Original Complaint PG 19, #27

EXHIBIT 2- Letter from Chief K.D. Phelps, dated June 5, 2015 (Entire Letter)

EXHIBIT 3- Letter from General Counsel Warren Ganjehsani, dated June 10, 2015 (Entire Letter)

EXHIBIT 4-Responses and Objection to Plaintiff's Discovery Requests Mischaracterized as Motion for discovery, prepared and submitted by Attorney Norma Jett and Attorney Alison D. Hood Pg 4 Item #7

EXHIBIT 5-H. 3158 SC Section 23-6-175 Lines 28-39

EXHIBIT 6-Letter from SLED Chief John T. Bishop, dated May 29, 2015 (Entire Letter)

EXHIBIT 7- Letter from Chief K.D. Phelps, dated June 5, 2015 (Entire Letter)

EXHIBIT 8- Letter from General Counsel Warren Ganjehsani, dated June 10, 2015 (Entire Letter)

EXHIBIT 9- NOTICE OF DISABILITY, Dated February 4, 2013 with reference to the dismissal of this case in the SC Court of Common Pleas due to Statue of Limitations. Accordingly, per Title 15 - Civil Remedies and Procedures, CHAPTER 3, Limitation of Civil Actions, ARTICLE 1, SECTION 15-3-20. General rule as to time for commencement.
SECTION 15-3-40. Exceptions as to persons under disability

EXHIBIT-10 CALEA Law Enforcement Accreditation Standards Pgs 3-36 (Entire Pages)

EXHIBIT 11-SECTION 15-78-110. Statute of limitations

EXHIBIT-12- SCDPS Code of Ethics Pg 1

EXHIBIT-13-SC Constitution Article III Section 26 Oath of Office Pg 2

EXHIBIT-14 CALEA Law Enforcement Accreditation standard 52.1.1

EXHIBIT-15- SC Code Ann. 15-78-30 "Agency & Claim

EXHIBIT-16 Notice of Scheduling for the Hearing states that the hearing is scheduled for May 18, 2016 at 9:30am for "Motion to Strike"

EXHIBIT-17 Notice of Scheduling for the Hearing states that the hearing is scheduled for May 18, 2016 at 9:30am for "Motion to Dismiss"

EXHIBIT-17 (A) FINAL ORDER, signed by Judge L. Casey Manning and dated May 16, 2016.

EXHIBIT-18 Appellant received by US POSTAL MAIL Judgement Coversheets with original date of May 16, 2016 which was changed to May 18, 2016 (handwritten) along with the final order which is signed by Judge L. Casey Manning and dated May 16, 2016 (RECEIVED FROM RESPONDENTS ATTORNEY?)

EXHIBIT-19 . A few days later, Appellant received said Coversheet which handwritten dates changed with the final order, which was signed and dated by Judge L. Casey Manning signed and dated May 16, 2016, from Jeanette McBride, Clerk of the SC Court of Appeals.

EXHIBIT-19(a) Approximately 3 days later, Appellant received a "Revised " Judgement Cover page (only) with the signature date of May 18, 2016 from the SC Court of Appeals

EXHIBIT-20 Respondents Initial Brief Pg. 3, 4th paragraph, 2nd sentence, Respondent's Attorney states that" A signed order was sent to counsel for the Respondents by Judge Mannings Office, bearing the date May 16, 2016". It goes on to say "Counsel forwarded the order on to Appellant, proceeding pro se, that same day, by letter dated May 25, 2016". A few days later, the Clerk of Court sent a copy of the recorded Order to all parties, along with the executed Form 4, bearing the date May 18, 2016. Counsel forwarded that copy along to Appellant as well, by letter dated June 3, 2016.

EXHIBIT-21 Canon 3, Items 2, 3, (7), 5, 7(ii), 7(b)(d)(C)(1)(2) To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge. A judge must make reasonable efforts, including the provision of appropriate supervision, to ensure that Section 3B(7) is not violated through law clerks or other personnel on the judge's staff.

EXHIBIT 22- South Carolina Rules of Civil Procedure Rule 43(k)

EXHIBIT 23 -Section 1 Article 3, Chapter 6, Title 23 of the 1976 Code H. 3158 Lines 19-20

EXHIBIT 24- Letter for Georgia Outreach Mental Health Services

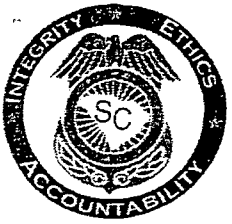
EXHIBIT 25- Trial Court Transcripts Page 11/ lines 10-19

EXHIBIT "1"

into this matter. And finally, it suggested that she contact the Department of Public Safety Office of Professional Responsibility. This letter was signed by John T. Bishop, Captain of Investigative Services. (1)

27. At the end of May, 2015, the Plaintiff sent a letter along with supporting documentation to the Department of Public Safety Office of Professional Responsibility and then spoke with Chief K.D. Phelps who was shocked to learn that there were four (4) accident reports and that neither of them were accurate or complete even though she was supposed to receive a true and accurate report within 30 days of the accident. He was also in awe of that fact that the trooper, McCauley Jr., did not have his video camera on while investigating an accident. Within a week of reviewing this package, the Plaintiff received a letter from Chief Phelps acknowledging receipt of the information and assuring her that the department would conduct a thorough inquiry into her complaint and will take appropriate action and notify her when the inquiry is completed. Then, five (5) days later, she received a letter from Warren Ganjehsani, General Counsel for the South Carolina Department of Public Safety informing her that she was attempting to reengage the Department on the same allegations that were the basis of her claim against the agency in 2014. He informed her that the Department deems the matter closed and will not be commenting further. Finally, he advised her to contact Marty Roberson, the insurance agent with the SC Insurance Reserve Fund if she has information that IRF should consider in revisiting her claim. After recovering from the emotional distress of being assured that the matter would be investigated and then informed that it wouldn't, the Plaintiff felt that it doesn't seem to matter that she included two additional, written, notarized statements and from one of the witnesses that Marty Roberson supposedly couldn't locate. In light of the fact that Phelps

EXHIBIT “2”



(12)

South Carolina Department of Public Safety

Office of Professional Responsibility

June 5, 2015

Ms. Biafra Curtis
P. O. Box 21294
Hilton Head, SC 29925

RE: OPR File #DI-2107-15-0087-C

Dear Ms. Curtis:

This letter will acknowledge receipt of the information you provided to the South Carolina Department of Public Safety (DPS). The DPS will conduct a thorough inquiry into your complaint.

As part of the Department's commitment to providing law enforcement services that are fair, effective, and impartially applied, the Office of Professional Responsibility (OPR) was established to provide citizens with a fair and effective avenue for redress of their legitimate grievances against employees, and, by the same token, to protect employees from false charges of misconduct or wrongdoing.

You can be assured that the Department takes these matters seriously and you can have confidence that the Department will take appropriate action and will notify you when the inquiry is completed.

If I can be of any further assistance, please do not hesitate to contact me at 803-896-8240.

Sincerely,

Chief K. D. Phelps

/ss

C: Colonel M. R. Oliver
Captain A. K. Grice

EXHIBIT "3"



South Carolina Department of Public Safety

OFFICE OF GENERAL COUNSEL

P.O. Box 1993 • Blythewood, S.C. 29016
Tel: (803) 896-7965 • Fax: (803) 896-7967

June 10, 2015

Ms. Biafra Monique Curtis
P.O. Box 21294
Hilton Head Island, SC 29925

Re: Claim No. 87232

Dear Ms. Curtis:

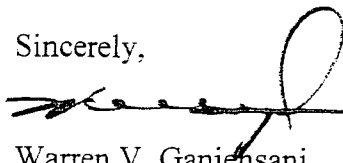
You contacted the Department of Public Safety's Office of Professional Responsibility ("OPR") recently and sent OPR Chief K. D. Phelps an e-mail on June 8, 2015 in connection with an incident involving you on September 27, 2012. In your June 8th e-mail, you attempted to reengage the Department on the same allegations that formed the basis of a claim you made against this agency last year.

As you will recall from my October 29, 2014 letter to you, the Insurance Reserve Fund ("IRF") is the entity responsible for evaluating claims such as yours that are asserted against state agencies. Consequently, the Department forwarded your claim regarding this incident to the IRF for evaluation on October 3, 2014.

By letter dated November 18, 2014 (a copy of which is enclosed), the adjuster assigned to investigate your claim notified you that he was "unable to establish any liability on behalf of the SC Department of Public Safety for this incident." Insofar as the IRF has found that no liability exists in this matter, the Department declines to undertake further investigative efforts that would duplicate those already performed by the IRF.

For the foregoing reasons, the Department deems this matter closed and will not be commenting further on the circumstances surrounding your claim. Should you have any information that you believe the IRF should consider in revisiting your claim, you can contact the adjuster shown on the enclosed letter.

Sincerely,


Warren V. Ganjehsani
General Counsel

WVG/md

Encl.

cc: Chief K. D. Phelps

EXHIBIT "4"

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Biafra Monique Curtis, Pro Se,)
)
 v.)
)
 South Carolina Department of Public)
 Safety, Warren Ganjebsani, Mike)
 Oliver, Leroy Smith, Kenneth)
 Phelps, Anthony Grice, William)
 Taylor, Nicklous King, Willie)
 McCauley, Jr., Ada Schmidt, Aaron)
 Canzater and Cherie Young,)
 Individually and in their official)
 Capacities,)
)

Case Number: 3:15-cv-03753-MGL-PJG

RESPONSES AND OBJECTIONS TO
PLAINTIFF'S DISCOVERY REQUESTS
MISCHARACTERIZED AS MOTION
FOR DISCOVERY

TO: BIAFRA CURTIS, *pro se*, PLAINTIFF:

The defendants hereby respond and object to plaintiff's discovery requests, mischaracterized as a Motion for Discovery and improperly filed in the Court, dated November 20, 2015, mailed November 23, 2015, received at some time between November 25 and 30, 2015, as follows:

Defendants note that the documents included in the package contain a reference to FRCP 36, however, no requests for admissions were included in the package. No item within the package constitutes a request for an admission. To the extent plaintiff considers any of her discovery requests to constitute requests for admissions, the defendants object and deny all requests for admissions.

Notwithstanding any objection herein, defendants assert all nonprivileged relevant information responsive to the plaintiff's requests and in the possession of defendants has been provided pursuant to the Freedom of Information Act.

761

Defendants object to the discovery requests as exceeding the scope and limits set forth in FRCP 26(b)(1).

Defendants object to a "prayer" being included with discovery requests, as such is not a proper discovery request.

Defendants object to the Requests for Production as overly broad, unduly burdensome, and vague.

Defendants object to the Interrogatories, in that the plaintiff, in violation of FRCP 33(a)(1), has served interrogatories exceeding the allowed number of twenty-five. Rather than simply respond to the first twenty-five (25) discrete subparts, defendants invite the plaintiff to trim her interrogatories to the allowed number or seek the Court's leave to serve additional interrogatories.

Defendants object to the interrogatories and requests for production to the extent they seek information which constitutes attorney-client privileged communication, or materials prepared in anticipation of litigation or for trial by any defendant, its attorneys, consultants, sureties, indemnitors, insurers, or agents, or communications with experts except to the extent specifically rendered discoverable by FRCP 26.

Defendants and their counsel object to being "instructed" how to respond to discovery requests, when responses are governed not by the plaintiff but by the Federal Rules of Civil Procedure.

Defendants assert all materials responsive to any proper discovery request have been provided to the plaintiff pursuant to a Freedom of Information Act request. Pursuant to FRCP 33(d), the defendants crave reference to those records for the information responsive to plaintiff's discovery requests.

16

Specific Responses and Objections to Requests for Production

1. Defendants object to Request 1, on the grounds the request is overly broad, vague, unduly burdensome, and unduly intrusive, in that it seeks, without limit of time or scope: a. "All" records concerning a South Carolina state agency, the South Carolina Department of Public Safety; and its individual employees who are defendants to this action;

b. "All" records, without limit of time or scope, concerning the individual defendants in this action, including "all" records every individual defendant has about himself or herself, whether or not those records are relevant to this action or likely to lead to the discovery of admissible evidence;

c. Records about, or perhaps records in possession of, nonparties, Adair Home Insurance Company, South Carolina Insurance Reserve Fund, and South Carolina Department of Motor Vehicles;

d. Records of insurers, all or part of which are protected and privileged from discovery under FRCP 26(b)(3)(A).

2 and 3. Defendants object to Requests 2 and 3, on the ground they are unduly burdensome, overly broad, and vague, and may be construed to seek information privileged from disclosure as attorney-client communications, and attorney work product and case and trial preparation materials protected from discovery by FRCP 26(b)(3)(A). Notwithstanding the objection, defendants have provided all nonprivileged relevant information to the plaintiff in compliance with a Freedom of Information Act request.

4 and 5. Defendants object to Requests 4 and 5, to the extent they seek information of nonparties, to the extent it seeks attorney-client communications, and to

17/3

the extent it seeks information from the nonparty insurer for these defendants (protected under FRCP 26(b)(3)(A)). Defendants further object to the extent the discovery request implies any crime was committed by any defendant. Defendants further object to Request 5 as argumentative and not intended to elicit discovery. These defendants assert no crime nor misconduct was committed. These defendants do not bear the burden of proof in this action. Notwithstanding the objection, defendants believe all nonprivileged responsive material has been produced to the plaintiff pursuant to FOIA.

6. Defendants object to Request 6 as argumentative and not intended to elicit any discovery.

7. Defendants object to Request 7, as a Request to Produce may not be used to compel an Affidavit from any person, nor can an Affidavit ever be compelled. Defendants assert the nonprivileged information, if any, responsive to 7B, 7D, 7F, and 7G is included in the materials produced to plaintiff pursuant to FOIA. **Defendants deny that defendant Ganjehsani can refuse or did refuse to allow an ethics investigation.**

Defendants object to the characterization in 7E of "false" vehicle tag, and assert any error in data entry was a human error. Defendants object to producing any information protected by FRCP 26(b)(3)(A). Defendants deny the accident should have been deemed criminal. Defendants deny any liability or causative role in any injury to the plaintiff.

8. There is no Request 8, but counsel is unaware why a list of witnesses is included in the discovery requests. If plaintiff's intention is to seek the direct contact information for any employee of the SCDPS, this information will not be provided, as SCDPS employees, whether or not named as individual defendants, should be contacted only through their undersigned counsel. If plaintiff's intention is to seek information held

1764

by nonparties, it will not be provided by these defendants and should be sought directly from its source. If plaintiff's intention is to seek information from defendants' insurer concerning this action, that information is protected from discovery by FRCP 26(b)(3)(A), and will not be disclosed by defendants.

Specific Responses and Objections to the Interrogatories

1 and 2. All information responsive to Interrogatories 1 and 2, which is in the possession of defendants and nonprivileged, has been produced pursuant to FOIA.

3. Objection is made to Interrogatory 3 on the ground it seeks information concerning attorney-privileged communications and trial preparation materials not discoverable under FRCP 26(b)(3)(A). Notwithstanding the objection, and without waiving any privilege but expressly reserving same, counsel discloses only that the responses are made in reliance on information provided to counsel by the defendants.

4 through 10. Objection is made as Interrogatories 4 through 10 are not proper interrogatories, but are argumentative and accusatory. Each defendant has been forthright in their conduct. Furthermore, each defendant is available for deposition by the plaintiff.

11. Objection is made to Interrogatory 11, as plaintiff is not permitted to dictate how a defendant answers a Complaint in a civil action.

12 through 29. Defendants object to interrogatories 12 through 29 on the grounds they are not proper interrogatories. Defendants further object as the interrogatories seek already in the possession of the plaintiff and information already provided pursuant to FOIA. Defendants further object to interrogatories 23 and 24 as seeking an opinion from defendants, and, at that, an opinion some of the defendants would be unqualified to state.

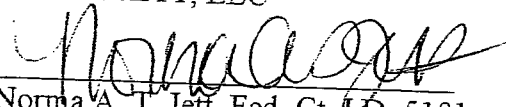
Defendants object to all interrogatories seeking standards, laws, or other information available to plaintiff through review of publicly available research materials. Defendants object to Interrogatories 25 and 26 as not proper interrogatories. Defendants object to Interrogatory 27 as not a proper interrogatory but a legal argument. Defendants object to Interrogatory 28 as not a proper interrogatory. Defendants object to Interrogatory 29 as not an interrogatory but an accusation, which defendants deny.

December 21, 2015

Bamberg, SC

By:

NESS & JETT, LLC


Norma A. T. Jett, Fed. Ct. I.D. 5101

Alison Dennis Hood, Fed. Ct. I.D. 11078

Post Office Box 909

Bamberg, SC 29003

(803) 245-5178

normajett@bellsouth.net

alisondhood@gmail.com

ATTORNEYS FOR ALL DEFENDANTS

13/6

EXHIBIT “5”

South Carolina General Assembly
121st Session, 2015-2016

H. 3158

STATUS INFORMATION

General Bill

Sponsors: Rep. Spires

Document Path: I:\council\bill\swb\5208cm15.docx

Introduced in the House on January 13, 2015

Currently residing in the House Committee on **Judiciary**

Summary: Department of Public Safety

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
12/11/2014	House	Prefiled
12/11/2014	House	Referred to Committee on Judiciary
1/13/2015	House	Introduced and read first time (<u>House Journal-page 119</u>)
1/13/2015	House	Referred to Committee on Judiciary (<u>House Journal-page 119</u>)

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

12/11/2014

1
2
3
4
5
6
7
8
9 **A BILL**

10
11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, BY ADDING SECTION 23-6-175 SO AS TO ESTABLISH
13 A POLICY OF PROGRESSIVE DISCIPLINE FOR OFFICERS
14 EMPLOYED BY THE DEPARTMENT OF PUBLIC SAFETY.
15

16 Be it enacted by the General Assembly of the State of South
17 Carolina:

18
19 SECTION 1. Article 3, Chapter 6, Title 23 of the 1976 Code is
20 amended by adding:

21
22 “Section 23-6-175. (A) Upon the filing of a complaint or
23 allegation of misconduct against any sworn officer of the
24 Department of Public Safety, no disciplinary action, suspension,
25 demotion, termination, or transfer may be undertaken before the
26 department has conducted an investigation into the allegations
27 against an accused officer for any act, omission, or other allegation
28 of misconduct. All investigations must be completed within ninety
29 days of the date the agency receives written notice of the
30 complaint. All allegations of misconduct must be forwarded to the
31 Office of Professional Responsibility Internal Affairs (O.P.R./I.A.)
32 for the agency to initiate a complete investigation of the alleged
33 misconduct. After a preliminary investigation into the complaint,
34 the accused officer may be suspended. All allegations of
35 misconduct must be independently investigated by the O.P.R./I.A.
36 unless the Director of the Department of Public Safety determines
37 that it is in the interest of the agency and the public to designate
38 and delegate this responsibility to an internal unit other than the
39 O.P.R./I.A.

40 (B) An accused officer, if suspended, must be suspended with
41 pay pending completion of the investigation. Upon completion of
42 the investigation, the officer being investigated must be reinstated

1 or terminated based upon the outcome of the investigation as
2 determined by the director. This provision shall not apply to an
3 officer who is accused of a felony outside of the line of duty. An
4 officer may be terminated immediately by the director without pay
5 when charged with a felony outside the scope of his employment.
6 All terminations are subject to the normal grievance procedure.
7 An officer who is charged with a misdemeanor in magistrate or
8 municipal court may be the subject of an O.P.R./I.A. investigation.
9 An officer arrested for a misdemeanor will be subject to
10 investigation by O.P.R./I.A.

11 (C) All investigations of misconduct must be referred to and
12 investigated by the O.P.R./I.A. Such notification of the impending
13 investigation must be given immediately to the officer who is the
14 subject of the investigation. The accused officer may be
15 suspended, but with full pay pending completion of the
16 investigation within a maximum of a ninety-day period at which
17 time the officer must be either fully reinstated or terminated. All
18 investigations must be completed within ninety days. This
19 provision shall not apply to an officer who is accused of a felony
20 outside of the line of duty. In such cases, the officer accused may
21 be terminated immediately. Such termination shall be subject to
22 the normal grievance process as outlined by the department and the
23 grievance rules of the South Carolina Budget and Control Board.

24 (D) If upon receipt of the complaint, the agency determines that
25 disciplinary action is appropriate, it shall complete its investigation
26 and give specific written notice to the accused of the infraction and
27 the department violation, or both, and its intent to proceed with the
28 departmental disciplinary action along with the proposed action
29 sought, including length of suspension, if applicable. All
30 departmental discipline is subject to the progressive system of
31 discipline beginning with a verbal reprimand extending to
32 termination. An officer shall not be terminated except in
33 compliance with this provision. All deviations from the policy of
34 progressive discipline must be in writing with reasons for any
35 exception and must be signed and authorized only by the director.

36 (E) Prior discipline that is the basis of or for progressive
37 discipline may be considered only if the discipline was imposed
38 within five years from the date of the current charge. Only Level
39 II or III discipline which resulted in a suspension or transfer can be
40 used as the basis for more severe penalties.

41 (F) All officers charged with a violation of departmental policy
42 may be suspended, with full pay. These investigations shall be

1 completed within ninety days or the allegation is dismissed with
2 prejudice.

3 (G) In the event of an incomplete investigation, the
4 investigation may be extended an additional ninety days, but in all
5 cases, with the exception of the above-referenced terminations for
6 felony charges, the suspension shall be with pay. During the
7 period of the suspension, the officer may be put on light duty and
8 temporarily reassigned within the department pending final
9 completion of the investigation.

10 (H) Upon completion of the investigation, the employee must
11 be notified within twenty-four days as to the final disposition of
12 the investigation by the department. The department must follow a
13 policy of progressive discipline from oral reprimand, written
14 reprimand, suspension, and termination. All investigations that are
15 determined to be unfounded shall not be utilized or considered by
16 the department in determining future advancement and promotion.

17 (I) All employees are entitled to file all applicable grievances
18 allowed by the Department of Public Safety's policy for employees
19 as well as those policies and procedures set forth for all state
20 employees. All departmental discipline is subject to appeal to the
21 South Carolina Budget and Control Board when all applicable
22 filing deadlines have been met by the employee.

23 (J) Upon completion of the grievance process and exhaustion
24 of remedies including appeal, the matter shall be reported to the
25 South Carolina Criminal Justice Academy within ten days of the
26 final order or determination.

27 (K) All status reports required to be filed with the South
28 Carolina Criminal Justice Academy prior to the final determination
29 and exhaustion of remedies shall reflect that the matter is pending
30 and that no final determination has been reached. Reports of
31 pending employment status filed with the academy are deemed to
32 be in compliance with all statutory and regulatory requirements for
33 the South Carolina Criminal Justice Academy. Upon completion
34 of the grievance process, a supplement forum must be filed with
35 the academy that contains the results of the grievance
36 proceedings."

37

38 SECTION 2. This act takes effect upon approval by the Governor.

39

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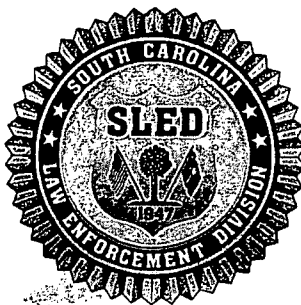
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EXHIBIT “6”

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

11

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

May 6, 2015

Biafra M. Curtis
Post Box 21294
Hilton Head, SC 29925

Dear Ms. Curtis:

The South Carolina Law Enforcement Division (SLED) is in receipt of your letter dated April 29, 2015, in which you made a complaint against a S.C. Highway Patrol Trooper and the way he conducted a traffic collision.

SLED enters matters of *criminal misconduct* by government agencies, corporations or individuals only after a review by a Solicitor, the Attorney General's Office, or at the request of the law enforcement agency of jurisdiction. Therefore, SLED will not conduct a criminal investigation into this matter.

You may be best assisted in this matter by contacting the S.C. Department of Public Safety's Office of Professional Responsibility as the S.C. Highway Patrol is a division of the agency.

With best regards,

John T. Bishop, Captain
Investigative Services
South Carolina Law Enforcement Division

JTB/sce



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

EXHIBIT “7”

EXHIBIT "8"

EXHIBIT “9”



One Riverfront Plaza
Westbrook, Maine 04092-9700
1-888-305-0602 • Fax 1-888-305-0605

February 4, 2013

Biafra Curtis
PO Box 21294
Hilton Head Island, SC 29925

RE: ReliaStar Life Insurance Company
Long Term Disability
Policyholder: Hargray Communications
Plan Number: 66735-8
Claim Number: 327879

Dear Ms. Curtis,

We are writing to notify you that you have been approved for long term disability benefits as we determined that you currently meet the definition of disability due to your cervical disc disorder with myelopathy. The policy defines disability as follows:

"Disability, Disabled - ReliaStar Life's determination that a change in your functional capacity to work due to sickness or accidental injury has caused your inability to perform the essential duties of your regular occupation and as a result you are unable to earn more than 80% of your indexed basic monthly earnings.

Economic factors such as, but not limited to, recession, job obsolescence, pay cuts, and job sharing will not be considered in determining whether you meet the requirements stated above.

You will not be considered disabled solely because of the loss or restriction of your license to engage in your regular occupation."

Your disability policy protects you from your inability to perform the essential duties of your occupation of Retail Representative to the maximum duration of May 10, 2040.

Your disability coverage has a 90 day Benefit Waiting Period that must be satisfied before benefits become payable. Using a date of disability of October 24, 2012, benefits become payable on January 22, 2013.

The LTD policy provides benefits at 66 2/3% of your pre-disability earnings of \$3,999.27. This provides for a monthly benefit of \$2,666.31, less any applicable offsets from other income sources. However, your monthly benefit will not be less than \$266.63, the minimum monthly benefit provided by the policy. You will be receiving your initial benefit check for the period January 22, 2013 to February 1, 2013 under separate cover.

Future benefit checks will be paid at the end of each monthly benefit period, i.e. February 1, 2013, March 1, 2013, etc. As you know, these benefits are taxable, and per your request, we are not deducting any Federal Income Taxes. Benefits will continue while you remain contractually

disabled but not beyond the maximum benefit period provided by the policy or its limitation provisions.

Your claim will be evaluated on an ongoing basis to determine whether you remain eligible to receive Long Term Disability benefits. This review consists of conducting a fair and objective review of all your medical and vocational information. This may consist of contacting your treating providers directly. We also may utilize the services of a vocational rehabilitation counselor who can provide you with information regarding our vocational rehabilitation program.

We have enclosed a Training, Education, and Experience form that we ask you to complete in detail. This will provide us with information necessary to properly manage your claim.

You notified us that you applied for Social Security disability benefits. As you may be aware, the long term disability policy specifies that monthly benefits will be reduced by any amount paid or payable from primary and family Social Security disability and retirement benefits.

Many people have the understanding that a Social Security disability benefit suggests that the recipient is permanently and totally disabled. This is not true. Those receiving Social Security disability benefits are reviewed on a continuing basis for ability to return to gainful employment. It is not widely known that Social Security has a program to promote return to work activity.

→ Please provide us with proof of your application and copy us on all future related correspondence. We will need a copy of your Social Security decision as soon as it is received.

We have enclosed an Agreement Concerning Benefits form that concerns your application for Social Security disability. You have the option of having us estimate your potential Social Security disability award and reducing your LTD benefit accordingly ~~or~~ receiving your full LTD benefit while your Social Security application is in process. If you elect the second option and Social Security Disability is awarded retroactively, an adjustment will be made to your benefit at that time and you will be responsible for immediate reimbursement of any overpayment that results on your LTD claim.

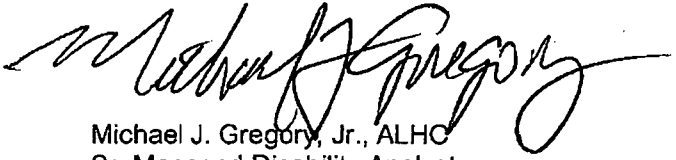
Please complete this form in its entirety and return it to our office. Clearly indicate the option you are electing, sign your name on the "Insured Signature" line, and date your signature. You should have a friend or family member witness your signature, and sign the form on the "Witness" line. You do not need to have the form notarized.

As an added benefit, we offer a Direct Deposit option. We can automatically deposit your benefit payment into a checking or savings account at your bank, savings & loan, or credit union. In addition, an explanation of benefits statement reflecting benefit payment information will be mailed to you.

Direct Deposit will mean added convenience and security to you. To begin, complete the enclosed authorization form, attach a voided check, and return these documents to us.

Please feel free to call me at the number below if you should have any questions.

Sincerely,

A handwritten signature in black ink, reading "Michael J. Gregory, Jr.", with a stylized, cursive script.

Michael J. Gregory, Jr., ALHC
Sr. Managed Disability Analyst
888-305-0602 ext. 3834

Enclosures: Training, Education & Experience Form
Agreement Concerning Benefits
Direct Deposit Authorization
ING's Privacy Promise

Disability RMS is the Disability claims administrator for ING Employee Benefits.

EXHIBIT “10”

CALEA Accreditation Standards

The South Carolina Department of Public Safety is Accredited

Chapter 1 - Law Enforcement Role and Authority

Section 1 - Law Enforcement Agency Role

Standard 1 - Oath of Office

Number 01.01.01

- 1.1.1 A written directive requires all personnel, prior to assuming sworn status, to take and subsequently abide by an oath of office to enforce the law and uphold the nation's Constitution or basic law of the land and, where applicable, those of governmental subdivisions, such as the South Carolina Department of Public Safety, The South Carolina Highway Patrol, The Office of General Counsel, The Office of Professional Responsibility, The Director of the Department, The Colonel of the Department, The Freedom of Information Officer, The Captain of the Troop 7, The Lieutenant of the Troop 7, The Sargent of the Troop 7, The Investigating Trooper, The Telecommunications Call Intaker as well as The Telecommunications Information Input Personnel. The directive should establish procedures to ensure that proper action is taken to investigate complaints, evaluate suggestions, and correct deficiencies or refer them to proper authorities for correction. The person making the complaint or suggestion should be notified of the action taken. This may be contained in the agency's general field-reporting document.

Chapter 1 - Law Enforcement Role and Authority

Section 1 - Law Enforcement Agency Role

Standard 2 - Code of Ethics

Number 01.01.02

- 1.1.2 A written directive requires all personnel to abide by a code or canon of ethics adopted by the agency and mandates that ethics training be conducted for all personnel, at a minimum, biennially. Commentary: Sworn and civilian employees should receive instruction that concerns their position dilemmas, temptations, responsibilities, and duties. The Canon of Ethics or Law Enforcement Code of Ethics published by the International Association of Chiefs of Police or the Code of Ethics of the Office of the Sheriff adopted by the National Sheriffs' Association, ICMA Code of Ethics adopted by the International City Managers Association, or APCO Telecommunicator Code of Ethics adopted by the Association of Public-Safety Communications Officials International, Inc., will satisfy partial intent of this standard. Adherence to those codes of ethics and to the United Nations Code of Conduct for Law Enforcement Officials may be included as an element of the oath of office. Ethics review

can be in the form of classroom, shift briefing, computer based training and bulletins, or any combination of methods as determined by the agency.

Chapter 1 - Law Enforcement Role and Authority

Section 2 - Limits of Authority

Standard 1 - Legal Authority Defined

Number 01.02.01

- 1.2.1 A written directive defines the legally mandated authority and responsibilities vested in all categories of sworn agency personnel. If the agency has more than one category of sworn personnel, each shall be identified. Commentary: The written directive should define and elaborate on the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, ordinances, and arrests. Some agencies have more than one category of sworn agency personnel. For example, warden, fire marshal, commercial vehicle enforcement officer, or other special class of officer having sworn duties, but limited arrest authority. Standards in this manual applicable to sworn officers are applicable to each category.

Chapter 1 - Law Enforcement Role and Authority

Section 2 - Limits of Authority

Standard 7 - Use of Discretion

Number 01.02.07

- 1.2.7 A written directive governs the use of discretion by sworn officers.
Commentary: In many agencies, the exercise of discretion is defined by a combination of written enforcement policies, training, and supervision. The written directive should define the limits of individual discretion and provide guidelines for exercising discretion within those limits (see standards 61.1.2 and 61.1.5).

Chapter 1 - Law Enforcement Role and Authority

Section 2 - Limits of Authority

Standard 9 - Bias Based Profiling

Number 01.02.09

- 1.2.9 The agency has a written directive governing bias based profiling and, at a minimum, includes the following provisions:
- a. a prohibition against bias based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts;
 - b. training agency enforcement personnel in bias based profiling issues including legal aspects;
 - c. corrective measures if bias based profiling occurs; and
 - d. a documented annual administrative review of agency practices including citizen concerns.
- Commentary: Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their

duties. Bias based profiling, however, is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups. Law enforcement agencies should not condone the use of any bias based profiling in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, invites legislative action, and invites judicial intervention.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. They must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.

Chapter 11 - Organization and Administration

Section 1 - Organizational Structure

Standard 1 - Description of Organization

Number 11.01.01

- 11.1.1 A written directive describes the agency's organizational structure and functions and is available to all personnel. Commentary: The agency may determine its own organizational structure. In organizing/reorganizing, the agency should consider applicable standards within the various chapters of the standards manual. The intent of this standard is to provide a written description of the agency's organization. The agency's organizational chart (see standard 11.1.2) should coincide with this description. Functional responsibility may be assigned to an individual position or a component specifically created and staffed (subchapter 16.1). Functional responsibility for several activities could also be assigned to a single position or component, as needed.

Chapter 11 - Organization and Administration

Section 1 - Organizational Structure

Standard 2 - Organizational Chart

Number 11.01.02

- 11.1.2 The agency's organizational structure is depicted graphically on an organizational chart that is reviewed and updated as needed. The chart is accessible to all personnel. Commentary: The chart should coincide with the written description and reflect the formal lines of authority and communication within the agency.

Chapter 11 - Organization and Administration

Section 2 - Unity of Command

Standard 1 - Employee Accountability

Number 11.02.01

11.2.1 Each employee is accountable to only one supervisor at any given time.

Commentary: Agencies with decentralized strategies or community oriented policing may deploy supervisors geographically rather than temporally. Employees should have a clear understanding of the reporting relationship and accessibility to a supervisor.

Chapter 11 - Organization and Administration

Section 2 - Unity of Command

Standard 2 - Direct Command, Component

Number 11.02.02

11.2.2 Each organizational component is under the direct command of only one supervisor.

Chapter 11 - Organization and Administration

Section 3 - Authority and Responsibility

Standard 2 - Supervisory Accountability

Number 11.03.02

11.3.2 A written directive states that supervisory personnel are accountable for the activities of employees under their immediate control.

Chapter 11 - Organization and Administration

Section 4 - General Management and Administration

Standard 5 - Notify CEO of Incident with Liability

Number 11.04.05

11.4.5 A written directive describes the procedure for notifying the agency's chief executive officer or designee of incidents where there may be a question as to the agency's liability or those which may result in heightened community interest. Commentary: The directive should specify the nature of those incidents that should be brought immediately to the attention of the agency's chief executive officer and those that can be postponed to a later time. An agency should carefully examine all incidents wherein its employees have allegedly performed in a manner that created an increased likeliness of death or serious injury to persons or significant loss of property.

Chapter 12 - Direction

Section 1 - Direction

Standard 1 - CEO Authority and Responsibility

Number 12.01.01

12.1.1 A written statement issued by a unit of government, a law or ordinance, or combination thereof designates the authority and responsibility of the chief executive officer

Chapter 12 - Direction

Section 1 - Direction

Standard 3 - Obey Lawful Orders

Number 12.01.03

12.1.3 A written directive requires employees to obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. The directive must also include procedures to be followed by an employee who receives a conflicting or unlawful order.

Chapter 12 - Direction

Section 1 - Direction

Standard 4 - Functional Communication/Cooperation

Number 12.01.04

12.1.4 A written directive establishes procedures for communication, coordination, and cooperation among all agency functions and personnel. Commentary: The agency should encourage and support the exchange of information among all agency functions and personnel for the purpose of coordinating activities. There are a number of ways to communicate information, such as attendance of investigative personnel at patrol shift briefings (see standard 42.2.4), staff meetings, e-mail, voice mail, other electronic systems, and exchange of daily bulletins.

Chapter 12 - Direction

Section 2 - Written Directives

Standard 1 - The Written Directive System

Number 12.02.01

12.2.1 The agency has a written directive system that includes, at a minimum, the following:

- a. agency values and mission statement;
- b. a statement that vests in the agency's chief executive officer the authority to issue, modify, or approve agency written directives;

- c. identification of the persons or positions, other than the agency's chief executive officer, authorized to issue written directives;
- d. a description of the written directives system format;
- e. procedures for indexing, purging, and revising directives;
- f. statements of agency policy;
- g. rules and regulations;
- h. procedures for carrying out agency activities; and
- i. procedures for review of proposed or revised policies, procedures, rules, and regulations prior to their promulgation to ensure they do not contradict other existing agency directives or applicable law.

Commentary: The agency should establish a formal written directive system to provide employees with a clear understanding of the constraints and expectations relating to the performance of their duties. The written directive system should permit rapid access to individual policies, procedures, rules and regulations, and should differentiate types of directives, e.g., general order, special order, personnel order. Each agency has the latitude to use a variety of types of written directives. However, the agency should make it clear what level of authority is required to issue each type of directive, e.g., only the CEO may issue rules and regulations, division commanders may issue standard operating procedures. The agency should also make it clear that a written directive pertaining to a subordinate component may not contradict a directive issued by a higher level authority, e.g., a division procedures manual may not contradict an agency-wide regulation. Every written directive should be reviewed annually by the issuing authority to determine if changes should be made because of changed circumstances or occurrences during the previous year.

Chapter 12 - Direction

Section 2 - Written Directives

Standard 2 - Dissemination and Storage

Number 12.02.02

12.2.2 A written directive establishes procedures for the dissemination and storage of agency written directives, and addresses at a minimum, the following:

- a. dissemination of existing, new, or newly revised directives to all affected personnel whether (1) in hard-copy form or (2) through a computerized documentation system, backed up by hard copies of the directives or electronic media containing the directives in sufficient number to place at specified accessible locations for reference by all affected personnel;
- b. storage of written directives whether (1) by their incorporation into manuals or (2) by their storage in a computerized documentation system and placement of

hard copies in manuals or electronic media containing the directives placed at specified accessible locations for reference by all affected personnel; and

c. acknowledgment indicating receipt and review of disseminated directives by affected personnel whether in written form or in some other way that is at least equally effective. Commentary: Regarding the option of disseminating written directives in hard-copy form, the agency may either distribute the directives to each person affected by them or place the directives at specified locations if timely access to the directives for reference by affected personnel can be assured. Regarding the computerized dissemination system, back-up copies in an accessible media form are placed at specified accessible locations so that personnel can refer to directives in a timely manner when, for example, the computerized documentation system is not operating or otherwise inaccessible. Bullet (c) requires that, within a reasonable period after issuance, employee receipt and review is documented. In the context of a computerized documentation system, "receipt" means that an issued directive has been electronically accessed, or printed out by the intended recipient. "Acknowledgment" means the recipient creates a record of each receipt and review. The task of assuring that recipients correctly understand written directives is, in part, a function of training, such as noted in standards 33.4.1, 33.5.1 and 33.7.1.

Chapter 21 - Classification and Delineation of Duties and Responsibilities

Section 1 - Task Analysis

Standard 1 - Task Analysis

Number 21.01.01

21.1.1 A written task analysis of every class of full-time employee in the agency is conducted, maintained on file and includes, at a minimum:

- a. the work behaviors (duties, responsibilities, functions, tasks, etc.);
- b. the frequency with which the work behavior occurs; and
- c. how critical the job-related skills, knowledge, and abilities are.

Commentary: A task analysis is basic to proper human resource management. Analyses should be required for all classes of full-time employees in the agency. Hiring, promotion, training, and job performance evaluation criteria should be established by task analysis. Pertinent information about work behaviors may be obtained through observation, individual or group interviews, content analysis of work products, and questionnaires. After the work behaviors have been defined either in terms of duties, tasks, functions, or other grouping scheme, a similar process should be employed to define the skills, knowledge, and abilities required of the employee in performing the important work behaviors.

The task analysis should produce information about the class that is specific, objective, comprehensive, and, most importantly, verifiable by independent review. The results of the study should be incorporated in job descriptions prepared by the agency.

Analyses should be guided by personnel, either inside or outside the agency, who possess training and/or experience in evaluating jobs. Incumbents and their first- and second-level supervisors should be viewed as significant sources of information concerning the classes under study. The analyses should be updated when significant changes in the classes occur, whether through attrition, modification, or deletion of duties and responsibilities, e.g., may be done in conjunction with changes in departmental functions, staff inspection, or changes in organizational strategies.

Chapter 21 - Classification and Delineation of Duties and Responsibilities

Section 2 - Classification

Standard 1 - Classification Plan

Number 21.02.01

21.2.1 The agency has a written classification plan, that includes:

- a. categorization of every job by class on the basis of similarities in duties, responsibilities, and qualification requirements;
- b. class specifications;
- c. provisions for relating compensation to classes; and
- d. provisions for reclassification.

Commentary: Classification involves describing the different kinds of work performed in an agency and consolidating similar jobs into classes based upon similarity of duties and responsibilities. Since "classes" in a law enforcement agency are usually linked to rank, the classification plan should specify the class titles and general duties, responsibilities, and qualifications for each traditional rank in the agency, such as police officer, deputy sheriff, sergeant, lieutenant, captain, and chief. The establishment of a structured classification plan with general requirements for each class should allow agencies to achieve more efficient administration, compensation, and equitable treatment of personnel.

Chapter 21 - Classification and Delineation of Duties and Responsibilities

Section 2 - Classification

Standard 2 - Job Description Maintenance and Availability

Number 21.02.02

21.2.2 The agency maintains current job descriptions covering all employees, which are made available to all personnel. Commentary: Statements of duties and responsibilities for each job within the agency should be prepared and made available to managers, supervisors,

and all other agency employees. Such statements are key elements in achieving more effective management and supervision.

Chapter 26 - Disciplinary Procedures

Section 1 - Disciplinary Procedures

Standard 1 - Code of Conduct and Appearance

Number 26.01.01

26.1.1 A written directive specifies a code of conduct and appearance guidelines, which are readily available to all agency personnel. Commentary: This directive should include compliance with agency directives; unbecoming conduct; use of alcohol and drugs; acceptance of gratuities, bribes, or rewards; abuse of authority; use of force; and proper care and maintenance of equipment. Prohibitions should be specific, whereas approved behavior may be stated in general terms, e.g., courtesy, punctuality. Directives about grooming and uniform appearance also should be specific. The code of conduct may be in the form of rules and regulations.

Chapter 26 - Disciplinary Procedures

Section 1 - Disciplinary Procedures

Standard 4 - Disciplinary System

Number 26.01.04

26.1.4 A written directive establishes a disciplinary system, to include:

- a. procedures and criteria for using training as a function of discipline;
- b. procedures and criteria for using counseling as a function of discipline; and
- c. procedures and criteria for taking punitive actions in the interest of discipline.

Commentary: The elements of the disciplinary system should identify the measures to be applied to employee conduct in the interest of discipline. The system should be based on fairness to the employee and the agency, and should stimulate employee morale and motivation. The written directive should encourage training as a means of improving employee productivity and effectiveness through positive and constructive methods (see standard 33.1.5). The written directive should provide guidelines regarding alternatives to be considered in counseling. In theory and practice, the severity attached to disciplinary counseling increases with the position of the counselor in the hierarchical structure of the agency. The directive should also provide guidance concerning the recording of the purpose and effect of the counseling experience. Finally, the directive should strive to enhance consistency in punitive actions. The severity of each alternative should be geared to the actions of the employee. This does not imply a required sequence of punitive acts. Some agencies specify a range of punishments for various violations or specific

punishments in explicit situations; where these are established, employees should be so informed.

Chapter 26 - Disciplinary Procedures

Section 1 - Disciplinary Procedures

Standard 5 - Role and Authority of Supervisors

Number 26.01.05

- 26.1.5 A written directive specifies the role of supervisors and the authority attendant to each level of supervision and command relative to disciplinary actions. Commentary: The role of supervisors, especially first line supervisors, is crucial in the disciplinary process. First line supervisors have the best opportunity to observe the conduct and appearance of employees and detect those instances when disciplinary actions are warranted (remedial training, counseling, or punishment). First line supervisors also have the opportunity to understand the personality traits of the personnel under their supervision and to determine the most effective methods of discipline.

Chapter 26 - Disciplinary Procedures

Section 1 - Disciplinary Procedures

Standard 8 - Records

Number 26.01.08

- 26.1.8 A written directive specifies procedures for maintenance of records of disciplinary actions. Commentary: The directive should require written records of disciplinary actions and should include where the records should be filed, how long they should be maintained, and under what circumstances they should be purged.

Chapter 33 - Training and Career Development

Section 1 - Administration

Standard 2 - Attendance Requirements

Number 33.01.02

- 33.1.2 A written directive governs attendance requirements for employees assigned to authorized agency training programs. Commentary: The directive should describe exceptions and provide procedures for documenting attendance, excusing participants for such events as court appearances, making up time that is missed as the result of excused and unexcused absences, and ensuring that employees are recognized for successful completion of the training program.

Chapter 33 - Training and Career Development
Section 1 - Administration
Standard 6 - Employee Training Record Maintenance
Number 33.01.06

33.1.6 A written directive requires the agency to update records of employees following their participation in training programs. Commentary: As personnel complete training programs, the date of the training, the types of training received, any certificates received, attendance, and test scores should be recorded for each trainee.

Chapter 35 - Performance Evaluation
Section 1 - Administration
Standard 2 - Annual Evaluation
Number 35.01.02

35.1.2 A written directive requires a performance evaluation of each full-time employee and reserve officer be conducted and documented at least annually with the exception of the agency CEO, constitutionally elected officials, or those employees exempted by controlling legislation. Commentary: The purposes of performance evaluation are to standardize the nature of the personnel decision making process, ensure the public that the agency's personnel are qualified to carry out their assigned duties, and provide job incumbents with necessary behavior modification information to allow them to maintain behaviors that are appropriate from the agency's standpoint and to eliminate inappropriate behaviors. Agencies are encouraged to evaluate part-time employees.

Chapter 41 - Patrol
Section 1 - Administration
Standard 3 - Special-Purpose Vehicles
Number 41.01.03

41.1.3 A written directive governs the operation of agency-owned or controlled special-purpose vehicles, and includes the following provisions for each kind of vehicle:

- a. authorization, conditions, and limitations of usage;
- b. qualifications and training for personnel assigned to operate the vehicle;
- c. designation of the person or position responsible for the condition and maintenance of the vehicle; and
- d. a listing of equipment, if any, to be kept in or on the vehicle.

Commentary: For the purpose of this standard, a special purpose vehicle is a vehicle that requires special training or authorization for deployment. This includes, but is not limited

to, SWAT trucks, bomb disposal vehicles, mobile command posts, aircraft, watercraft, and motorcycles. Bicycles, all-terrain vehicles, snowmobiles, and Segways may fall under the definition of a special purpose vehicle if the agency or law requires licensing or training prior to use.

Chapter 41 - Patrol

Section 3 - Equipment

Standard 8 - In-Car Audio/Video

Number 41.03.08

41.3.8 If in-car audio or video recording systems are used, a written directive establishes guidelines for the following:

- a. situations for use;
- b. data security and access; and
- c. data storage and retention schedule.

Commentary: The written directive should provide direction to field personnel for the use of this technology. The products of this technology could become an important piece of evidence in any type of case and should be maintained in a way to insure the integrity of contents. When tapes become evidence, they should be treated as any other evidentiary items in accordance with standards in Chapters 83 and 84.

Chapter 41 - Patrol

Section 3 - Equipment

Standard 9 - License Plate Recognition System

Number 41.03.09

41.3.9 If license plate recognition (LPR) systems are used, a written directive establishes guidelines for the following:

- a. guidelines for use;
- b. data security and access;
- c. operator training; and
- d. data storage and retention.

Commentary: The written directive should provide direction to field personnel for the use of this technology. A fundamental element of policing is locating stolen vehicles or vehicles involved in other criminal acts such as child abduction. Automated license plate recognition (LPR) systems, or license plate readers as they are commonly referred to, play an increasingly important role in public safety by assisting with the location of wanted vehicles while enhancing productivity, effectiveness, and officer safety. LPR systems are able to recognize, read, and compare motor vehicle license plates against

various police databases much more efficiently than officers manually scanning and making comparisons while on patrol.

52 Internal Affairs

52.1 Organizational Integrity

52.1.1 Complaint Investigation

52.1.2 Records, Maintenance and Security

52.1.3 CEO, Direct Accessibility

52.1.4 Complaint Registering Procedures

52.1.5 Annual Summaries; Public Availability

52.2 Complaint Procedures

52.2.1 Complaint Types

52.2.2 CEO, Notification

52.2.3 Investigation Time Limits

52.2.4 Informing Complainant

52.2.5 Statement of Allegations/Rights

52.2.6 Submission to Tests, Procedures

52.2.7 Relieved from Duty

52.2.8 Conclusion of Fact

Chapter 52 - Internal Affairs

Section 1 - Administration and Operations

Standard 1 - Complaint Investigation

Number 52.01.01

52.1.1 A written directive requires all complaints against the agency or its employees be investigated, to include anonymous complaints. Commentary: To ensure the integrity of its operations and personnel, agencies should investigate all allegations of misconduct, regardless of their source. Anonymous complaints can be difficult to investigate; however, the agency should carefully review each complaint for validation before disregarding it for lack of a credible complainant

Chapter 52 - Internal Affairs

Section 1 - Administration and Operations

Standard 2 - Records, Maintenance and Security

Number 52.01.02

52.1.2 A written directive requires the agency to maintain a record of all complaints against the agency or employees and to protect the confidentiality of these records by maintaining them in a secure area. Commentary: The confidentiality of internal affairs records is important, and proper security precautions should be taken. This records activity is a task

of the internal affairs function and is an exception to the personnel records or centralized records systems. The schedule for retaining internal affairs records should be consistent with legal requirements.

Chapter 52 - Internal Affairs

Section 1 - Administration and Operations

Standard 3 - CEO, Direct Accessibility

Number 52.01.03

52.1.3 A written directive specifies that the position responsible for the internal affairs function has the authority to report directly to the agency's chief executive officer. Commentary: The sensitivity and impact of internal affairs matters on the direction and control of an agency require that the agency's chief executive officer receive all pertinent information directly.

Chapter 52 - Internal Affairs

Section 1 - Administration and Operations

Standard 4 - Complaint Registering Procedures

Number 52.01.04

52.1.4 The agency makes available information to the public on procedures to be followed in registering complaints against the agency or its employees. Commentary: Procedures for registering complaints should be made available to the community through the media or the agency's community relations programs. This information should also be disseminated to all agency employees.

Chapter 52 - Internal Affairs

Section 1 - Administration and Operations

Standard 5 - Annual Summaries-Public Availability

Number 52.01.05

52.1.5 The agency compiles annual statistical summaries, based upon records of internal affairs investigations, which are made available to the public and agency employees.

Chapter 52 - Internal Affairs
Section 2 - Complaint Procedures
Standard 1 - Complaint Types
Number 52.02.01

52.2.1 A written directive specifies:

- a. the type of complaints to be investigated by line supervisors; and
- b. the type of complaints that require investigation by the internal affairs function.

Commentary: The intent of this standard is to provide guidelines regarding which categories of complaints are to be handled by the internal affairs function and which are part of routine discipline. The criteria for determining the categories of complaints to be referred to the internal affairs function may include allegations of corruption, brutality, misuse of force, breach of civil rights, and criminal misconduct. Criteria for assignment of the investigation of the complaint to line supervisors may include, for example, alleged rudeness on the part of the officer, tardiness, or insubordination.

Chapter 52 - Internal Affairs
Section 2 - Complaint Procedures
Standard 2 - CEO, Notification
Number 52.02.02

52.2.2 A written directive specifies the procedures for notifying the agency's chief executive officer of complaints against the agency or its employees. Commentary: The directive should specify the nature of those complaints that should be brought immediately to the attention of the agency's chief executive officer and those that can be postponed to a later time.

Chapter 52 - Internal Affairs
Section 2 - Complaint Procedures
Standard 3 - Investigation Time Limits
Number 52.02.03

52.2.3 A written directive specifies a time limit for completing an internal affairs investigation, with provisions for extensions.

Chapter 52 - Internal Affairs
Section 2 - Complaint Procedures
Standard 4 - Informing Complainant
Number 52.02.04

52.2.4 The agency keeps the complainant informed concerning the status of a complaint to include, at a minimum:

- a. verification of receipt that the complaint has been received for processing;
- b. periodic status reports; and
- c. notification of the results of the investigation upon conclusion.

Commentary: The verification, usually in the form of a receipt, furnished to persons initiating complaints alleging misconduct on the part of the agency or an agency employee may contain a description of the investigative process. The status of investigations should be communicated to the complainant, although the degree of specificity of the notice is left to the discretion of the agency. This standard does not apply to anonymous complaints.

Chapter 52 - Internal Affairs
Section 2 - Complaint Procedures
Standard 5 - Statement of Allegations/Rights
Number 52.02.05

52.2.5 When employees are notified that they have become the subject of an internal affairs investigation, the agency issues the employee a written statement of the allegations and the employee's rights and responsibilities relative to the investigation

Chapter 52 - Internal Affairs
Section 2 - Complaint Procedures
Standard 6 - Submission to Tests, Procedures
Number 52.02.06

52.2.6 A written directive specifies the conditions, if any, during an internal affairs investigation, when:

- a. medical or laboratory examinations are administered;
- b. photographs are taken of employees;
- c. an employee may be directed to participate in a line-up;
- d. an employee may be required to submit financial disclosure statements; and
- e. instruments for the detection of deception are used.

Commentary: The written directive should be based on the legal requirements in the jurisdiction, case law, and

precedent and should be consistent with other administrative decisions. An employee may be required to submit to a medical or laboratory examination, at the agency's expense, when the examination is specifically directed and narrowly related to a particular internal affairs investigation being conducted by the agency. An example is the use of this process in determining drug use by employees. An employee may also be required to be photographed, to participate in a line-up, and/or submit to a financial disclosure statement when the actions are material to a particular internal affairs investigation being conducted by the agency.

Chapter 52 - Internal Affairs

Section 2 - Complaint Procedures

Standard 7 - Relieved from Duty

Number 52.02.07

52.2.7 A written directive specifies the circumstances in which an employee may be relieved from duty. Commentary: The written directive should be supported by other documents establishing the powers and authority of the office of the chief executive. The relief from duty may be a temporary administrative action pertaining to an employee's physical or psychological fitness for duty or an action pending disposition of an internal affairs investigation. The authority to relieve an employee from duty should extend to supervisory levels.

Chapter 52 - Internal Affairs

Section 2 - Complaint Procedures

Standard 8 - Conclusion of Fact

Number 52.02.08

52.2.8 A written directive requires a "conclusion of fact" for each investigation into allegation of misconduct. Commentary: The conclusion of the disciplinary process should be structured and should provide information to all participants in the process. The agency needs to be aware of changes in policies, procedures, rules, and regulations that may prevent future allegations of misconduct, as well as the need to modify or expand training.

Chapter 61 - Traffic
Section 2 - Traffic Collision Investigation
Standard 1 - Reporting and Investigation
Number 61.02.01

61.2.1 A written directive describes collision reporting and investigation, to include collisions involving:

- a. death or injury;
- b. property damage;
- c. hit and run;
- d. impairment due to alcohol or drugs;
- e. hazardous materials; and
- f. occurrences on private property.

Commentary: The directive should establish procedures to ensure the agency's collision reporting and investigation responsibilities are efficiently and effectively carried out. The directive should also specify which collisions require investigation and which collisions require a report.

Chapter 61 - Traffic
Section 2 - Traffic Collision Investigation
Standard 2 - Collision Scene Responses
Number 61.02.02

61.2.2 A written directive defines agency response to the scene of any collision involving any of the following:

- a. death or injury;
- b. hit and run;
- c. impairment of an operator due to alcohol or drugs;
- d. damage to public vehicles or property;
- e. hazardous materials;
- f. disturbances between principals;
- g. major traffic congestion as a result of the collision; or
- h. damage to vehicles to the extent towing is required.

Commentary: Agency response to the scene of a serious or complex collision should include providing emergency services, investigating the collision, recording short-lived evidence, and restoring the normal flow of traffic. In less serious collisions, personnel response should be influenced by agency policy, workload, and availability of personnel. The directive should also specify the circumstances that permit the suspension of investigations-for example, during snow emergencies-and when drivers may report property damage-only collisions in person (at the nearest agency office) and/or by

telephone. This policy should be communicated to motorists through the agency's public information program.

Chapter 61 - Traffic

Section 2 - Traffic Collision Investigation

Standard 3 - Collision Scene Duties

Number 61.02.03

61.2.3 A written directive specifies collision scene responsibilities for responding officers, including procedures for:

- a. determining the officer or investigator who is in charge at the scene;
- b. identifying and dealing with injured persons;
- c. identifying and dealing with fire hazards and/or hazardous materials;
- d. collecting information;
- e. protecting the collision scene; and
- f. controlling property belonging to collision victims.

Commentary: The intent of the standard is to provide procedural guidance to officers responding to collision scenes, who may be the first to arrive, as well as to establish a procedure by which the officer in charge or investigator in charge is determined (see standard 12.1.2). The first arriving officer has important responsibilities that include, but are not limited to providing basic or advanced life support until the arrival of fire/rescue personnel, identifying potential or actual fire hazards or other dangerous conditions so that appropriate action can be taken, summoning additional assistance, protecting the scene, establishing a safe traffic flow around the scene, identifying and interviewing witnesses, and expediting the removal of debris and the vehicles involved from the roadway. Procedural guidance for hazardous material incidents is necessary to protect the officer and other highway users and to ensure the prompt control and removal of material. The procedures should specify what actions the officer can take to identify materials, protect the scene, isolate the immediate area, evacuate nonessential personnel, and obtain appropriate technical assistance. The law enforcement agency generally will be responsible for preliminary hazard identification, e.g., spill, leak, fire, and identification of vehicles and container placards. The directive should ensure that only properly trained and equipped agency personnel attempt to enter areas where hazardous materials may be encountered or suspected. Procedures for determining who is in charge at the scene when more than one officer or investigator is present will ensure that all required tasks are accomplished. This is especially important in agencies where supervisory personnel do not routinely respond to collision scenes. A failure to carry out certain tasks in a timely manner could be a contributing factor to additional collision. The officer in charge at the scene of a collision should ensure that property belonging to collision victims is protected from theft or pilferage and is removed to a place of

safekeeping if the owner is unable to care for it. The directive should provide guidelines for property inventory and indicate methods for property removal and storage.

Chapter 61 - Traffic

Section 2 - Traffic Collision Investigation

Standard 4 - Follow-Up Investigations

Number 61.02.04

- 61.2.4 A written directive establishes procedures for collision investigation follow-up activities. Commentary: Follow-up activities may include, at a minimum, collecting off-scene data, obtaining/recording formal statements from witnesses, reconstructing collisions, using expert and technical assistance, and preparing formal reports to support criminal charges. This standard is not intended to require all of these activities in every investigation; however, the directive should establish when and how these activities should be conducted. The agency may also conduct investigations to gather additional data about driver, pedestrian, vehicle, roadway controls, or related collision information for special research studies.

Chapter 61 - Traffic

Section 3 - Traffic Direction and Control

Standard 1 - Traffic Engineering

Number 61.03.01

- 61.3.1 A written directive governs performance of agency activities related to traffic engineering, to include:
- a. handling or referring complaints or suggestions concerning traffic engineering deficiencies; and
 - b. procedures for transmitting collision and enforcement data to local or regional traffic engineering authorities.

Commentary: Engineering functions should be conducted in conjunction with local traffic engineering authorities and should be directly related to the discovery and remedy of collision and congestion hazards. Guidance should be sought by the agency from whatever resource materials are available and applicable to its jurisdiction. The directive should describe the authority and responsibilities of agency personnel for collecting and compiling traffic data; conducting special traffic surveys and studies; analyzing collision and enforcement data; preparing special reports and making recommendations concerning the efficient use of traffic control devices, new or revised laws or ordinances, and engineering improvements; and participating in local and regional transportation system management planning. The directive should establish procedures to ensure that proper action is taken to investigate complaints,

evaluate suggestions, and correct deficiencies or refer them to proper authorities for correction. Traffic records call attention to changed conditions that require alteration in engineering or enforcement policies. The agency should provide copies of collision report forms and/or a monthly summary of collision and enforcement data to provide factual data necessary to make sound engineering decisions. The occurrence of a serious collision should be brought to the attention of traffic and highway engineering authorities for analysis of potential corrective actions.

Chapter 61 - Traffic

Section 3 - Traffic Direction and Control

Standard 2 - Direction/Control Procedures

Number 61.03.02

61.3.2 A written directive specifies procedures for traffic direction and control to include the following, at a minimum:

- a. procedures applicable at the scenes of traffic collision;
- b. uniform hand signals and gestures for manual traffic direction and control;
- c. procedures applicable at the scenes of critical incidents;
- d. procedures applicable during periods of adverse road and weather conditions;
- e. circumstances warranting manual operation of traffic control devices;
- f. use of temporary traffic control devices; and
- g. a requirement that any personnel directing traffic, or in the roadway controlling traffic, wear reflective clothing at all times.

Chapter 74 - Legal Process

Section 1 - Records

Standard 1 - Information, Recording

Number 74.01.01

74.1.1 Information regarding each item of legal process, civil and/or criminal, is recorded, and includes the following elements:

- a. date and time received;
- b. type of legal process, civil or criminal;
- c. nature of document;
- d. source of document;
- e. name of plaintiff/complainant or name of defendant/respondent;
- f. officer assigned for service;
- g. date of assignment;
- h. court docket number; and
- i. date service due.

Commentary: Record entries may be cross-referenced so that the information can be retrieved by means of the court's docket number and by the names of any of the parties to the action. In most instances, a unique number should be assigned to permit cross-reference of the return with the entry.

***Chapter 74 - Legal Process

Section 2 - Civil Process

Standard 1 - Procedure, Civil Service

Number 74.02.01

74.2.1 Written directives govern the service of civil process documents.

Commentary: Typically, the written directives should describe the role of the process servers and their general responsibilities relating to the methods of service and the actions required of the servers. Agencies should remember that some protection orders and anti-harassment orders should be included in their directive. Additionally, each type of process in the jurisdiction may be identified and any specific requirements unique to that individual process should be explained. The procedures for execution of the return may be explained, including notations and attachments. The directive should also contain details for service on partnerships and corporations as well as civil process received from, or served, outside of the agency's jurisdiction.

***Chapter 81 - Communications

Section 1 - Administration

Standard 1 - Agreements, Shared/Regional Facility

Number 81.01.01

81.1.1 If the communications function is provided by a shared or multi-jurisdictional entity, written

agreements or authorizing documents govern the authority and responsibility of both the agency and the entity, and include, at a minimum, provisions for complying with all applicable standards for this function on behalf of the agency. Commentary: When the communications function is shared or delegated to another entity, it is necessary to specify accountability and achieve compliance with this chapter (see Guiding Principles 1.1 and 1.2). The agency may rely on documents developed by the outside communications center in proving compliance with these standards.

Chapter 81 Communications
Section 2 Operations
Standard 3 Recording information
Number 81.02.03

81.2.3 A written directive establishes procedures for obtaining and recording relevant information for each request for service or self-initiated activity to include:

- a control number
- b date and time of request
- c name and address of complainant
- d type of incident
- e location of incident
- f identification of Officer assigned as primary and backup
- g time of dispatch
- h time of Officer arrival
- i time of Officer return to service; and
- j disposition or status of reported incident

Commentary a control system can be a card log or computer entry that permits a permanent record to be maintained. Such records permit the agency to establish a control system to ensure comprehensive field reporting program. This information should be recorded for all requests including those received by telephone letter and person self-initiated by officers or reported two officers in the field the control number should be affixed to a communication center control record and the call disposition or result noted thereon. The number may serve as the basis for filing and retrieving subsequent reports of the incident, but it is indispensable for auditing the communications and records systems (see Chapter 82). The procedures should encourage eliciting as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. This is particularly important in certain categories of calls, and checklists may be provided to obtain additional information, e.g., for bomb threats, crimes in progress.

Chapter 81 - Communications
Section 2 - Operations
Standard 4 - Radio Communications Procedures
Number 81.02.04

81.2.4 A written directive establishes procedures for communications between field personnel and the communications center, to include:

- a. specifications of the methods and circumstances requiring communications by field personnel;

- b. the recording of the status of field personnel when out of service;
- c. the methods used for identifying field personnel during communications;
- d. communication with interacting agencies;
- e. criteria for the assignment of the number of field personnel in response to an incident;
- f. circumstances that require the presence of a patrol supervisor at the scene for the purpose of assuming command; and.
- g. responding to a field personnel emergency request for assistance or activated emergency alarm.

Commentary: Identification systems should be based on beat numbers or other assignment numbers, unit identification numbers, or a combination of the two. Operations are more efficient and field personnel safety is enhanced when telecommunicators, supervisors, and fellow officers know the status of field personnel, their locations, the nature of cases or calls for service, and the developments in their investigation. The administrative control "system" can be maintained on a card, log sheet, computer record, or any instrument that permits a permanent record to be retained. The response to emergency requests or activated emergency alarm criteria should relate to a list of critical factors, e.g., officer needs assistance, officer in trouble, felony in progress, life saving situation. The list should be available to all telecommunicators.

Chapter 81 - Communications

Section 2 - Operations

Standard 5 - Access to Resources

Number 81.02.05

81.2.5 Communications personnel have immediate access to at least the following departmental resources:

- a. officer in charge;
- b. duty roster of all personnel;
- c. residential telephone number of every agency member;
- d. visual maps detailing the agency's service area;
- e. officer status indicators;
- f. written procedures and telephone numbers for procuring emergency and necessary external services to the agency; and
- g. tactical dispatching plans.

Commentary: Communications personnel are often required to contact agency members both on and off duty. They should, therefore, have immediate access to such information

as their working hours and residential telephone numbers. Officer status indicators allow communications personnel to know the status of every officer under their control. All officers depend on the communications center to recognize when they may be in danger. By monitoring the officer status system, operators know where and how long each officer has been out on a call. When dispatching calls, operators also need to know which cars are available for service. A hand-written form updated by communications personnel would satisfy this standard. Communications personnel also have the need to call other emergency service agencies, such as those pertaining to fire, rescue, ambulance, and animal control. They should have these and other telephone numbers immediately available by private line, telephone index, book, or other means that should expedite contacting the agencies. Dispatching plans should include procedures to be followed in directing resources and obtaining information on crimes in progress, e.g., bank robbery, pursuits, and/or tactical operations.

Chapter 81 - Communications

Section 2 - Operations

Standard 6 - Victim/Witness Calls

Number 81.02.06

- 81.2.6 A written directive describes procedures to be followed by communications center personnel in responding to calls for information or services, to include the following:
- a. judging characteristics of the call to determine whether an emergency or nonemergency response is required; and
 - b. informing the caller of the agency's response, including direct law enforcement service and/or referral to other agencies.

Commentary: Communications center personnel are likely to receive calls requesting information or services and may well represent the first contact made with the agency. Written procedures should be available to communications center personnel regarding the proper handling of such calls.

Chapter 81 - Communications

Section 2 - Operations

Standard 7 - Victim/Witness Requests for Information

Number 81.02.07

- 81.2.7 A written directive describes procedures for communications personnel to respond to victim/witness requests for information and/or services to include initial and subsequent requests. Commentary: The intent of this standard is to ensure victim/witness callers receive timely and appropriate attention to their immediate needs, especially during non-business hours. See Chapter 55, especially standard 55.2.1.

Chapter 81 - Communications
Section 2 - Operations
Standard 8 - Recording and Playback
Number 81.02.08

81.2.8 The agency has the capability of immediate playback of recorded telephone and radio conversations while it maintains a continuous recording of radio transmissions and emergency telephone conversations within the communications center. A written directive establishes procedures for the following:

- a. a requirement that recordings be retained for a minimum period of thirty days;
- b. secure handling and storage for recordings; and
- c. criteria and procedures for reviewing recorded conversations.

Commentary: These recordings are an indispensable source for criminal investigations, internal investigations, training, and audits of the agency's service delivery system.

Access to secure recordings should be limited and available only through a specific procedural method. The citizen requesting service or the officer wanting assistance may not be able to repeat an emergency conversation that was garbled or too quick for easy understanding. Therefore, the agency should have the capability to replay a conversation while recording other calls and radio transmissions. The capability of continuous recordings can be provided with a parallel dual-load recorder.

Chapter 81 - Communications
Section 2 - Operations
Standard 9 - Local/State/Federal CJI Systems
Number 81.02.09

81.2.9 If local, state, and federal criminal justice information systems exist, the agency participates and/or has access to such a system. Commentary: The effectiveness of investigative efforts depends heavily upon the quality of information resources. Agencies should have the equipment they need to gain access to information from nearby agencies, regional law enforcement information networks, statewide information resources, and the National Crime Information Center. Agencies outside the United States should access like systems, if available. If not available, this standard does not apply.

Chapter 81 - Communications
Section 2 - Operations
Standard 12 - Misdirected Emergency Calls
Number 81.02.12

81.2.12 A written directive establishes procedures for prompt handling and appropriate routing of misdirected emergency calls. Commentary: It is common for one agency to receive emergency telephone calls intended for another law enforcement or public service agency. Agencies should accept any misdirected emergency call and promptly relay information to the agency having jurisdiction.

Chapter 81 - Communications

Section 3 - Facilities and Equipment

Standard 4 - Mobile/Portable Radios

Number 81.03.04

81.3.4 The agency has multichannel mobile and/or portable radio equipment capable of two-way operation on a joint public safety frequency or frequencies. Commentary: This communications capability among law enforcement and public service agencies, such as fire departments, ambulance services, public utilities, etc., is necessary to provide proper coordination and deployment of forces in times of emergencies. The capability may range from simple car-to-car arrangements to interagency and statewide networks.

Chapter 82 - Records

Section 1 - Administration

Standard 1 - Privacy and Security

Number 82.01.01

82.1.1 A written directive establishes privacy and security precautions for the agency's central records and, at a minimum, includes the following:

- a. security of and controlling access to agency files;
- b. accessibility to operations personnel after hours; and
- c. procedures and criteria for the release of agency records.

Commentary: The privacy and security precautions for the central records function should be in accordance

with agency policy, local ordinance, and/or state or provincial statutes.

Dissemination of all records should meet the legal requirements that apply in the agency's jurisdiction. The agency should determine the physical security requirements for the facility and decide who is authorized to access agency files. Facility and file security ensure the integrity of the system and the information it contains. In some agencies the accessibility of records during evening and early morning hours becomes problematic. In these instances, specific persons working or available through call-in should be given authority to physically access central records information or have access through computer technology, when available (see standard 74.1.1).

Chapter 82 - Records
Section 1 - Administration
Standard 5 - Report Accounting System
Number 82.01.05

82.1.5 The agency establishes a procedure to account for the status of reports, to include the complaint control recording and field-reporting systems. Commentary: The procedure should ensure that the original report copy is maintained in the records component and that follow-up reports are prepared on a specified schedule, usually ten days. The procedure should also ensure that the correct control number is assigned and accounted for.

Chapter 82 - Records
Section 1 - Administration
Standard 6 - Computer File Backup and Storage
Number 82.01.06

82.1.6 The agency has a process for maintaining security of central records computer systems, to include:

- a. data back-up;
- b. storage;
- c. access security; and
- d. password audits, at least annually.

Commentary: The integrity of a computer system is only as good as the security system in place. Computer files should be backed up according to a regular schedule and comply with record retention laws or regulations, as they exist. The media, tapes, disks, or drives should be stored off-site in a secure facility or area. If used media is not recycled, methods of destruction should be determined to ensure that data is not retrievable from the discarded media (see standard 82.1.3). A regular check of passwords, access codes, and other security devices will maintain the integrity of the records system.

A security system to prevent unauthorized access may be maintained by another government entity. Automated systems for verifying passwords and access security will satisfy the requirements of bullets c and d of this standard.

Chapter 82 - Records
Section 2 - Field Reporting and Management
Standard 1 - Field Reporting System
Number 82.02.01

82.2.1 A written directive establishes a field-reporting system, to include:

- a. guidelines to indicate when reports must be written;
- b. forms to be used in field reporting;
- c. information required in field reports;
- d. procedures to be followed in completing field reports; and
- e. procedures for submitting, processing, and supervisory review of field reports.

Commentary: This directive may be in the form of a field-reporting manual that describes and illustrates the information to be included on report forms. The document should be all-inclusive and serve as the complete user's guide, as well as a resource guide in all field-reporting situations. A suggested set of field-reporting forms would include the following: offense report; supplemental report; traffic accident report; arrest report; property report; prosecution report; and complaint control and miscellaneous incident report. The forms may be more specialized than those listed, e.g., crimes against persons, crimes against property. The forms may also be consolidated to serve the purposes identified in the standard. The complaint control and miscellaneous incident report can be initiated by dispatchers and may serve as a control document and/or as the full report of a miscellaneous incident. The agency should adopt a set of forms to standardize field reporting and structure them to ensure that basic information is captured for all crimes and incidents. Samples of the forms should be included, with clear instructions for filling out and submitting the field reports. Supervisory review should be required as the first step in the submission process, and the form should be designed for the signature or initials of the reviewing supervisor. Typically, supervisory review is a function of the first line supervisor and is intended to ensure that the assignment has been satisfactorily completed and reported consistent with the field-reporting system. If the agency is using a computerized system, the guide should address procedures for use.

Chapter 82 - Records
Section 2 - Field Reporting and Management
Standard 2 - Reporting Requirements
Number 82.02.02

82.2.2 A written directive requires the reporting of every incident in one or more of the following categories if the incident is alleged to have occurred in the agency's service area:

- a. citizen reports of crimes;

- b. citizen complaints;
- c. incidents resulting in an employee being dispatched or assigned;
- d. criminal and noncriminal cases initiated by law enforcement employees; and
- e. incidents involving arrests, citations, or summonses.

Commentary: The purpose of this standard is to require a comprehensive reporting system. A record should be made of actions taken by law enforcement personnel whether in response to a request for service or for self-initiated actions. If two or more persons report the same incident, only one case report should be required. The directive should establish procedures to ensure that proper action is taken to investigate complaints, evaluate suggestions, and correct deficiencies or refer them to proper authorities for correction. The person making the complaint or suggestion should be notified of the action taken. This may be contained in the agency's general field-reporting document.

Chapter 82 - Records

Section 2 - Field Reporting and Management

Standard 3 - Case Numbering System

Number 82.02.03

- 82.2.3 A written directive establishes a case-numbering system, with provisions for the assignment of a unique number to every case. Commentary: A single numbering series (case or incident number) should be employed for all incidents of law enforcement service, including traffic collision investigations, criminal investigations, and miscellaneous calls for law enforcement service. Some activities, such as the issuance of traffic citations, need not be recorded as numbered cases; the citation form itself serves as the report. The numbering system should be designed to ensure that all cases receive a number, that no numbers are omitted, and that no numbers are duplicated.

Chapter 82 - Records

Section 2 - Field Reporting and Management

Standard 4 - Report Distribution

Number 82.02.04

- 82.2.4 A written directive establishes procedures for the distribution of reports and records. Commentary: The directive should specify which types of reports should be routed to the various specialized functions or organizational components for follow-up, and those to be distributed outside the agency. Central records should be the main repository for reports completed by all agency components.

Chapter 82 - Records

Section 2 - Field Reporting and Management

Standard 5 - Reports by Phone, Mail or Internet

Number 82.02.05

82.2.5 If the agency has a system for receiving specified crime and incident report information by telephone, mail, Internet, and/or other emerging technologies in lieu of on-scene response, a written directive specifies the criteria for acceptance. Commentary: The intent of this standard is to improve the use of patrol time. Some crime calls do not require the dispatch of a patrol officer and can be effectively handled by receiving information in an alternative manner. Consideration should be given to developing a list of call types that can be dealt with in an alternative manner.

Chapter 82 - Records

Section 3 - Records

Standard 1 - Master Name Index

Number 82.03.01

82.3.1 The agency maintains an alphabetical master name index.

Commentary: A master name index is a file that includes the names of persons identified in field reports. The index may be manual or automated and should serve as a cross-reference to all documents in which a person has been named. Criteria for including names in the index should be developed based on legal requirements and needs.

Typically, agencies include names of victims, complainants, suspects, persons arrested, and in some cases, witnesses. Consideration should be given to persons involved in traffic accidents.

Chapter 82 - Records

Section 3 - Records

Standard 3 - Traffic Records System

Number 82.03.03

82.3.3 The agency has a traffic records system or access to a comparable system containing:

- a. traffic collision data;
- b. traffic enforcement data; and
- c. roadway hazard information.

Commentary: The traffic records system should provide accurate information to field personnel who are performing primary traffic functions. It should also provide compilations of data upon which management decisions may be based. Some of the required data may be collected and disseminated by other state, provincial, or local

agencies. The records file should contain the locations of all traffic collisions and citations to provide a ready reference for collision/enforcement data related to specific intersections or segments of highways. Ancillary information, such as traffic safety reports, traffic volume data, and traffic distribution reports, may also be kept in the records system.

Chapter 82 - Records

Section 3 - Records

Standard 4 - Traffic Citation Maintenance

Number 82.03.04

82.3.4 A written directive establishes procedures for maintaining records of traffic citations, to include:

- a. issuing citation forms to officers;
- b. accounting for citations; and
- c. storing citations in a secure area.

Commentary: Issuing and accounting for traffic citations should be rigidly controlled. Copies of citations issued by officers should be filed in agency records. Issuing, accounting, and storing of citations may be accomplished by electronic means.

Chapter 83 - Collection and Preservation of Evidence

Section 1 - Administration

Standard 1 - 24 Hour Availability

Number 83.01.01

83.1.1 Qualified personnel are available on 24-hour basis to process a crime scene/traffic collision. Commentary: If a crime/collision has occurred and involves the prompt collection and preservation of physical evidence, 24-hour crime scene processing capability should be available. When the immediate services of a crime scene processor are required, personnel with these skills should be notified as soon as possible. In many cases, the implementation or continuation of the investigative process should await completion of certain aspects of the crime scene processor's work. Therefore, it is important that the processor be notified to coordinate their arrival at the scene and to provide instructions to on-scene personnel on how to proceed until they arrive. Smaller departments may have skilled personnel on call or may have arranged to acquire such personnel from another agency.

Chapter 83 - Collection and Preservation of Evidence

Section 2 - Operations

Standard 1 - Guidelines and Procedures

Number 83.02.01

83.2.1 A written directive establishes guidelines and procedures used for collecting, processing, and preserving physical evidence in the field, and includes the documented transfer of custody of physical evidence, while in the field. Commentary: The agency should develop general guidelines for its approach to crime scene processing. For example, the first rule may be to secure and protect the crime scene. Agency policy should dictate whether processing is to be conducted by field personnel or specialists. Processing procedures should determine the progression of tasks, such as photograph, sketch, fingerprint, mark, and collect. The directive should also provide guidelines for the preferred methods of collecting, marking/labeling, and packaging/storing a variety of evidentiary items. Methods used are those that should preserve the condition of evidence in the process of collection, prevent the introduction of foreign materials to it, and ensure as complete a sample as possible and practical. For physical evidence to be accepted by the court at time of trial, it is essential that the chain of evidence be maintained. The initial step in this process is marking or labeling the item at the time it is collected, seized, or received. Items should be marked so as not to damage or contaminate the evidence. Items that cannot be marked should be placed in an appropriate container, sealed, and the container labeled. Vehicles used for processing crime scenes should have equipment to recover fingerprints, take photographs, sketch the crime scene, and collect and preserve evidence. For all items of evidence gathered at a crime scene, the investigator and/or processor should prepare a list containing a description of the item collected (including make, model, and serial number, if any), the source (person or location obtained from), and the name of the person collecting the item. The inventory is essential to the investigator and the processor for recording activities at the scene and qualifying the evidence at the time of trial. If the evidence is transferred to another person prior to being logged in with the agency, documenting the transfer is critical to maintaining the chain of custody. The record of transfer of physical evidence should include the following: date and time of transfer; receiving person's name and functional responsibility; reason for the transfer; name and location of the laboratory; synopsis of the event; examinations desired; and date of transfer to a laboratory not within the agency. This standard applies to all persons, functions, and components responsible for collecting evidence.

Chapter 83 - Collection and Preservation of Evidence

Section 2 - Operations

Standard 2 - Photography and Video Tapes

Number 83.02.02

83.2.2 A written directive governs procedures used for conventional and digital photography, imaging and videotaping pursuant to the collection and preservation of evidence. The directive specifies the information to be recorded when these methods are used. Commentary: Photographs and/or videotapes are critically important as evidence. Preferably, they should be taken by personnel trained in photography and video procedures. The directive should specify the information to be recorded when photographs and videotapes are taken, as well as the procedure for their storage, in order to be qualified in the future as competent evidence. Procedures should be consistent with applicable statutory and case law.

Chapter 83 - Collection and Preservation of Evidence

Section 2 - Operations

Standard 6 - Report Preparation

Number 83.02.06

83.2.6 A written directive governs the preparation of a report by the person who processes a crime/traffic collision scene. Commentary: An accurate record of events that transpire at the scene in connection with the investigation is required at the time of trial. The directive may require such elements as the following to be included in the report: date and time of arrival at the scene; location of the crime; name of the victims, if known; name of suspect, if known; action taken at the scene, including the number of photographs taken, and whether measurements were made (yes or no); list of physical evidence recovered; and case file reference number. Other information that should be included when a crime scene processor is involved is the date and time a request for service was received, the name of the investigating officer, the disposition of the physical evidence and exposed negatives, and crime scene measurement information.

SOURCE: CALEA STANDARDS MANUAL TEXT FOR LAW ENFORCEMENT AGENTS

This is a comprehensive list of the titles of all Law Enforcement Standards. The 189 highlighted standards constitute the tier 1 option, **CALEA® Law Enforcement Accreditation Program**. The tier 2 option, **CALEA® Advanced Law Enforcement Accreditation Program**, is composed of all the 484 standards listed.

EXHIBIT “11”

EXHIBIT "12"

SCDPS Code of Ethics

WHEREAS, the Department of Public Safety is a law enforcement agency: and,

WHEREAS, the citizens of South Carolina have the right to expect ethical conduct from those whose duty it is to enforce the laws of the state and country; and,

WHEREAS, this duty falls upon all the employees of the Department of Public Safety;

THEREFORE the employees subscribe to the following Code of Ethics.

As a public employee, I believe public service is an honorable profession dedicated to bettering the lives of those I serve and requiring at all times that the public interest be placed above any personal concern.

As a public employee I believe that I should demonstrate the highest standards of personal integrity, truthfulness, honesty, courtesy and fortitude in all my public activities in order to inspire public confidence and trust in public institutions. I will confront and challenge any unethical behavior by my fellow employees and report such behavior to the appropriate supervisor.

The public's opinion about the courtesy, honesty, truthfulness, and personal integrity of public officials and public employees is the premier value sought by citizens. Any individual or collective compromise with respect to these character traits can damage the ability of an agency to perform its tasks or accomplish its mission. .

Therefore, I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions nor will I tolerate such behavior by my fellow employees. I will enforce the law courteously and appropriately without fear, favor, malice or ill will.

As a public employee, I will oppose any discrimination because of race, color, religion, sex, national origin, political affiliation, physical handicaps, age, or marital status, in all aspects of personnel policy. I pledge to serve the public with respect, concern, courtesy, and responsiveness, recognizing that service to the public is beyond service to oneself.

EXHIBIT "13"

South Carolina Oath of Office

SOUTH CAROLINA CONSTITUTION ARTICLE III. LEGISLATIVE DEPARTMENT SECTION 26. Oath of office.

Members of the General Assembly, and all officers, before they enter upon the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath:

"I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected, (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God."

Appellant has no record or evidence that Oaths of office are not required by all public officials, judges, law enforcement personnel, administrators, and many other persons who have voluntarily submitted themselves into the duties of said offices/positions and are given monetary and other benefits for such commitment.

According to Article VI, Clause 3, of the Constitution, *"All executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation to support this Constitution..."*

Appellant hereby makes explicit NOTICE and DECLARATION of one specific Right granted to Appellant by way of the Constitution of the United States; that being, the right to demand all judicial, executive, and legislative officers and agents of the United States government and all sub-corporate governmental entities give their required Oath to protect and defend my unalienable rights, given to me by my Creator; that it be duly recorded and made available to all who may from time to time be, questioned by corporate entities, or, accused of any infamous crime against society.

Appellants acceptance of said "required Oaths" consummates a contract, in fact, and, in force, between all such entities and Appellant with enforceable and punishable ramifications should the offering party fail to fully, promptly, and properly comply.

Appellant accepts, as fact, that Appellant is a party to the Constitution, has sworn a allegiance to the Constitution, and has other "constitutional" rights guaranteed by being a citizen of this country and of this state; South Carolina has overlay jurisdiction.

EXHIBIT “14”

EXHIBIT "15"

EXHIBIT "16"

NOTICE OF MOTION SCHEDULING

April 29, 2016



Motion "MSTRIK - Motion to Strike" for Case: 2015CP4005172 -
Biafra Monique Curtis vs South Carolina Department Of Public Safety
, defendant, et al has been added to the following Motions Roster:

958 - MOTION ROSTER MAY 18, 2016 COURTROOM

This hearing of this motion has been scheduled for 5/18/2016 at 9:30 AM.

RESCHEDULED The above referenced case is scheduled for a Motion Hearing before Judge L. Casey Manning in Courtroom 2-E. The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings. All requests for continuances must be in writing with a \$25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing. ALL ATTORNEYS MUST SEND A PROPOSED ORDER OR MEMORANDUM OF LAW BY Wednesday, May 11, 2016 FOR THE MOTION HEARING THAT IS BEING HEARD ON HARD COPY AND DISK:to
mailto:cmanninglc@sccourts.org

Mail Notice To:

Biafra Monique Curtis
P O Box 21294

Hilton Head, SC 29925

Court Info:

Richland County Common Pleas
Richland County Judicial Center
1701 Main Street
Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

RECEIVED

AUG 10 2016

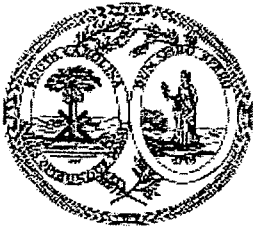
SC Court of Appeals

EXHIBIT “17”

NOTICE OF MOTION SCHEDULING

April 29, 2016

3



Motion "MDISMS - Motion for Dismissal for failure to state a cause of action" for Case: 2015CP4005172 - Biafra Monique Curtis vs South Carolina Department Of Public Safety , defendant, et al has been added to the following Motions Roster:

958 - MOTION ROSTER MAY 18, 2016 COURTROOM

This hearing of this motion has been scheduled for 5/18/2016 at 9:30 AM.

RESCHEDULED The above referenced case is scheduled for a Motion Hearing before Judge L. Casey Manning in Courtroom 2-E. The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings. All requests for continuances must be in writing with a \$25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing. ALL ATTORNEYS MUST SEND A PROPOSED ORDER OR MEMORANDUM OF LAW BY Wednesday, May 11, 2016 FOR THE MOTION HEARING THAT IS BEING HEARD ON HARD COPY AND DISK:to
mailto:cmanninglc@sccourts.org

Mail Notice To:

Biafra Monique Curtis
P O Box 21294
Hilton Head, SC 29925

Court Info:

Richland County Common Pleas
Richland County Judicial Center
1701 Main Street
Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

EXHIBIT “17 (A)”

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Biafra Monique Curtis, Pro Se,)

v.)

Case Number: 2015-CP-40-05172

South Carolina Department of Public)
Safety, Warren Ganjehsani, Mike)
Oliver, Leroy Smith, Kenneth)
Phelps, Anthony Grice, William)
Taylor, Nicklous King, Willie)
McCauley, Jr., Ada Schmidt, Aaron)
Canzater and Cherie Young,)
Individually and in their official)
Capacities,)

RECEIVED
ORDER
AUG 10 2016
SC Court of Appeals

JEANETTE W. MOORE
C.C.P. & C.S.

2016 MAY 20 AM 9:18

RICHLAND COUNTY
FILED

Plaintiff filed this action in Richland County on August 24, 2015. Defendants filed their notice of removal to federal court on September 18, 2015. The initial Complaint stated several causes of action under 42 USC §1983, as well as various state law causes of action. The March 31, 2016 Order of Judge Mary Geiger Lewis dismissed all federal causes of action, including portions of the First cause of action (to the extent it relied on 42 USC §14141), and the Third cause of action (civil rights violations) and the Fourth cause of action (federal conspiracy) in their entirety. The case was then remanded to the Richland County Court of Common Pleas. The named defendants were heard on the balance of the motion to dismiss, pursuant to Rule 12(b)(6), on May 18, 2016 in Richland County Courtroom 2-E at 9:30 a.m. All Defendants moved for dismissal of the remaining state court causes of action on the following grounds:

1. The action is barred, as to all state law causes of action, by the applicable statute of limitations, set forth in S. C. Code §15-78-100;

(7)

consider all well-pled allegations as true." *Fabian v. Lindsay*, 410 S.C. 475, 481, 765 S.E.2d 132, 136 (2014).

CONCLUSIONS OF LAW:

These Defendants are entitled to dismissal of plaintiff's state law causes of action, including the First Cause of Action (which includes Negligent Infliction of Emotional Distress, Negligent Supervision, and Negligence Per Se), Fifth cause of action (Dereliction of Duty), Sixth Cause of action (Crimes of Moral Turpitude), Seventh Cause of action (Violation of Policy), and Eighth Cause of action (Systemic Neglect of Duty) pursuant to S. C. Code of Laws, §15-78-100, as no verified claim was made within one year of the September 27, 2012, incident date alleged in the Complaint, pursuant to S.C. Code §15-78-80, and this action was not filed until August 24, 2015, more than two years after the date of the September 27, 2012, accident upon which Plaintiff's case is based. For this reason, even if the allegations are otherwise actionable, blanket dismissal of all state law causes of action is appropriate.

The individual Defendants are further entitled to dismissal from the First, Fifth, Seventh and Eighth Causes of Action, as they were all acting within the course and scope of their employment at all times alleged by Plaintiff. The South Carolina Tort Claims Act, S.C. Code §15-78-10, et seq., "is the exclusive and sole remedy for any tort committed by an employee of a governmental entity while acting within the scope of the employee's official duty." S.C. Code §15-78-200. Pursuant to S.C. Code §15-78-70, the individual government employees cannot be sued for causes of action related to conduct in the scope of their duty. The allegations described in the

SCANNED

First Cause of Action regard activity exclusively within the scope of employment of all individual defendants, and for this reason dismissal of the individual defendants from these state law causes of action is appropriate.

These Defendants are further entitled to dismissal of the plaintiff's Second (Violation of Oath of Office), Fifth Cause of Action (Dereliction of Duty of Elected Official), Sixth Cause of Action (Crimes of Moral Turpitude), Seventh causes of action (Violation of Department Handbook), and the Eighth Cause of action (Systematic Neglect of Duties), as these causes of action provide no private right of action upon which Plaintiff is entitled to seek relief. See also *Trask v Beaufort County*, 392 S.C. 560, 709 S.E.2d 536 (Ct. App. 2011); See also §23-6-30, §23-6-40, and §23-6-140, S.C. Code of Laws.

"The Public Duty Rule insulates public officials, employees, and governmental entities from liability for the negligent performance of their official duties by negating the existence of a duty toward the plaintiff." *Arthurs v. Aiken County*, 346 S.C. 97, 104, 551 S.E.2d 579 (2001). "The Public Duty Rule holds that public officials are generally not liable to individuals for their negligence in discharging public duties because the duty is owed to the public at large rather than to anyone individually." *Wells v. City of Lynchburg*, 331 S.C. 296, 306, 501 S.E.2d 746 (Ct. App. 1998). "Statutes which create or define the duties of a public office create no duty of care towards individual members of the general public." *Arthurs v. Aiken County*, 346 S.C. at 105-6 (2001). "Thus, where the duty is owed to the public in general, the official is not liable to an individual who may have been "incidentally injured" by the failure to perform the duty." *Wells v. City of Lynchburg*, 331 S.C. 296,

SCANNED

2. The individual defendants, as state employees, cannot be sued for the state law causes of action, pursuant to S. C. Code §15-78-70; and

3. Any duties of the defendants are public duties, and the plaintiff has no private right of action against defendants for Violation of Oath of Office, Dereliction of Duty of Elected Official, Crimes of Moral Turpitude, Violation of Department Handbook, or Systematic Neglect of Duties.

FINDINGS OF FACT:

This action arises from an automobile accident that occurred on September 27, 2012. Plaintiff alleges she was the victim of an accident on Interstate 26 in South Carolina, having been forced off the road by an unknown driver in a vehicle collision. Plaintiff alleges the failure of the South Carolina Highway Patrol, a division of the South Carolina Department of Public Safety, to properly investigate the wreck deprived her of her opportunity to sue the alleged at fault driver for her injuries. Plaintiff named each individual involved in processing the accident, maintaining records related to the accident, and all officers who responded to her requests for information as defendants in this matter. Defendants deny all allegations of wrongdoing, but assert that no private right of action arises even if the allegations were true. Defendants further assert the statute of limitations and the South Carolina Tort Claims Act bars the state law causes of action.

APPLICABLE STANDARD OF REVIEW:

"A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must

SCANNED

307, 501 S.E.2d 746 (Ct. App. 1998), quoting *Parker v. Brown*, 195 S.C. 35, 10 S.E.2d 625 (1940); See also *Steinke v. S.C. Dep't of Labor, Licensing, & Regulation*, 336 S.C. 373, 520 S.E.2d 142 (1999).

In this case, the essential purpose of the cited oaths, regulations, statutes, handbooks, and guidelines is not to preserve civil actions on behalf of the public. See *Rayfield v. South Carolina Department of Corrections*, 297 S.C. 95, 374 S.E.2d 910 (Ct.App.1988), *cert. denied*, 298 S.C. 204, 379 S.E.2d 133 (1989). Therefore, these Defendants owed no particular duty to Plaintiff, and any alleged violation is not actionable.

WHEREFORE, Plaintiff's cause of action is untimely, improperly alleged against individual governmental employees acting well within the course and scope of their employment, and premised on concepts that do not give rise to individual causes of action. These defendants are entitled to dismissal of this action, in its entirety, under §15-78-100 and §15-78-80, S.C. Code of Laws, and pursuant to the Public Duty Rule.

THEREFORE, IT IS ORDERED, Plaintiff's causes of action are hereby dismissed in their entirety, under SCRCP 12(b)(6), as the Complaint fails to state a claim upon which relief can be granted. This action is hereby dismissed, with prejudice.

AND IT IS SO ORDERED!

Chantia, S.C.
May 16, 2016

L. Casey Manning
The Honorable L. Casey Manning
Fifth Judicial Circuit

SCANNED

EXHIBIT "18"

(3)

FORM 4

JUDGMENT IN A CIVIL CASE

(4)

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

CASE NUMBER: 2015CP4005172

Biafra Monique Curtis

RECEIVED

South Carolina Department Of Public Safety

Warren Ganjehsani

PLAINTIFF(S)

DEFENDANT(S)

AUG 10 2016

Submitted by:

SC Court of Appeals

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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit);
☐ Rule 43(k), SCRCP (Settled); ☐ Other _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ 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

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
		\$
		\$
		\$

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.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 33 day of May, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Biafra Monique Curtis

Alison Dennis Hood

Biafra Monique Curtis

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Clerk of Court

Jeanette W. McBride

EXHIBIT “19”

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

FORM 4
RECEIVED

JUDGMENT IN A CIVIL CASE

AUG 10 2016

CASE NUMBER: **2015CP4005172**

Biafra Monique Curtis

South Carolina Department Of Public Safety

SC Court of Appeals
Plaintiff(S) Sanjehsani
Defendant(S)

Submitted by: _____

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. No. Suit); ☐ 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:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : _____

Motion to Strike is moot. Motion for Dismissal has been granted.

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
		\$
		\$
		\$

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.

Circuit Court Judge _____

Judge Code 2061

Date 5-18-16

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 23 day of May, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Biafra Monique Curtis

Alison Dennis Hood

Biafra Monique Curtis

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court Jeanette W. McBride

EXHIBIT "20"

NESS & JETT, LLC
ATTORNEYS AT LAW
P.O. BOX 909
BAMBERG, SOUTH CAROLINA 29003

RICHARD B. NESS†*
NORMA A. T. JETT*

*CERTIFIED CIRCUIT COURT MEDIATOR
†AMERICAN BOARD OF TRIAL ADVOCATES

2878 MAIN HIGHWAY
Telephone 803/245-5178
Telecopier 803/245-5384

ALISON DENNIS HOOD
ADAM C. NESS
R. AARON NESS

JULIUS B. NESS
1916-1991

September 2, 2016

Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: *Biafra Monique Curtis v. SCDPS, et al.*
Appellate Case Number: 2016-001239

RECEIVED
SEP 02 2016
SC Court of Appeals

Dear Ms. Kitchings:

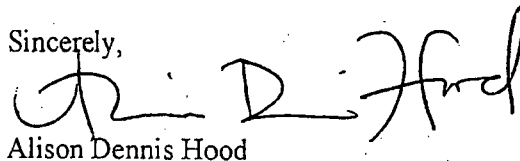
Enclosed for filing please find the original and one copy of **Respondents' Designation of Matter to be Included in the Record on Appeal and Respondents' Initial Brief**, as well as a Certificate of Service. Please clock in one copy of each as my proof of filing and return it to me in the enclosed envelope.

Please additionally find enclosed an original and one copy of **Respondents' Motion to Exclude Matter From the Record on Appeal**, as well as a check for the filing fee.

By copy of this letter, I am serving a copy of these items on Appellant as shown below.

Thank you for your assistance.

Sincerely,



Alison Dennis Hood

ADH
Enclosures

cc: Biafra Monique Curtis
Appellant
PO Box 21294
Hilton Head Island, SC 29925

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No. 2016—001239

Biafra Monique Curtis.....Appellant

v.

South Carolina Department of Public Safety, Warren Ganjehsani, Mike Oliver, Leroy
Smith, Kenneth Phelps, Anthony Grice, William Taylor, Nicklous King, Willie
McCauley, Jr. Ada Schmidt, Aaron Canzater and Cherie young, individually and in their
Official Capacities.....Respondents

Respondents' Initial Brief

Norma A. T. Jett
Alison Dennis Hood
Ness & Jett, LLC
Attorneys for Respondents

RECEIVED
SEP 02 2016
SC Court of Appeals

TABLE OF CONTENTS

Table of Authorities.....	iii
Statement of the Issues on Appeal.....	1
Counter Statement of the Case.....	1
Standard of Review.....	4
Argument.....	5
I. The Trial Court Correctly Dismissed the Complaint in this Action Under Rule 12(b)(6), SCRCP.....	5
A. South Carolina does not Recognize a Private Cause of Action for Failure to Investigate a Claim.....	5
B. Appellant's Causes of Action are Time-Barred By the Statute of Limitations in the South Carolina Tort Claims Act.....	7
C. The Individual Defendants are Immune from Suit Under the South Carolina Tort Claims Act.....	9
Conclusion.....	10

South Carolina Statutes:

§23-6-30.....	5
§23-6-40.....	5
§23-6-140.....	5
§15-78-10, et seq.....	9
§15-78-30(d).....	8
§15-78-70.....	3, 9
§15-78-80.....	7
§15-78-100.....	3, 6, 7, 8
§15-78-110.....	8
§15-78-200.....	9

Federal Statutes:

42 USC §1983.....	2, 3
42 USC §14141.....	2, 3
42 USC §1981.....	2
42 USC §1985.....	2, 3
42 USC §1988.....	2

Issues on Appeal

- I. Did the Trial Court Err in Dismissing the Complaint in this Action Under Rule 12(b)(6), SCRPC?
 - A. Does South Carolina law create a private cause of action for failure to investigate a complaint?
 - B. Does the Tort Claims Act statute of limitations operate to bar Appellant's remaining negligence claims?
 - C. Are the individual Respondents immune from suit, under the South Carolina Tort Claims Act?

Counter-Statement of the Case

This action arises from an automobile accident that occurred on September 27, 2012. Biafra Monique Curtis, hereafter Appellant, alleges she was the victim of an accident on Interstate 26 in South Carolina, having been forced off the road by an unknown driver in a vehicle collision. Appellant alleges the failure of the South Carolina Highway Patrol, a division of the South Carolina Department of Public Safety, to properly investigate the wreck deprived her of the opportunity to recover damages from the alleged at-fault driver, for her injuries. In her complaint, Appellant names as a Defendant each individual involved in processing the accident, maintaining records related to the accident, and all officers who responded to her requests for information or requests for inquiry into the handling of the investigation of the accident. *See Complaint.*

Appellant filed her forty-six page Complaint in Richland County on August 24, 2015. All Respondents filed their joint notice of removal to federal court on September 18, 2015. *See Notice of Removal.* The initial Complaint stated several causes of action

under 42 USC §1983, as well as various state and federal law causes of action. Those causes of action include:

- First: As to South Carolina Department of Public Safety, State Law Negligence, Gross Negligence (Sub-causes of action for Negligent Infliction of Emotional Distress; Negligent Supervision; Negligence Per Se) and Federal Cause of Action for violations of 42 U.S.C. §14141
- Second: As to all Defendants, Violation of Oath of Office, under Article VI, Clause 3, of the U.S. Constitution
- Third: As to all Defendants, Violation of Civil Rights, under Title 28 U.S.C. 42, §§ 1981 and 1983 and the 1991 Civil Rights Act
- Fourth: As to all Defendants, Conspiracy to Interfere with Civil Rights under 42 U.S.C. §1985, violations of the Fair Labor Standards Act, and violations of 42 U.S.C. §1988
- Fifth: As to all Defendants, Dereliction of Duty, under a Res Ipsa Loquitur standard
- Sixth: As to all Defendants, Crimes of Moral Turpitude, under the 6th Amendment to the Federal Constitution
- Seventh: As to all Defendants, Violation of the SC Department of Public Safety Policies and Procedures
- Eighth: As to all Defendants, Systemic Neglect of Duty, Failure to Supervise and Failure to Train

On September 21, 2015, Defendants filed their Motion for Dismissal, pursuant to Fed. R. Civ. P. 12(b)(6), seeking dismissal of the action in its entirety. *See September 21, 2015, Notice of Motion and Motion for Dismissal for Failure to State A Claim, and Memorandum in Support of the Motion.* By Order of the Court, dated March 31, 2016, Judge Mary Geiger Lewis dismissed all federal causes of action, including portions of the First Cause of action (to the extent it relied on 42 USC §14141), and the Third cause of

action (Civil Rights Violations) and the Fourth Cause of action (federal conspiracy), in their entirety. Judge Lewis concluded that the complaint alleged only three actionable federal causes of action, under 42 U.S.C. §14141, 42 U.S.C. §1983, and 42 U.S.C §1985, and dismissed them all, while declining to exercise supplemental jurisdiction over Appellant's state law claims, which were remanded to Richland County. Appellant failed to appeal the Order.

On remand, Respondents were heard on their motion to dismiss the balance of the complaint, pursuant to Rule 12(b)(6), SCRCF, on May 18, 2016 in Richland County Courtroom 2-E at 9:30am, before the Honorable Casey Manning. *See Memorandum in Support of Motion to Dismiss; Transcript of Hearing, May 18, 2016.*

Respondents' motion was based on the following: (1) the remaining state law causes of action were time-barred by the applicable statute of limitations, set forth in S.C. Code §15-78-100; (2) the individual defendants were acting within the course and scope of their employment at all times alleged to be relevant to this cause of action, and are therefore immune from suit under S.C. Code §15-78-70; and (3) any duty owed to Appellant in this action is a public duty, creating no private right of action and offering no remedy at law.

After oral arguments on the matters described above, Judge Manning took the matter under advisement. A signed Order was sent to counsel for the Respondents by Judge Manning's office, bearing the date May 16, 2016. Counsel forwarded the order on to Appellant, proceeding pro se, that same day, by letter dated May 25, 2016. *See May 25, 2016 letter.* A few days later, the Clerk of Court sent a copy of the recorded Order to all parties, along with the executed Form 4, bearing the date May 18, 2016. Counsel

forwarded that copy along to Appellant as well, by letter dated June 3, 2016. *See June 3, 2016 letter.*

The original document was entered by the Clerk of Court for Richland County on May 20, 2016. It appears that Judge Manning may have committed a scrivener's error in entering the date of May 16, 2016 on page 5 of the Order, and entering the correct date of May 18, 2016 on the Form 4. *See May 18, 2016 Order.* This scrivener's error is of no consequence in this matter. Appellant failed to file a motion for reconsideration.

Appellant's Initial Brief was served on Respondent by U.S. Mail, with a printed postmark dated August 8, 2016, though Respondent filed an Affidavit of Service with the Court indicating that service was effective on August 5, 2016. *See Affidavit of Service and Service Envelope.*

STANDARD OF REVIEW

"A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true." *Fabian v. Lindsay*, 410 S.C. 475, 481, 765 S.E.2d 132, 136 (2014). The appellate court applies the same standard of review as the circuit court in reviewing the dismissal of an action pursuant to Rule 12(b)(6), SCRCF. *Doe v. Marion*, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). "A motion to dismiss under Rule 12(b)(6) should not be granted if facts alleged and inferences reasonably deducible therefrom would entitle the plaintiff to relief on any theory of the case." *Flateau v. Harrelson*, 355 S.C. 197, 202, 584 S.E.2d 413, 415 (Ct. App. 2003). "The question is whether, in the light most favorable to the plaintiff and with every doubt resolved in his

behalf, the complaint states any valid claim for relief.” *Cole Vision Corp. v. Hobbs*, 394 S.C. 144, 149, 714 S.E.2d 537, 539 (2011).

ARGUMENT

I. The Trial Court Correctly Dismissed the Complaint in This Action Under Rule 12(b)(6), SCRPC.

A. South Carolina Does Not Recognize a Private Cause of Action for Failure to Investigate a Claim.

The lower court properly dismissed the remaining causes of action, as the alleged violations provide no private right of action upon which Plaintiff is entitled to seek relief. *See Trask v Beaufort County*, 392 S.C. 560, 709 S.E.2d 536 (Ct. App. 2011); *See also* §23-6-30, §23-6-40, and §23-6-140, S.C. Code of Laws.

Appellant’s sprawling allegations all center on the central complaint regarding her vehicle accident. Appellant claims the failures of the respondents resulted in Appellant’s inability to recover civil damages from the drivers of the vehicles, which may have contributed to her vehicle accident. Essentially, Appellant alleges the failure to properly identify the parties contributing to the accident at the roadside on September 27, 2012 denied Appellant her potential for recovery in civil court. Appellant claims these damages, including lost wages, medical bills, future medical care, and property damage related to the accident, are properly imputed to the named-Defendants, who may have violated some policies or procedures in investigating her accident or investigation the actions of the officers themselves after the fact. *See Complaint, Page 44*. This position is unsupported by South Carolina law.

“The Public Duty Rule insulates public officials, employees, and governmental entities from liability for the negligent performance of their official duties by negating the existence of a duty toward the plaintiff.” *Arthurs v. Aiken County*, 346 S.C. 97, 104, 551 S.E.2d 579, 583 (2001). “The Public Duty Rule holds that public officials are generally not liable to individuals for their negligence in discharging public duties because the duty is owed to the public at large rather than to anyone individually.” *Wells v. City of Lynchburg*, 331 S.C. 296, 306, 501 S.E.2d 746, 751 (Ct. App. 1998). “Statutes which create or define the duties of a public office create no duty of care towards individual members of the general public.” *Arthurs v. Aiken County*, 346 S.C. 97, 105-6, 551 S.E.2d 579, 583 (2001). “Thus, where the duty is owed to the public in general, the official is not liable to an individual who may have been “incidentally injured” by the failure to perform the duty.” *Wells v. City of Lynchburg*, 331 S.C. 296, 501 S.E.2d 746 (Ct. App. 1998), quoting *Parker v. Brown*, 195 S.C. 35, 10 S.E.2d 625 (1940); *See also Steinke v. S.C. Dep’t of Labor, Licensing, & Regulation*, 336 S.C. 373, 520 S.E.2d 142 (1999). “The public duty rule is a rule of statutory construction, which aids the court in determining whether the legislature intended to create a private right of action for a statute’s breach. It is a negative defense, which denies the existence of a duty of care owed to the individual.” *Repko v. Cty. Of Georgetown*, 416 S.C. 22, 36, 785 S.E.2d 376, 383 (Ct. App. 2016), *rehearing denied* (May 20, 2016), *citing Vaughan v. Town of Lyman*, 370 S.C. 436, 635 S.E.2d 631 (2006).

As none of the respondents contributed in any way to the accident itself, Appellant’s Complaint alleges causes of action only for violations of the Policies and Procedures Manual of the South Carolina Traffic Collision Report Manual, violations of

oaths of office, moral turpitude in failing to properly enter information into the CAD system, and violations of the Department of Public Safety Disciplinary Action Policy. *See Complaint, Page 23, Paragraph 35; Page 24, Paragraph 37; Page 37, Paragraph 46; and Page 40, Paragraph 48.*

The essential purpose of the cited regulations and policies is not to preserve civil actions on behalf of the public, which is the basis of Appellant's Complaint. *See Rayfield v. South Carolina Department of Corrections*, 297 S.C. 95, 374 S.E.2d 910 (Ct.App.1988), *cert. denied*, 298 S.C. 204, 379 S.E.2d 133 (1989). Appellant does not allege the existence of any special duty. *See Trask v. Beaufort County*, 392 S.C. 560, 708 S.E.2d 536 (Ct. App. 2011). Therefore, the Respondents owed no particular duty to Plaintiff, and any alleged violation is not actionable.

On Appeal, Appellant raises the issue of a letter from Respondent Warren V. Ganjesani, General Counsel for the Department of Public Safety, stating that the investigation into this matter was complete. This letter references the full investigation completed by the Insurance Reserve Fund. *See June 10, 2015 Letter of Warren V. Ganjehsani*. This letter is not the basis of any cause of action found within the Complaint. *See Rule 12(b)(6), SCRPC*.

The lower court properly found any duty owed to Appellant was a public duty, the breach of which cannot create a private cause of action.

B. Appellant's Causes of Action Are Time-Barred By the Statute of Limitations in the South Carolina Tort Claims Act

The lower court correctly found Respondents are entitled to dismissal of plaintiff's state law causes of action, pursuant to S. C. Code of Laws, §15-78-100, as no verified claim was made within one year of the September 27, 2012, incident date alleged in the Complaint, pursuant to S.C. Code §15-78-80, and this action was not filed until August 24, 2015, more than two years after the date of the September 27, 2012, accident upon which Appellant's case is based. For this reason, even if the allegations are otherwise actionable, blanket dismissal of all state law causes of action is appropriate.

Appellant argues that her causes of action are not subject to the statute of limitations, as her causes of action did not accrue until she received word from the General Counsel of the Department of Public Safety notifying her that the investigation into the vehicle accident and her complaints regarding the handling of the accident had not yielded any information about the driver of the vehicle which ran her off the road. *See Transcript of Testimony, Page 10, line 20—Page 12, line 3.* Further, Appellant claims her complaints center on the failure of the Department of Public Safety and its employees to discipline or censure the officers who responded to her accident for failing to obtain the identification of the driver of the vehicle who alleged ran Appellant off the road. Appellant claims this failure occurred within the appropriate time frame, given the filing of her action, and renders the lower court's dismissal improper. *Ibid.*

The South Carolina Department of Public Safety is a "governmental entity" as defined by S.C. Code Ann. § 15-78-30(d) (Supp.1998). The Tort Claims Act, which governs tort claims against governmental entities, contains a two year statute of limitations which is applicable in this case. *See* S.C. Code Ann. § 15-78-100(a) (Supp.1998); S.C. Code Ann. § 15-78-110 (Supp.1998). Pursuant to § 15-78-110, S.C.

Code of Laws, “any action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered.”

The discovery rule is applicable to actions brought under the Tort Claims Act. *Barr v. City of Rock Hill*, 330 S.C. 640, 500 S.E.2d 157 (Ct.App.1998). All of Appellant’s allegations accrued, if at all, on September 27, 2012, the date she suffered her vehicle accident. All injuries and damages accrued that day. Additionally, Appellant received the accident report from the responding officers the day of the collision, and was put on notice that the investigation did not yield identifying information related to the driver who likely caused the accident. *See Complaint, Page 7, Paragraph 17.*

The Complaint in this action is dated August 24, 2015, more than two years from the date of the accident. The lower court did not err in finding Appellant’s claims to be time-barred by operation of the South Carolina Tort Claims Act.

C. Individually Named-Defendants are Immune from Suit.

The lower court, accepting the allegations of the Complaint as true, determined that the individuals named in the complaint were acting within the course and scope of their employment at all times alleged during the Complaint. Appellant did not allege any activity outside the course and scope of employment. *See Order, May 18, 2016; Complaint.*

The South Carolina Tort Claims Act, S.C. Code §15-78-10, et seq., “is the exclusive and sole remedy for any tort committed by an employee of a governmental entity while acting within the scope of the employee’s official duty.” S.C. Code §15-78-

200. Pursuant to S.C. Code §15-78-70, the individual government employees cannot be sued for causes of action related to conduct in the scope of their duty.

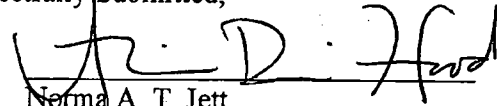
"An act is within the scope of a servant's employment where [it is] reasonably necessary to accomplish the purpose of his employment and in furtherance of the master's business." *Armstrong v. Food Lion, Inc.*, 371 S.C. 271, 276, 639 S.E.2d 50, 52 (2006). The allegations described in the Complaint regard activity exclusively within the scope of employment of all individual respondents, and for this reason dismissal of the individual respondents from these state law causes of action is appropriate. There is no mention of any activity by any individual outside the course and scope of their respective obligations of employment.

Accepting the allegations of the complaint as true, the lower court properly dismissed the individual respondents who were acting within the course and scope of their employee.

CONCLUSION

For the reasons set forth above, Respondents pray this Court consider these matters and issue its opinion, upholding the lower court, and dismissing this appeal in its entirety.

Respectfully Submitted,



Norma A. T. Jett
Alison Dennis Hood
Ness & Jett, LLC
P.O. Box 909
Bamberg, SC 29003
Phone: (803) 245-5178
Fax: (803) 245-5384
Attorneys for Respondent

Bamberg, S.C.
Sept 2, 2016

CERTIFICATE OF SERVICE

This is to certify that I, Alison Dennis Hood, Attorney for ALL RESPONDENTS, along with Richard B. Ness of Ness & Jett, LLC, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **RESPONDENTS' INITIAL BRIEF AND INITIAL DESIGNATION OF MATTER, along with a MOTION TO EXCLUDE MATTER FROM RECORD ON APPEAL** in the matter captioned *Biafra Monique Curtis, Pro Se v. SCDPS, et al.*, Appellate Case Number: 2016-001239 to the following parties, at the following addresses:

Biafra Monique Curtis
P.O. Box 21294
Hilton Head, SC 29925

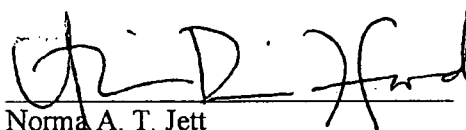
RECEIVED

SEP 02 2016

SC Court of Appeals

Bamberg, S.C.

Sept 2, 2016



Norma A. T. Jett

Alison Dennis Hood

Ness & Jett, LLC

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Phone: (803) 245-5178

Fax: (803) 245-5384

Attorneys for All Respondents

EXHIBIT “21”

CANON 3

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

A. Judicial Duties in General. The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law.* In the performance of these duties, the following standards apply.

B. Adjudicative Responsibilities.

(1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.

(2) A judge shall be faithful to the law* and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

(3) A judge shall require* order and decorum in proceedings before the judge.

(4) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require * similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability or age, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

(6) A judge shall require* lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability or age, against parties, witnesses, counsel or others. This Section 3B(6) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, or other similar factors, are issues in the proceeding.

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.* A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding except that:

(a) Where circumstances require, ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided:

(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and

(ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.

(b) A judge may obtain the advice of a disinterested expert on the law* applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond.

(c) A judge may consult with court personnel* whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges.

(d) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge.

(e) A judge may initiate or consider any ex parte communications when expressly authorized by law* to do so.

To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge.

A judge must make reasonable efforts, including the provision of appropriate supervision, to ensure that Section 3B(7) is not violated through law clerks or other personnel on the judge's staff.

C. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require* staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

D. Disciplinary Responsibilities.

(1) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code should take appropriate action. A judge having knowledge* that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the appropriate authority.*

(2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct contained in Rule 407, SCACR, should take appropriate action. A judge having knowledge* that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority.*

(3) Acts of a judge, in the discharge of disciplinary responsibilities, required or permitted by Sections 3D(1) and 3D(2) are part of a judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

EXHIBIT "22"

EXHIBIT "23"

EXHIBIT "24"

GEORGIA OUTREACH
JUDITH S. SAUCERMAN, LCSW

Office:

7130 Hodgson Memorial Drive, Suite 101
Savannah, GA 31406

Phone: 912-355-3881

Mailing address:

PO Box 13309
Savannah, GA 31416

Fax: 912-355-3887

December 21, 2016

Ms. Biafra M. Curtis
41 Lake Linden Lane
Bluffton, South Carolina 29910

Dear Biafra:

I have been seeing you in therapy since October 15, 2015. I am writing this letter at your request to attest to your state of mind regarding your ongoing challenge to obtain justice related to your automobile accident. You have related that your complaint submitted to the Office of Professional Responsibility was first acknowledged as being valid and warranting an investigation. Yet, five days later, the investigation was refused, therefore blocking any opportunity for you to have your complaint investigated. You had been depressed prior to this, owing to your accident, but your depression deepened at that time.

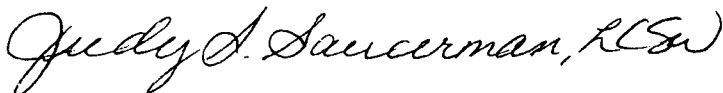
We discussed this situation during your sessions in therapy. When you received the letter stating there would be no investigation, your depression, which was very serious, took a turn for the worse, and has remained very serious since then. You tried many avenues to receive support in this legal process and at each turn, you were refused, and your depression and emotional distress grew markedly worse each time.

You have expressed your disillusionment with the possibility of receiving justice, which has affected your core values, as you have told me of your idea of pursuing a law degree. You stated you used to have faith in the legal system, but that faith has all but died.

You have reported nightmares, flashbacks, restricted ability to drive, and great anxiety. You have had to receive medication for major depression, anxiety and post-traumatic stress disorder.

I would expect that you will need further treatment for nine months to a year to reduce your symptoms to a tolerable level.

Respectfully,



Judy S. Saucerman, LCSW

EXHIBIT “25”

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No. 2016—001239

Biafra Monique Curtis.....Appellant

v.

South Carolina Department of Public Safety, Warren Ganjehsani, Mike Oliver, Leroy
Smith, Kenneth Phelps, Anthony Grice, William Taylor, Nicklous King, Willie
McCauley, Jr. Ada Schmidt, Aaron Canzater and Cherie young, individually and in
their Official Capacities.....Respondents

MOTION TO EXCLUDE MATTER FROM RECORD ON APPEAL

YOU WILL PLEASE TAKE NOTICE, RESPONDENTS, by and through their
undersigned attorneys, will move the Court for an Order striking portions of the
Record on Appeal, as designated by Appellant, pursuant to Rule 210 (c), SCACR, as
the designated matter was not submitted to the lower court and is therefore
extraneous and should not properly be included within the Record on Appeal.

Particularly, Respondents request the following matter be stricken from the
Record on Appeal:

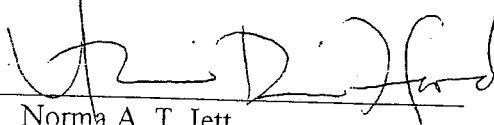
1. Defendants' Attorneys Discovery "Response and Objection" dated December 21, 2015

This motion is based upon the Transcript of the Hearing on this matter, dated May 18, 2016, which contains no clear reference to this discovery documentation being submitted to the Court for consideration. The undersigned has no record of the discovery responses ever having been submitted to the court or to the clerk. Upon information and belief, this particular matter was not submitted to the lower court, and Rule 210(c), SCACR prohibits its inclusion within the Record on Appeal.

September 2, 2016

Respectfully submitted,

By:



Norma A. T. Jett
Alison Dennis Hood
NESS & JETT, LLC
P.O. Box 909
Bamberg, South Carolina 29003
Telephone (803) 245-5178
Fax (803) 245-5384
ATTORNEY FOR ALL RESPONDENTS

CERTIFICATE OF SERVICE

This is to certify that I, Alison Dennis Hood, Attorney for ALL RESPONDENTS, along with Richard B. Ness of Ness & Jett, LLC, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **RESPONDENTS' INITIAL BRIEF AND INITIAL DESIGNATION OF MATTER, along with a MOTION TO EXCLUDE MATTER FROM RECORD ON APPEAL** in the matter captioned *Biafra Monique Curtis, Pro Se v. SCDPS, et al.*, Appellate Case Number: 2016-001239 to the following parties, at the following addresses:

Biafra Monique Curtis
P.O. Box 21294
Hilton Head, SC 29925

Bamberg, S.C.
Sept 2, 2016



Norma A. T. Jett
Alison Dennis Hood
Ness & Jett, LLC
P.O. Box 909
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Fax: (803) 245-5384
Attorneys for All Respondents

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

RECEIVED

SEP 19 2016

Judge L. Casey Manning, Fifth Judicial Circuit

SC Court of Appeals

Case No:2016-CP-001239

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent(s)

V.

Biafra Monique Curtis, Pro Se

Appellant

RESPONSE TO MOTION TO EXCLUDE MATTER FROM RECORD ON APPEAL

YOU WILL PLEASE TAKE NOTICE, APPELLANT, moves the court for an Order objecting to striking any portions of the Record on Appeal and if, as stated in the defense attorneys motion to strike matter which was prepared, addressed to the United States District Court, signed, dated and mailed to the Appellant by use of the United States Postal Service, but not submitted to the lower court, then it seems to this writer that there is a possibility of fraud on the court or at least or evidence that the judicial process may have been polluted by way of fraudulent actions and omissions, as per; "McNally v. U.S., 483 U.S. 350, 371-372 (1987), Quoting U.S. v Holzer, 816 F.2d. 304, 307: ""**Fraud in its elementary common law sense of deceit - and this is one of the meanings that fraud bears in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir. 1985) - includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them he is guilty of fraud or evidence that false representation does not**

constitute fraud. "Any false representation of material facts made with knowledge of falsity and with intent that it shall be acted on by another in entering into contract, and which is so acted upon, constitutes 'fraud,' and entitles party deceived to avoid contract or recover damages." Barnsdall Refining Corn. v. Birnam Wood Oil Co. 92 F 26 817 or evidence that defendants attorney(s) are not guilty of Sham Pleading. "Those which are inherently false and must have been known by interposing party to be untrue." Pentecostal Holiness Church, Inc. v. Mauney, Fla App., 270 So.2d 762, 769. or evidence that defense attorney(s) did not promote the functions of Aider and Abettor. "One who advises, counsels, procures, or encourages another to commit a crime, himself being guilty of some overt act or advocacy or encouragement of his principal, actually or constructively present when crime is committed, and participating in commission thereof by some act, deed, word, or gesture, Turner v Commonwealth, 268 Ky. 311, 104 S.W. 2D 1085, and sharing the criminal intent of the principal."

This writer is now concerned with Offenses Against Public Justice.

SECTION 16-9-10. Perjury and subornation of perjury.

(A)(1) It is unlawful for a person to wilfully give false, misleading, or incomplete testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State.

(2) It is unlawful for a person to wilfully give false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State.

(B)(1) A person who violates the provisions of subsection (A)(1) is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(2) A person who violates the provisions of subsection (A)(2) is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not less than one hundred dollars, or both.

(C) A person may be convicted under this section if he induces, procures, or persuades another person to commit perjury or if he commits perjury by his own act, consent, or agreement.

HISTORY: 1962 Code Section 16-201; 1952 Code Section 16-201; 1942 Code Section 1397; 1932 Code Section 1397; Cr. C. '22 Section 332; Cr. C. '12 Section 340; Cr. C. '02 Section 253; G. S. 2531; R. S. 217; 1712 (2) 487; 1993 Act No. 184, Section 89.

SECTION 16-9-20. Subornation of perjury in civil actions.

(A) It is unlawful for a person to:

(1) wilfully induce, procure, or persuade another person by any means to commit perjury in initiating a civil action or proceeding; or

(2) wilfully induce, procure, or persuade another person to give false, misleading, or incomplete testimony while under oath in a civil action or proceeding.

(B) A person who violates the provision of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months and fined not less than two hundred dollars.

HISTORY: 1962 Code Section 16-202; 1952 Code Section 16-202; 1942 Code Section 1398; 1932 Code Section 1398; Cr. C. '22 Section 333; Cr. C. '12 Section 341; Cr. C. '02 Section 254; G. S. 2532; R. S. 218; 1712 (2) 487; 1993 Act No. 184, Section 90.

SECTION 16-9-30. False swearing before persons authorized to administer oaths.

It is unlawful for a person to wilfully and knowingly swear falsely in taking any oath required by law that is administered by a person directed or permitted by law to administer such oath.

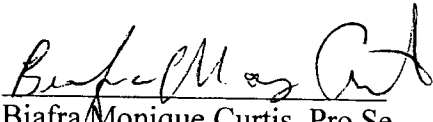
A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

HISTORY: 1962 Code Section 16-203; 1952 Code Section 16-203; 1942 Code Section 1400; 1932 Code Section 1400; Cr. C. '22 Section 335; Cr. C. '12 Section 343; Cr. C. '02 Section 256; G. S. 2534; R. S. 220; 1833 (2) 485; 1993 Act No. 184, Section 166.

My response to this motion is based on the fact that documents were indeed referred to during the final hearing regarding the information which had previously been submitted to the court and were repeatedly overlooked and ignored. Now that the defense has gotten caught with their pants down, it would be an atrocity and a continuation of the biased and one-sided treatment that represents the continued victimization of the appellant. They had both the letter from Phelps and Ganjesani in hand at the time that they prepared that fictitious document and they knew that it was false. Now that it is being pointed out, they want to strike it. No. Absolutely Not.

I certify that this response to motion contains no matter that is not relevant to this appeal.

September 16, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925

FORM 7
PROOF OF SERVICE OF RESPONSE TO MOTION TO EXCLUDE
MATTER TO BE INCLUDED ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SEP 19 2016
SC Court of Appeals

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No: 2016-001239

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent

V.

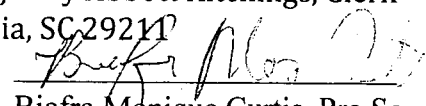
Biafra Monique Curtis, Pro Se

Appellant

PROOF OF SERVICE

I certify that I have served the Proof of Service of Response to Motion to Exclude Matter on Appeal to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on September 16, 2016, addressed to: Honorable Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals PO BOX 11629 Columbia, SC 29211

September 16, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

The South Carolina Court of Appeals

Biafra Monique Curtis, Appellant,

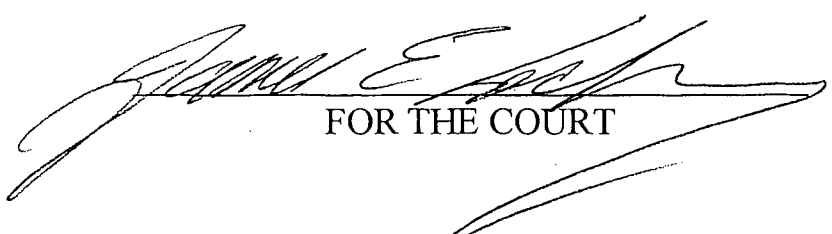
v.

South Carolina Department of Public Safety, Warren Ganjehsani, Mike Oliver, Leroy Smith, Kenneth Phelps, Anthony Grice, William Taylor, Nicklous King, Willie McCauley, Jr., Ada Schmidt, Aaron Canzater and Cherie Young, individually and in their official capacities, et al., Respondents.

Appellate Case No. 2016-001239

ORDER

After careful consideration, Respondents' motion to strike is denied. Within thirty days of the date of this order, Appellant shall serve the record on appeal on Respondents and file a proof of service with this court.



FOR THE COURT

Columbia, South Carolina

cc:

Biafra Monique Curtis

Norma Anne Turner Jett, Esquire

Alison Dennis Hood, Esquire

FILED

October 26, 2016

29

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

RECEIVED

SEP 19 2016

SC Court of Appeals

Appellate Case No. 2016-001239

South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent(s)

V.

Biafra Monique Curtis, Pro Se

Appellant

APPELLANTS INITIAL REPLY BRIEF

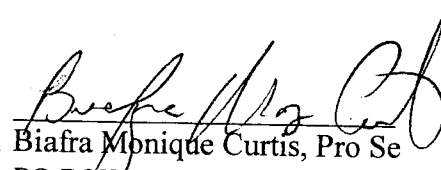

Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

TABLE OF CONTENTS

Table of Cases.....3

Table of Authorities.....3

Statement of Issues on Appeal.....4

Statement of the Case.....5-6

Arguments.....6-7

1. THE TRIAL COURT ERRED BY DISMISSING ENTIRE CASE BASED BY
NEGLECTING TO REVIEW DOCUMENTS WHICH VALIDATED THE MOST
ESSENTIAL ELEMENTS OF THE ORIGINAL COMPLAINT, SPECIFICALLY,
Pg. 19, ITEM #27. *See June 5, 2015 Letter from Chief K.D. Phelps, June 10,
2015 Letter from Warren Ganjensani and document signed by Norma Jett ,
dated December 21, 2015, titled "RESPONSES AND OBJECTIONS TO
PLAINTIFF'S DISCOVERY REQUESTS MISCHARACTERIZED AS MOTION FOR
DISCOVERY" specifically on page 4, item# 7* AS ITS SUPPORTING
DOCUMENTS.....6-7

2. THE TRIAL COURT ERRED BY ENDORSING THE ORDER TO DISMISS 2 DAYS
PRIOR TO THE ACTUAL HEARING OF THE CASE THEREFORE BLOCKING THE
APPELLANT FROM THE OPPORTUNITY OF ANY CHANCE OF A FAIR AND
UNBIASED HEARING AND REMOVING ANY OPPORTUNITY OF DUE PROCESS *See
Notice to Appear to May 18, 2016 hearing and Final Order signed and dated
May 16, 2016.*.....7

Conclusion.....7

TABLE OF AUTHORITIES

Cases

Fleming v. Rose, et al.....	7
Ford v. Hutson, 276 S.C. 157, 276 S.E.2d 776 (1981).....	7

Other Authorities

South Carolina Rules of Civil Procedure Rule 43(k).....	8
SC Code Ann. 16-17-410 Conspiracy.....	5
SC Code Ann. 15-78-50 Negligence.....	5
Trial Court Transcripts Page 11/ lines 10-19.....	5
SC Code Ann. 17-28-350 Unlawful Conduct.....	6

STATEMENT OF ISSUES ON APPEAL

1. Whether the trial court's May 16/May 18, 2016 order dismissing the underlying action should stand and be enforced even though there is valid and well documented proof which has been presented to the court, but overlooked or if the case should be allowed to move forward to be heard by a fair and unbiased jury?
2. Whether the trial court's order which was signed and dated on May 16, 2016, two days prior to the actual hearing date of May 18, 2016, further questions if the plaintiff ever had a true opportunity for due process and equal protection under the law?

STATEMENT OF THE CASE

This appeal arises from an order dismissing complaints of misconduct of multiple troopers of the South Carolina Highway Patrol and efforts of supervising officers to conceal these acts and omissions. It has been argued that certain elements of the complaint have surpassed certain statutes, however, page 19, item#27 of the original complaint presents the events that occurred in 2015, well within the timeframe of statutes and undisputable to this fact and are further supported by (ITEM "I") *See June 5, 2015 Letter from Chief K.D. Phelps, June 10, 2015 Letter from Warren Ganjensani and (ITEM "J") document signed by Norma Jett, dated December 21, 2015, titled "RESPONSES AND OBJECTIONS TO PLAINTIFF'S DISCOVERY REQUESTS MISCHARACTERIZED AS MOTION FOR DISCOVERY" specifically on page 4, item# 7.*

By way of brief background, these issues arose after the trooper, Willie McCauley, Jr., assigned to investigate the accident never turned his camera on or activated his front lights which would have activated his camera, then discredited an alleged witness, "discarded" his name, contact information and statement, whom it was later to be determined to be the at fault truck driver.

There was a meeting held with myself, Trooper Willie McCauley, Sgt. Nicklous King, Lt. William Taylor and Captain Anthony Grice in which Trooper Mc Cauley admitted that he discarded this information. There was supposedly an investigation in the effort to retrieve this information and the accident report was revised 3 times, but after a year, it was unsuccessful and the (IRF) Insurance Reserve Fund insurance company for the highway patrol found no liability on the part of their officer even though they never interviewed the key witness from all 4 accident reports (the IRF is not the proper investigative authority when assigned with the task of officer misconduct, this is the sole responsibility of the Office of Professional Responsibility). During this time, I contacted each and every person (Leroy Smith, Mike Oliver & SLED) that I could to get assistance from. I received a response from SLED suggesting that I contact Chief KD Phelps at the Office of Professional Responsibility.

On May 29, 2015, I sent an email containing all 4 Accident Reports, Witness Statements and other correspondence Chief KD Phelps and after a brief phone call, I received a letter in the mail from him, dated June 5, 2015 (See EXHIBIT "I" **Phelps Letter**), informing me that the department would conduct an investigation. However, on June 10, 2015, I received a letter from Warren Ganjehsani (See EXHIBIT "I" **Ganjehsani Letter**), informing me that the IRF found no liability and the department declines to take further investigative efforts SC Code Ann. 15-78-50 and will not be commenting further SC Code Ann. 16-17-410 Conspiracy to defeat enforcement of the laws. Under the Doctrine of Acquiescence as well as the Maxim in Law which states that "silence shows consent" 6 Barb. [N.Y.] 2B, Qui non negat, fatetur and "He who does not deny, agrees," (Trayner, Maxim 503). Preventing officer from performing duties. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof. On or around the end of December 2015, I received a document from Norma Jett, dated December 21, 2015, titled "RESPONSES AND OBJECTIONS TO PLAINTIFF'S DISCOVERY REQUESTS MISCHARACTERIZED AS MOTION FOR DISCOVERY" (See EXHIBIT "J") **document signed by Norma Jett, dated December 21, 2015, titled "RESPONSES AND OBJECTIONS TO PLAINTIFF'S DISCOVERY REQUESTS MISCHARACTERIZED AS MOTION FOR DISCOVERY" specifically on page 4, item# 7** where she states that "Defendants deny that defendant Ganjehsani can refuse of did refuse to allow an ethics investigation" SC Code Ann. 17-28-350.

The remaining part of the case is the fact that originally, both the front judgement page and the last page of the order both were signed and dated on May 16, 2016 (See **Exhibit "A" Notice to Appear to May 18, 2016 Hearing**) even though my hearings were not

held until May 18, 2016 (*See EXHIBIT "B" Final Order, last page, signed and dated May 16, 2016*). Later, I received a completely new copy of the front, judgement page with the date May 18, 2016, however, the last page of the FINAL ORDER remained as signed and dated on May 16, 2016, two days prior to my hearing.

ARGUMENT

- I. **The trial court erred by prematurely dismissing the case because had the judge even read the complaint (See complaint, page 19, item#27) itself, there is enough information to support its own merit.**

This court unwaveringly renounced reviewing any documents presented in this case other than those presented by the defense. This court's unwillingness to stop the defense from manipulating all of the elements of the case into one and then claiming statute of limitations about all elements was uncompromising. How can one claim statute of limitations regarding occurrences which happened in May and June of 2015? In all fairness, there are (3) three sheets of paper that support my claim that the trial court's decision was incorrect.

THE STATE OF SOUTH CAROLINA

In The Court of Appeals FACTS and Procedural Backgrounds

Fleming v. Rose, et al : In this tort action, Lt. J. A. Fleming, Jr., formerly of the South Carolina Highway Patrol, appeals from the trial court's order granting summary judgment to Boykin Rose of the South Carolina Department of Public Safety and James Caulder of the South Carolina Highway Patrol. *At the conclusion of the investigation, Ivey submitted a summary report to Rose. A few days later, Ivey presented a memo to Rose which contained recommendations for disciplinary actions against the troopers involved in the accident. This memo included a recommendation that Lt. James Fleming, who was not involved in either the accident or any of the subsequent investigations, be suspended for five days for allegedly failing to thoroughly interview Trooper Jerry Cobb. Additionally, the memo contained the allegation that Fleming failed to pass on crucial details regarding the accident.*

Ford v. Hutson, 276 S.C. 157, 276 S.E.2d 776 (1981) *as to his cause of action for intentional infliction of emotional distress.*

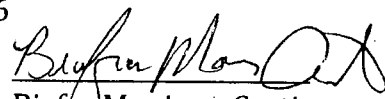
- II. The fact that my hearing wasn't until May 18, 2016, yet both the first page of the judgement and final page of the order were both signed and dated May 16, 2016 and then later, I received only the front page of the judgement May 18, 2016 seems very suspicious considering all that I have endured.

Rule 43 (K), provides in relevant part, no agreement between cousin affecting the proceedings in an action shall be binding unless reduced to the form of a consent order or written stipulation signed by counsel and entered into the record, or unless made in open court and noted upon the record, or reduced to writing and signed by the parties and their counsel. This application presents the standard on review that Courts in this State will not enforce and order pursuant to Rule (43)k unless the terms of the settlement are set forth within the order.

CONCLUSION

For the foregoing reasons, appellant request that that this Court finds that the May 16/May 18, 2016 order as dictated by the trial court unenforceable. Further, appellant respectfully requests that this court review the three documents which the appellant has submitted previously, which have been overlooked by the trial court (EXHIBIT "I") *See June 5, 2015 Letter from Chief K.D. Phelps, June 10, 2015 Letter from Warren Ganjensani and (ITEM "J") document signed by Norma Jett, dated December 21, 2015, titled "RESPONSES AND OBJECTIONS TO PLAINTIFF'S DISCOVERY REQUESTS MISCHARACTERIZED AS MOTION FOR DISCOVERY" specifically on page 4, item# 7.* Finally, the appellant requests of this Court to move to Oral Argument since simply submitting documents and exhibits have proven to be fatal to this appellant.

Respectfully submitted this 16th day of September, 2016


Biafra Monique Curtis
PO BOX 21294
Hilton Head Island, SC
29925

37

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No. 2016-001239

RECEIVED

SEP 19 2016

SC Court of Appeals

South Carolina Department of Public Safety,
Warren Ganjeheh, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.

Respondent(s)

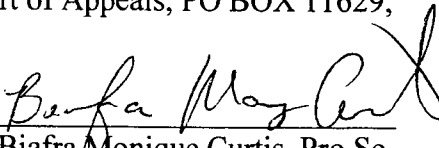
V.

Biafra Monique Curtis, Pro Se

Appellant

CERTIFICATE OF SERVICE

I certify that I have served the Appellants Initial Reply Brief to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on September 16, 2016, addressed to:
Jenny Abbott Kitchings Clerk of Court, South Carolina Court of Appeals, PO BOX 11629,
Columbia, SC 29211


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

(38)

FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

SEP 19 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
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Respondent(s)

V.

Biafra Monique Curtis, Pro Se

Appellant

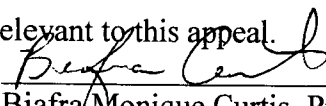
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal

1. Original Complaint pg. 19, item #27
2. Phelps Letter June 05, 2015 and Ganjesani Letter June 10, 2015
3. Transcript of Proceedings pg 11, lines 10-19
4. Defendants Attorneys "Response & Objection" dated December 21, 2015
5. Final Order from hearing held May 18, 2016, dated & signed May 16, 2016

I certify that this designation contains no matter that is not relevant to this appeal.

September 16, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

39

FORM 7
PROOF OF SERVICE OF DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

SEP 19 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
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Appellate Case No: 2016-001239

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Respondent

V.

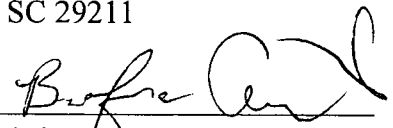
Biafra Monique Curtis, Pro Se

Appellant

PROOF OF SERVICE

I certify that I have served the Proof of Service of Designation of Matter to be Included in Record on Appeal to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on September 16, 2016, addressed to: Honorable Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals PO BOX 11629 Columbia, SC 29211

September 16, 2016


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40

FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL (AMENDED)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Case No:2016-CP-001239

Biafra Monique Curtis, Pro Se

Appellant

V.

South Carolina Department of Public Safety,
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Respondent(s)

DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL (AMENDED)

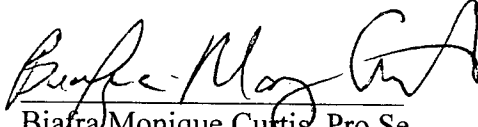
Appellant proposes the following be included in the Record on Appeal

1. Original Complaint pg. 19, item #27 Filed August 24, 2015
2. Notices of Scheduling for Hearing on Court Roster for May 18, 2016
3. Order from hearing held May 18, 2016, dated & signed May 16, 2016
4. SLED Letter from Cptn. John T. Bishop, dated May 6, 2015
5. Chief K.D. Phelps Letter, dated June 05, 2015
6. Warren Ganjehsani Letter dated June 10, 2015
7. Respondents "Response & Objection" dated December 21, 2015 pg. 4, #7
8. Certificate of Appellant
9. Respondents "Motion To Exclude Matter from Record on Appeal"

- 10.Appellants "Response Objection to Motion to Exclude Matter from Record on Appeal"
- 11.Order Denying Respondents Motion to Strike
- 12.Appellants Initial Reply Brief
- 13.Appellants Original Designation of Matter to be Included in Record on Appeal
- 14.Transcript: Hearing held on May 18, 2016 but Signed and dated May 16, 2016
- 15.Accident Reports: Original Accident Report-Dated 10-23-12/Original AMENDED Report-Dated 12-16-2012/Original CORRECTED Report-Dated 1-26-2013/Original CORRECTED Report-Dated 2-6-2013
16. Witness Statements/ Testimony: Bobby Hudson, Stacey L. Olden, Erin Tyler, James Lamb and Carl Culpepper

I certify that this designation contains no matter that is not relevant to this appeal.

November 21, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

FORM 7
PROOF OF SERVICE OF DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL (AMENDED)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
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Judge L. Casey Manning, Fifth Judicial Circuit

Appellate Case No: 2016-001239

Biafra Monique Curtis, Pro Se

Appellant

V.

South Carolina Department of Public Safety,
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and in their official capacities, et al.

Respondent(s)

PROOF OF SERVICE

I certify that I have served the Designation of Matter to be included in Record on Appeal (AMENDED) to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on November 21, 2016, addressed to: Honorable Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals PO BOX 11629 Columbia, SC 29211


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20

FORM 16
CERTIFICATE FROM APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Case No:2016-CP-001239

Biafra Monique Curtis,

Appellant

V.

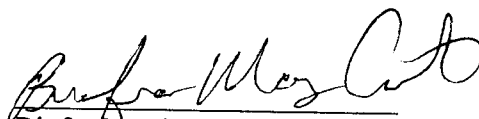
South Carolina Department of Public Safety,
Warren Ganjehsani, Mike Oliver, Leroy Smith,
Kenneth Phelps, Anthony Grice, William Taylor,
Nicklous King, Willie McCauley, Jr., Ada Schmidt,
Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.,

Respondent(s)

CERTIFICATE FROM APPELLANT

The undersigned certified that the Record on Appeal contains all material proposed to be included by the Appellant and not any other material.

November 21, 2016


Biafra Monique Curtis, Pro Se
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FORM 15
RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Case No:2016-CP-001239

Biafra Monique Curtis,

Appellant

V.

South Carolina Department of Public Safety,
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Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.,

Respondent(s)

RECORD ON APPEAL

Biafra Monique Curtis, Pro Se, Appellant
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

Norma Jett, Esquire and
Allison D. Hood, Esquire
ATTORNEY'S FOR RESPONDENT(S)
Post Office Drawer 909
Bamberg, SC 29003
803-245-5178

INDEX

Original Complaint pg. 19, item #27 Filed August 24, 2015.....	1
Notices of Scheduling for Hearing on Court Roster for May 18, 2016.....	2-3
Order from hearing held May 18, 2016, dated & signed May 16, 2016.....	4-10
SLED Letter from Cptn. John T. Bishop, dated May 6, 2015.....	11
Chief K.D. Phelps Letter, dated June 05, 2015.....	12
Chief Counsel for SC Dept. of Public Safety, Warren Ganjesani Letter dated June 10, 2015....	13
Defendants Attorneys "Response & Objection" dated December 21, 2015 pg. 4, item #7....	14-19
Certificate of Appellant.....	20
Respondents "Motion To Exclude Matter from Record on Appeal".....	21-23
Appellants "Response Objection to Motion to Exclude Matter from Record on Appeal".....	24-27
Order to Deny Respondents Motion to Strike.....	28
Appellants Initial Reply Brief.....	29-37
Appellants Original Designation of Matter to be Included in Record on Appeal.....	38-39
Appellants AMENDED Designation of Matter to Included in Record on Appeal.....	40-42

Appellants Exhibits:

EXHIBIT 1-Transcript of Proceeding-

Pg 5 lines 23-25-

23 MS. HOOD: --- against the Department of Public Safety

24 and then a number of state employees ranging from the

25 General Counsel for the Department of Public Safety down to

1 the Freedom of Information Act officers. Essentially, Ms.

2 Curtis has named everyone who either responded to her

3 request for information or investigated an automobile

4 accident that occurred on September 27, 2012.

5 THE COURT: And it was her accident, I assume.

6 MS. HOOD: That is correct.

*7 And we -- we don't dispute that the accident took

*8 place or that Ms. Curtis was seriously injured in the

*9 accident. But there is some dispute about what happened.

10 The highway patrolman that responded to the scene

11 investigated at the roadside. There was some dispute about

12 whether or not -- there were three lanes of traffic --

13 about whether or not a blue car entering the interstate

14 forced the vehicle in the middle lane into Ms. Curtis' lane

15 and forcing her off the road or whether the vehicle in the

16 center lane forced Ms. Curtis off the road. We don't --

- 17 we're not here today to talk about what happened in the

18 accident.

19 But Ms. Curtis' assertion is that the Department of

20 Public Safety breached a duty of care in failing to

21 identify the drivers of those vehicles. Ms. Curtis was

22 unable to successfully bring a civil claim for personal

23 injury after the accident because the investigation at the
24 roadside did not determine who was driving the tractor-
25 trailer in the center lane or the blue vehicle that merged,

Pg 10 lines 17-23

17 PLAINTIFF CURTIS: The accident is not what my claim is
18 about, though.

19 THE COURT: Okay.

20 PLAINTIFF CURTIS: My claim is actually about the fact
21 that I submitted complaints to the Department of the Office
22 of Professional Responsibility against the officers that
23 were involved in the ---

Pg 11 lines 10-19

10 PLAINTIFF CURTIS: Okay. And I received a letter from
11 the Office of Professional Responsibility assuring that
12 there would be an investigation against the officers
13 involved in the investigation of the accident.

14 THE COURT: Okay.

15 PLAINTIFF CURTIS: Okay. From there, approximately
16 five days later I received a letter from the General
17 Counsel of the Highway Department telling me that there
18 would not be an investigation done into the accident and
19 that is, basically, what I'm here about.

Pg 11 lines 21-25

21 PLAINTIFF CURTIS: It's the fact that there -- it's not
22 a failure to investigate the accident itself. It is a
23 neglect to investigate the complaints that I submitted to
24 the Office of Professional Responsibility into the acts of
25 the officers.

Pg 12 lines 2-3

2 PLAINTIFF CURTIS: So it's not about the accident.
3 It's about the complaints that I submitted.

Pg 13 lines 23-25

23 PLAINTIFF CURTIS: The whole point of the complaint
24 that I submitted to the OPR was to reveal the fact that the
25 officer that investigated the accident did, in fact, do his

Pg 14 lines 1-14

1 job. In fact, in a meeting that I had with the officer and
2 his four superior officers he admitted in that meeting that
3 he did obtain the name and contact information of the
4 driver of the at-fault vehicle and he discarded it at the
5 time and deemed that information unimportant and that
6 person that gave the information non-credible; however,
7 four months later after re-investigating it was determined
8 that that driver was, in fact, responsible for the
9 accident.
10 So that is the whole point of having the OPR

11 investigation which would have revealed that that officer
12 did, in fact, have that information. He admitted it in a
13 meeting and I have information here -- documentation here
14 confirming what I'm telling you.

Pg 14 lines 24-25

*24 THE COURT: And Ms. Curtis, I'll think about the

*25 arguments that I heard here today. I'll review the file

Pg 15 line 1

*1 and I'll let you know my decision in due course, okay?

EXHIBIT 2-Accident reports-Included to prove Defendants Attorney was aware of the facts of accident and not accurate and forthcoming when she referenced accident in hearing (see Transcript Pg6 lines 7-25).

Original Accident Report-Dated 10-23-12

Original AMENDED Report-Dated 12-16-2012

Original CORRECTED Report-Dated 1-26-2013

Original CORRECTED Report-Dated 2-6-2013

EXHIBIT 3-Witness Statements/ Testimony- Included to prove Defendants Attorney was aware of the facts of accident and not accurate and forthcoming when she referenced accident in hearing (see Transcript Pg6 lines 7-25).

WITNESSES EXAMINED BY: CARL WOODS

Bobby Hudson	1
Stacey L. Olden	2-3
Erin Tyler	4-5
James	6-7
Carl Culpepper	8

Argument 1..... THE TRIAL COURT
ERRED BY DISMISSING ENTIRE CASE BY NEGLECTING TO REVIEW DOCUMENTS WHICH
VALIDATED THE MOST ESSENTIAL ELEMENTS OF THE ORIGINAL COMPLAINT,
SPECIFICALLY, PAGE 19, ITEM #27 (See Transcript pages supporting documentation Pg 5
lines 23-25 / Pg 6 lines 1-25 / Pg 10 lines 17-23 / Pg 11 lines 10-19 and lines 21-25 / Pg 12 lines
2-3 / Pg 13 lines 23-25).

Argument 2.....THE TRIAL COURT
ERRED BY ENDORSING THE ORDER TO DISMISS 2 DAYS PRIOR TO THE ACTUAL HEARING
OF THE CASE THEREFORE BLOCKING THE APPELLANT FROM THE OPPORTUNITY OF ANY
CHANCE OF A FAIR AND UNBIASED HEARING, REMOVING RIGHT TO DUE PROCESS. See
Notices for Hearing held on May 18, 2016 and Order signed and dated May 16, 2016 as well
as (Transcript Pg 14 lines 24-25 and Pg 15 line 1 for supporting documentation)

For all the foregoing reasons, the Order to Dismiss this case should be reversed and the
right to be heard by a jury should be granted.

JURY TRIAL DEMAND

Plaintiff hereby demands a jury trial on all issues so triable.

DATED: NOVEMBER 21, 2016

By Biafra Monique Curtis

biafra-monique; curtis

FORM 7
PROOF OF SERVICE OF RECORD ON APPEAL
AND CERTIFICATE FROM APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

Case No:2016-CP-001239

Biafra Monique Curtis,

Appellant

V.

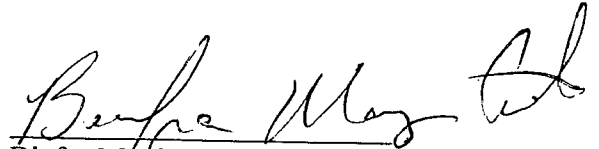
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Aaron Canzater and Cherie Young, individually
and in their official capacities, et al.,

Respondent(s)

PROOF OF SERVICE

I certify that I have served the Proof of Record on Appeal and Certificate from Appellant to the Respondent(s) by depositing a copy of it in the United States Mail, postage prepaid, on November 21, 2016, addressed to: Honorable Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals PO BOX 11629 Columbia, SC 29211

November 21, 2016


Biafra Monique Curtis, Pro Se
PO BOX 21294
Hilton Head Island, SC 29925
843-684-3118

FORM 16
CERTIFICATE FROM APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
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November 21, 2016

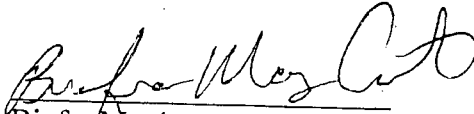

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Hilton Head Island, SC 29925
843-684-3118

EXHIBIT "1" TRANSCRIPT

State of South Carolina	)	
	)	In the Court of Common Pleas
County of Richland	)	
	)	
Biafra Monique Curtis,	)	
	)	
Plaintiff,	)	2015-CP-40-05172
	)	
versus	)	May 18, 2016
	)	
S.C. Department Of Public	)	Columbia, South Carolina
Safety, et al,	)	
	)	
Defendants.	)	

TRANSCRIPT OF RECORD

B E F O R E:

The Honorable L. Casey Manning

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

Biafra Monique Curtis
Pro Se Plaintiff

Allison D. Hood, Esquire
Attorney for the Department of Public Safety

PROVIDED FOR: Biafra Monique Curtis

FOR COPIES CONTACT: DeeAnne Varnadoe
Official Court Reporter
Fifth Judicial Circuit, At-Large
dvarnadoe@sccourts.org

I N D E X

Hearing	4
Certificate	17

E X H I B I T S

FOR THE PLAINTIFF:

(WHEREUPON, no exhibits were introduced during this proceeding.)

FOR THE DEFENDANT:

(WHEREUPON, no exhibits were introduced during this proceeding.)

P R O C E E D I N G S

1
2 THE COURT: The next one I have on the docket is a
3 Motion to Strike. It's Biafra Monique Curtis versus South
4 Carolina Department of Public Safety.

5 And you're Allison Hood?

6 MS. HOOD: That's correct, Your Honor.

7 THE COURT: And you're Ms. Curtis?

8 PLAINTIFF CURTIS: Yes, sir.

9 THE COURT: And you're pro se?

10 PLAINTIFF CURTIS: Yes. Yes, Your Honor.

11 MS. HOOD: Judge, we have a Motion to Strike, a 12(F)
12 Motion to Strike, and then there's also a Motion to
13 Dismiss, a 12(B)(6) as well. I believe those are back to
14 back on the roster there.

15 THE COURT: Well, let's see. Motion to Strike, Motion
16 to Dismiss for Failure to State Cause of Action. Okay.

17 MS. HOOD: And so, if it's all right with you, I think
18 the Motion to Dismiss --

19 THE COURT: Well, just give me a moment.

20 MS. HOOD: Okay.

21 THE COURT: Ms. Curtis, do you know what this is all
22 about?

23 PLAINTIFF CURTIS: Yes.

24 THE COURT: And you're prepared to go forward?

25 PLAINTIFF CURTIS: Right.

1 THE COURT: You're sure about that?

2 PLAINTIFF CURTIS: Yes. I have something that I would
3 like to say if it's ---

4 THE COURT: Oh, yeah. This is how it works. She goes
5 first; it's her motion.

6 PLAINTIFF CURTIS: Okay.

7 THE COURT: Then I'll give you a chance to respond.

8 PLAINTIFF CURTIS: Okay. Thank you.

9 THE COURT: I can help you out a little bit, but not
10 too much.

11 PLAINTIFF CURTIS: Okay.

12 THE COURT: I can't give you advice.

13 PLAINTIFF CURTIS: All right.

14 THE COURT: You understand all of that.

15 PLAINTIFF CURTIS: I appreciate that. Thank you.

16 THE COURT: Go ahead. Are you ready?

17 MS. HOOD: Yes, sir.

18 THE COURT: All right.

19 MS. HOOD: This case is -- has been brought by Ms.
20 Curtis ---

21 THE COURT: Please sit down, Ms. Curtis.

22 PLAINTIFF CURTIS: Thank you so much.

23 MS. HOOD: --- against the Department of Public Safety
24 and then a number of state employees ranging from the
25 General Counsel for the Department of Public Safety down to

1 the Freedom of Information Act officers. Essentially, Ms.
2 Curtis has named everyone who either responded to her
3 request for information or investigated an automobile
4 accident that occurred on September 27, 2012.

5 THE COURT: And it was her accident, I assume.

6 MS. HOOD: That is correct.

7 And we -- we don't dispute that the accident took
8 place or that Ms. Curtis was seriously injured in the
9 accident. But there is some dispute about what happened.

10 The highway patrolman that responded to the scene
11 investigated at the roadside. There was some dispute about
12 whether or not -- there were three lanes of traffic --
13 about whether or not a blue car entering the interstate
14 forced the vehicle in the middle lane into Ms. Curtis' lane
15 and forcing her off the road or whether the vehicle in the
16 center lane forced Ms. Curtis off the road. We don't --
17 we're not here today to talk about what happened in the
18 accident.

19 But Ms. Curtis' assertion is that the Department of
20 Public Safety breached a duty of care in failing to
21 identify the drivers of those vehicles. Ms. Curtis was
22 unable to successfully bring a civil claim for personal
23 injury after the accident because the investigation at the
24 roadside did not determine who was driving the tractor-
25 trailer in the center lane or the blue vehicle that merged,

1 so ---

2 THE COURT: What was the date of the accident?

3 MS. HOOD: The date of the accident was September 27,
4 2012.

5 THE COURT: All right.

6 MS. HOOD: And this action was filed in August ---

7 THE COURT: Was it filed in the statutory ---

8 MS. HOOD: It was filed August 24, 2015, so this is --
9 we assert that this is a Torte Claims Act case and that the
10 appropriate party should be the Department of Public Safety
11 ---

12 THE COURT: I understand.

13 MS. HOOD: --- and that Ms. Curtis should have filed a
14 verified claim within one year in order to keep the three-
15 year statute of limitations and that her failure to file a
16 verified claim properly or failure to file within the two-
17 year period after the accident prohibits her from bringing
18 this action now. That's the crux of the 12(B)(6).

19 THE COURT: All right.

20 MS. HOOD: I -- this case is -- if you look through
21 your file, you'll see that it was filed initially here in
22 state court and there were several ---

23 THE COURT: Somebody did.

24 MS. HOOD: There were several Constitutional 1983
25 claims. It was removed. The federal judge dismissed all

1 the federal claims, but remanded ---

2 THE COURT: Judge Woods.

3 MS. HOOD: That's correct. But he elected not to
4 exercise any jurisdiction over the state court claims and
5 remanded.

6 THE COURT: She.

7 MS. HOOD: She. I meant to say that. I know her.
8 But she remanded back down to state court for the balance
9 of the state claims. So we're here today to ---
10 essentially, we would like to seek dismissal based on the
11 statute of limitations argument. But we would also argue
12 that there are several causes of action in here apart from
13 the negligence claim for violations of office, violations
14 of policy handbooks and those sorts of things. We'd like
15 to, at a minimum, clean up the complaint and get those
16 sorts of things that don't actually create a duty to the
17 public out, strike putatives and substitute the appropriate
18 defendants in this case which would be the Department of
19 Public Safety.

20 THE COURT: All right.

21 MS. HOOD: And that's really about all I have today,
22 Your Honor.

23 THE COURT: Thank you. Ms. Curtis?

24 PLAINTIFF CURTIS: Okay.

25 THE COURT: Let me ask you this question, Ms. Curtis.

1 PLAINTIFF CURTIS: Yes, sir.

2 THE COURT: Did you ever hire a lawyer when this
3 accident occurred?

4 PLAINTIFF CURTIS: I attempted to.

5 THE COURT: But you never retained the services of a
6 lawyer?

7 PLAINTIFF CURTIS: No, I didn't.

8 THE COURT: I'm sorry. Go ahead.

9 PLAINTIFF CURTIS: I attempted to and I had several
10 lawyers who were willing to take the case; however, when
11 they found out that the chief counsel of the highway patrol
12 was one of the parties that I was intending to sue, they
13 wouldn't ---

14 THE COURT: Have you ever heard of the Uninsured
15 Motorists Claim?

16 PLAINTIFF CURTIS: Yes.

17 THE COURT: Go ahead.

18 PLAINTIFF CURTIS: Okay. So the accident -- and I'm
19 looking at the Memorandum of ---

20 THE COURT: Well, this is how it works, Ms. Curtis.
21 You've got to respond to her motion as to why I should not
22 kick you out of court.

23 PLAINTIFF CURTIS: Okay.

24 THE COURT: Why this should not be dismissed. She said
25 that you failed to comply with the requirement of doing a

1 verified petitioner claim within -- within two years, I
2 think it is, of the date of the accident if you're going to
3 sue a public entity like the Department of Public Safety.
4 You've got to put them on notice that extends the time that
5 you can file a claim. You've got to respond to her
6 arguments as to why this case should not be dismissed.

7 She's asking for two things. One, to clean up the
8 pleadings and make it more definite or certain and remove
9 some of the parties. That's not asking that your claim be
10 dismissed. But, alternatively, she's saying that your
11 claim should be kicked out for failure to comply with the
12 statute and that is that you didn't file the claim on time.

13 PLAINTIFF CURTIS: Right.

14 THE COURT: Does that make sense?

15 PLAINTIFF CURTIS: Yes, it does.

16 THE COURT: Okay.

17 PLAINTIFF CURTIS: The accident is not what my claim is
18 about, though.

19 THE COURT: Okay.

20 PLAINTIFF CURTIS: My claim is actually about the fact
21 that I submitted complaints to the Department of the Office
22 of Professional Responsibility against the officers that
23 were involved in the ---

24 THE COURT: All right. What was the date of those
25 complaints?

1 PLAINTIFF CURTIS: Let's see here. May of 2015.

2 THE COURT: All right. Was that the first time you had
3 put the Department on notice that you had a claim against
4 them?

5 PLAINTIFF CURTIS: No, I had put them on notice prior
6 to that.

7 THE COURT: When?

8 PLAINTIFF CURTIS: 2014.

9 THE COURT: All right. Go ahead.

10 PLAINTIFF CURTIS: Okay. And I received a letter from
11 the Office of Professional Responsibility assuring that
12 there would be an investigation against the officers
13 involved in the investigation of the accident.

14 THE COURT: Okay.

15 PLAINTIFF CURTIS: Okay. From there, approximately
16 five days later I received a letter from the General
17 Counsel of the Highway Department telling me that there
18 would not be an investigation done into the accident and
19 that is, basically, what I'm here about.

20 THE COURT: Okay.

21 PLAINTIFF CURTIS: It's the fact that there -- it's not
22 a failure to investigate the accident itself. It is a
23 neglect to investigate the complaints that I submitted to
24 the Office of Professional Responsibility into the acts of
25 the officers.

1 THE COURT: All right.

2 PLAINTIFF CURTIS: So it's not about the accident.
3 It's about the complaints that I submitted.

4 THE COURT: Okay. Anything further?

5 PLAINTIFF CURTIS: No.

6 THE COURT: All right. Thank you, ma'am.

7 Yes, ma'am.

8 MS. HOOD: Judge, the complaint in this action is
9 seeking personal injury damages. I don't believe I have
10 the complaint in my little packet for today, but it ---

11 THE COURT: That's all right. Go ahead. It's in the
12 file.

13 MS. HOOD: It's a significant amount of money based on
14 personal injury related to surgeries. They're serious
15 injuries, Your Honor, that I don't dispute took place, but
16 those are related to the accident date. And the FR-10 that
17 was, you know, filled out at the roadside and distributed
18 to Ms. Curtis in the hospital put her on notice that the
19 drivers of these vehicles were unidentified. She followed
20 up almost immediately to try to figure out what other
21 information Public Safety may have and was told repeatedly
22 that they did not have any additional information. And an
23 additional investigation did not yield any additional
24 information. So whoever those folks were, one of them kept
25 driving and one of them may or may not have stopped at the

1 roadside, but their name was not memorialized in any
2 meaningful way.

3 Your Honor, Section 1578-80 requires a verified claim
4 within one year to extend the statute to three years. If
5 you fail to file a verified claim, you get that two-year
6 statute from the date of the accident.

7 I would assert that there are no damages related to
8 the failure to investigate the investigating officers, so
9 I'm not sure that that argument really makes much sense in
10 light of the pleadings that have been drafted here.

11 And, Your Honor, we also have a 12(F) Motion, a Motion
12 to Strike before you today as well in the event that we're
13 not successful with the Motion to Dismiss. We would like
14 punitive damages to also be removed under the Torte Claims
15 Act and I believe the Motion cites the appropriate statute
16 there.

17 THE COURT: And the -- whatever the named individuals
18 to be taken off as well.

19 MS. HOOD: That's correct. Yes, Your Honor. I believe
20 that's appropriate under the Torte Claims Act as well.

21 THE COURT: All right. Thank you.

22 Yes, ma'am.

23 PLAINTIFF CURTIS: The whole point of the complaint
24 that I submitted to the OPR was to reveal the fact that the
25 officer that investigated the accident did, in fact, do his

1 job. In fact, in a meeting that I had with the officer and
2 his four superior officers he admitted in that meeting that
3 he did obtain the name and contact information of the
4 driver of the at-fault vehicle and he discarded it at the
5 time and deemed that information unimportant and that
6 person that gave the information non-credible; however,
7 four months later after re-investigating it was determined
8 that that driver was, in fact, responsible for the
9 accident.

10 So that is the whole point of having the OPR
11 investigation which would have revealed that that officer
12 did, in fact, have that information. He admitted it in a
13 meeting and I have information here -- documentation here
14 confirming what I'm telling you.

15 THE COURT: All right. Thank you, Ms. Curtis.
16 Anything further?

17 MS. HOOD: Your Honor, we submitted, prior to the
18 hearing today, a proposed order. I have a paper copy of
19 that order and a Form 4 which I failed to submit if you'd
20 like me to hand that up.

21 THE COURT: I'll allow you to submit it.

22 MS. HOOD: Okay. May I approach, Your Honor?

23 (WHEREUPON, documents are handed to the Court.)

24 THE COURT: And Ms. Curtis, I'll think about the
25 arguments that I heard here today. I'll review the file

1 and I'll let you know my decision in due course, okay?

2 PLAINTIFF CURTIS: Okay. Can I say just one more
3 thing?

4 THE COURT: Yes, ma'am.

5 PLAINTIFF CURTIS: I just feel like this is the first
6 time my voice is being heard. I feel like all of the
7 information that I submitted and resubmitted clearly
8 stating that my point is not what they say here -- they
9 being the attorney -- that the Plaintiff alleges that she
10 was the victim of an accident on I-26 having been forced
11 off the road by an unknown driver and the collision -- and
12 the failure of the highway patrol to properly investigate
13 deprived her of the opportunity to sue for her injuries.
14 That's not what I claimed. I never claimed that because
15 the investigator did obtain the information. He made the
16 decision that that information was given to him by someone
17 who was non-credible. And he admitted in front of his four
18 superiors and myself that he ---

19 THE COURT: Ms. Curtis, I think you're going back over
20 the arguments you previously gave.

21 PLAINTIFF CURTIS: Okay. I just wanted ---

22 THE COURT: Let me ask you this. Who was your
23 insurance carrier at the time of this accident?

24 PLAINTIFF CURTIS: Nationwide.

25 THE COURT: All right. Did you ever have any contact

1 with Nationwide? Did you do anything through Nationwide?

2 PLAINTIFF CURTIS: Yes. Yes, I did.

3 THE COURT: Did you get any uninsured money from
4 Nationwide?

5 PLAINTIFF CURTIS: Yes, I did.

6 THE COURT: All right. Thank you all so very much.

7 MS. HOOD: Thank you, Your Honor.

8 PLAINTIFF CURTIS: What I did with them was a trust and
9 release agreement where once all of this is taken care of I
10 have to pay them back ---

11 THE COURT: Okay.

12 PLAINTIFF CURTIS: --- under the terms of that
13 agreement.

14 THE COURT: Okay. Thank you, ma'am.

15 PLAINTIFF CURTIS: Okay.

16 (WHEREUPON, the hearing in the above-
17 entitled matter was concluded.)
18
19
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27

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) CERTIFICATE

Be it known that I, the undersigned DeeAnne Varnadoe, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing transcript represents a true, accurate and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, before the Circuit Court for Richland County, South Carolina, so given on May 18, 2016, to the best of my skill and ability;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

IN WITNESS WHEREOF I have here unto set my hand this 1st day of July, 2016.

S/DeeAnne Varnadoe

DeeAnne Varnadoe
Official Court Reporter
Notary Public for South Carolina
My commission expires 3/14/2026.

EXHIBIT "Z" ACCIDENT REPORTS

ORIGINAL

SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM									
TR-310 (Rev. 7/2010)									
Date: 09-27-2012		Time of Collision: 1300		Page: 1 of 1		Collision Location (Rt. # / Name): 26 / ST. MATTHEWS RD		In (Near) City or Town of: ORANGEBURG	
Lane # / Dir.: 01		Distance Offset: 01		Direction: NE		Base Intersection (Rt. # / Name): 601 / ST. MATTHEWS RD		GPS COORDINATES 00 00 00.00	
R.R. Id.		From: NE 1 - Entrance		To: NE 2 - Exit		Second Intersection (Rt. # / Name): 168 / WATERSPRING RD		DEGREES MINUTES SECONDS	
E-317922		Driver's Full Name: CURTIS		Street/R.F.D.: BIAFRA		E-317923		Driver's Full Name: UNKNOWN	
Unit # 01		Sex: F		Race: B		Unit # 02		Sex: O	
Birth Date: 05-10-1973		City, State, & Zip: BLUFFTON		Birth Date:		City, State, & Zip:		City, State, & Zip:	
State: SC		Driver's License #: 011211932		Class: D		Insurance Company: NATIONWIDE		State: SC	
Year: 2004		Body: 4S		Vehicle Make: JAGU		VIN #: SAJEA51C94WD7 6662		Year: 2004	
State: SC		Year: 2013		License Plate #: EGY865		Owner's D.L. #: 011211932		State: SC	
Home Telephone: (843) 6843118		Owner's Full Name: CURTIS		Street/R.F.D.: BIAFRA		Home Telephone:		Owner's Full Name:	
Bus. Telephone: (843) 2580836		City, State, & Zip: BLUFFTON		Contributed To Collision: Yes		City, State, & Zip:		Contributed To Collision: Yes	
Estimated Speed: 70		Speed Limit: 70		C.D.L. Req. Yes (No)		T.O.S. Req. Yes (No)		Adm. Info. (see back) Yes (No)	
Summons #:		Code:		Summons #:		Code:		Summons #:	
Driver's Full Name:		City, State, & Zip:		Driver's Full Name:		City, State, & Zip:		Driver's Full Name:	
State:		Driver's License #:		Class:		Insurance Company:		State:	
Year:		Body:		Vehicle Make:		VIN #:		Year:	
Dir. of Travel:		Unit 1: N S E		Unit 2: N S E		Unit 3: N S E W		Dir. of Travel:	
Estimated Speed:		Speed Limit:		C.D.L. Req. Yes (No)		T.O.S. Req. Yes (No)		Adm. Info. (see back) Yes (No)	
Summons #:		Code:		Summons #:		Code:		Summons #:	
Driver's Full Name:		City, State, & Zip:		Driver's Full Name:		City, State, & Zip:		Driver's Full Name:	
State:		Driver's License #:		Class:		Insurance Company:		State:	
Year:		Body:		Vehicle Make:		VIN #:		Year:	
Unit 1 Dam.:		Unit 2 Dam.:		Unit 3 Dam.:		Prop. Dam. 1:		Prop. Dam. 2:	
\$2000		\$0		\$0		\$0		\$0	
Property Owner: HUDSON		Address: 3332 LOCUST AVE		City: DENMARK		State: SC		Zip: 29002	
Phone: 8033835798		State: SC		Zip: 29002		Phone:		State:	
Describe What Happened (Refer to Units by Number):		UNIT 1 AND UNIT 2 WERE TRAVELING WEST ON I-26. UNIT 2 CHANGED LANES IMPROPERLY CAUSING UNIT 1 TO RUN OFF THE ROAD TO THE LEFT AND ONTO THE MEDIAN. UNIT 1 DRIVER TRIED TO CORRECT BUT WENT ACROSS THE CENTERLINE AND INTO A SMALL DITCH. UNIT 2 DID NOT REMAIN AT THE SCENE.							
Certified to be a true and correct copy of the original report.		With the Signature of:		Driver's Signature:		Driver's Name:		Driver's Title:	
Investigating Officer's Name: MCCAULEY, W		Rank: EFC		Badge #: 161		Investigation Code: H P 07		Review Date: 10-23-2012	
Investigating Officer's Name:		Rank:		Badge #:		Investigation Code:		Review Date:	
Investigating Officer's Name:		Rank:		Badge #:		Investigation Code:		Review Date:	

NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.

Unit	Date of Birth	Sex	Race	INI	Seat	R/S/D	R/S	Feet	LAI	Trans	Name	Street Address	Zip Code
01	05-10-1973	F	B	1	01	13	4	3	1	1	CURTIS BIAFRA	41 LAKE LINDING LANE BLUFFTON SC	29810
02			O	0	01	99	4	3	1	2	UNKNOWN		

Base	A. Asian/Pacific Islander	W. Caucasian	Al. Injury Status	2-None/Nonparticipating	Seating Loc.	20-Pre-impact	21-Direction of Cab	Restraint/Safety Device	
1. African American	11. Hispanic	3. Other	3-Not Injured	3-Nonparticipating	31 02 03	30-Driving Unit	22-Riding on Unit Exterior	30-None Used	21-CITD
2. American Native or American Indian	12. Unknown	4. Unknown	4-Not Injured	4-Nonparticipating	04 05 06	40-Bus or Van (4th row or higher)	23-Lie	11-Shoulder belt	Safety Seat
					07 08 09	50-Other Enclosed Area (nontrailing)	24-Unknown	12-Lap Belt Only	22-Other
						51-Other Unenclosed Area (nontrailing)		13-Shoulder & Lap Belt	30-Unit
								21-Pedestrian, Motorist/Passenger Only	
								31-Motorist	31-Reflective Clothing
								41-Protective Pads	31-Lighting

Air Bag Deployment / Switch	Ejection	b) 2 or 3 Wheel Motorized Vehicle	Head Injury	1-Yes	2-Yes	3-Feet (non-mech.)	4-Not Applicable	5-Transported to Medical Facility
1-Deployed Front 4-Not Deployed	1-Not Ejected	1-Head Injury	1-Not Trapped	1-Yes	2-Yes	3-Feet (non-mech.)	4-Not Applicable	5-Transported to Medical Facility
2-Deployed Side 7-Not Deployed	2-Part Ejected	2-Location After Impact	2-Extincted (Mechanical Means)	3-Unknown				
3-Deployed Both 9-Deployment Unit	3-Not Ejected	3-Sequence of Events						
1-Station in On Position 3-Not Station	7-Not Acc.							
2-Station Off Position 9-Unknown	8-Unit							

Non-Collision	24-Scatter/Fall	Collision/Not Fixed	27-Proposed	Collision/Not Fixed	27-Proposed	27-Proposed	27-Proposed	27-Proposed
01-Cargo/Supply Unit or Side	05-Scatter/Fall	20-Air/Not Fixed	25-Proposed	20-Air/Not Fixed	25-Proposed	25-Proposed	25-Proposed	25-Proposed
02-Cross Median/Center	06-Scatter/Fall	21-Air/Not Fixed	26-Proposed	21-Air/Not Fixed	26-Proposed	26-Proposed	26-Proposed	26-Proposed
03-Scatter/Fall	07-Scatter/Fall	22-Air/Not Fixed	27-Proposed	22-Air/Not Fixed	27-Proposed	27-Proposed	27-Proposed	27-Proposed
04-Scatter/Fall	08-Scatter/Fall	23-Air/Not Fixed	28-Proposed	23-Air/Not Fixed	28-Proposed	28-Proposed	28-Proposed	28-Proposed
05-Scatter/Fall	09-Scatter/Fall	24-Air/Not Fixed	29-Proposed	24-Air/Not Fixed	29-Proposed	29-Proposed	29-Proposed	29-Proposed
06-Scatter/Fall	10-Scatter/Fall	25-Air/Not Fixed	30-Proposed	25-Air/Not Fixed	30-Proposed	30-Proposed	30-Proposed	30-Proposed
07-Scatter/Fall	11-Scatter/Fall	26-Air/Not Fixed	31-Proposed	26-Air/Not Fixed	31-Proposed	31-Proposed	31-Proposed	31-Proposed
08-Scatter/Fall	12-Scatter/Fall	27-Air/Not Fixed	32-Proposed	27-Air/Not Fixed	32-Proposed	32-Proposed	32-Proposed	32-Proposed
09-Scatter/Fall	13-Scatter/Fall	28-Air/Not Fixed	33-Proposed	28-Air/Not Fixed	33-Proposed	33-Proposed	33-Proposed	33-Proposed
10-Scatter/Fall	14-Scatter/Fall	29-Air/Not Fixed	34-Proposed	29-Air/Not Fixed	34-Proposed	34-Proposed	34-Proposed	34-Proposed
11-Scatter/Fall	15-Scatter/Fall	30-Air/Not Fixed	35-Proposed	30-Air/Not Fixed	35-Proposed	35-Proposed	35-Proposed	35-Proposed
12-Scatter/Fall	16-Scatter/Fall	31-Air/Not Fixed	36-Proposed	31-Air/Not Fixed	36-Proposed	36-Proposed	36-Proposed	36-Proposed
13-Scatter/Fall	17-Scatter/Fall	32-Air/Not Fixed	37-Proposed	32-Air/Not Fixed	37-Proposed	37-Proposed	37-Proposed	37-Proposed
14-Scatter/Fall	18-Scatter/Fall	33-Air/Not Fixed	38-Proposed	33-Air/Not Fixed	38-Proposed	38-Proposed	38-Proposed	38-Proposed
15-Scatter/Fall	19-Scatter/Fall	34-Air/Not Fixed	39-Proposed	34-Air/Not Fixed	39-Proposed	39-Proposed	39-Proposed	39-Proposed
16-Scatter/Fall	20-Scatter/Fall	35-Air/Not Fixed	40-Proposed	35-Air/Not Fixed	40-Proposed	40-Proposed	40-Proposed	40-Proposed
17-Scatter/Fall	21-Scatter/Fall	36-Air/Not Fixed	41-Proposed	36-Air/Not Fixed	41-Proposed	41-Proposed	41-Proposed	41-Proposed
18-Scatter/Fall	22-Scatter/Fall	37-Air/Not Fixed	42-Proposed	37-Air/Not Fixed	42-Proposed	42-Proposed	42-Proposed	42-Proposed
19-Scatter/Fall	23-Scatter/Fall	38-Air/Not Fixed	43-Proposed	38-Air/Not Fixed	43-Proposed	43-Proposed	43-Proposed	43-Proposed
20-Scatter/Fall	24-Scatter/Fall	39-Air/Not Fixed	44-Proposed	39-Air/Not Fixed	44-Proposed	44-Proposed	44-Proposed	44-Proposed
21-Scatter/Fall	25-Scatter/Fall	40-Air/Not Fixed	45-Proposed	40-Air/Not Fixed	45-			

Mail FR-10 to: Office of Financial Responsibility SC Department of Public Safety PO Box 1498, Columbia, SC 29216				SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY FR-10 (REV. 07/20/10) NOTICE OF REQUIREMENT																																																																																																																																																					
Date	Time	County	☐ Interstate ☒ 2- US Primary ☐ 3- SC Primary ☐ 4- Secondary ☐ 5- County ☐ 6- PP	Collision Location (Rt. # / Name)	☐ Main line ☐ 2- Alternate ☐ 5- Spur	☐ 4- Connection ☐ 7- Business	Miles	Dir.	In (Near) City or Town of:																																																																																																																																																
09-27-2012	1300	38		526 /			4	S	ORANGEBURG																																																																																																																																																
To Vehicle Owner/Operator		Failure to comply could result in appropriate action under 56-10-270 and 56-10-20 of the 1976 code of laws of S.C. as amended, if vehicle subject to registration in S.C., and upon conviction thereof, the Department must suspend your driving and/or registration privileges until all compliances have been met under the above sections of law.																																																																																																																																																							
E-317922			Driver/Pedestrian's Full Name CURTIS BIAFRA			E-317923			Driver/Pedestrian's Full Name UNKNOWN																																																																																																																																																
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05-10-1973		BLUFFTON SC 29810																																																																																																																																																							
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2004	4S	JAGU	SAJEAS1C04WD74452																																																																																																																																																						
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SC	2013	EGY985	011211932				NONE																																																																																																																																																		
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Notice of Requirement Accepted				Signature				Y N Refused to Affix Signature? Y N Vehicle Subject to Registration in SC?																																																																																																																																																	
To Be Completed By Insurance Agency, Broker, Or Other Company Representative																																																																																																																																																									
Reference to Unit #: _____, I hereby affirm that to the best of my knowledge the vehicle described above was insured by the below stated Insurance company on the date of the collision.				This information as contained herein is based solely upon my knowledge and belief as a representative of the above insurance company and no warranty of liability is intended into the above mentioned insurance and I have listed herein.																																																																																																																																																					
Insurance Company		Policy #:		Signature				Title																																																																																																																																																	
Beginning Date:		Ending Date:		Policy Holder:				Bus. Telephone																																																																																																																																																	
Notice: Failure to have this form completed by your insurance broker, agent, or representative and returned to the South Carolina Department of Public Safety within 15 days may result in suspension of your driving and/or registration privileges.																																																																																																																																																									
If any of the below are applicable, disregard the above portion.						Form FR-10 Not Issued: Section 56-10-270 56-10-520																																																																																																																																																			
☐ Check here if a Form SR-23, Fleet Policy of 25 or more vehicles is on file with the Department covering the vehicle.						No FR-10 Issued to Operator/Owner of Unit #: _____																																																																																																																																																			
☐ Check here if a certificate of self-insurance has been issued by the Department covering the vehicle and indicate the certificate number: SI - _____						Summons issued to: _____																																																																																																																																																			
☐ Check here if liability insurance was not in effect to comply with South Carolina statutory requirements.						For operating or allowing the operation of an uninsured vehicle																																																																																																																																																			
Signature _____ Date _____						Summons Number: _____ Signature _____																																																																																																																																																			
Investigating Officer's Name		Rank	Badge #	Code	Date	Reviewer's Name		Rank	Internal Agency Code																																																																																																																																																
MCCAULEY - W		TFC	181	HP97					12BWM190985																																																																																																																																																

ORIGINAL-AMENDED

SOUTH CAROLINA DPS/OHS & DMV USE ONLY				Page # 1		SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM TR-310 (Rev. 7/2010)				# Of Units 03	☒ Amended - Attach Copy of Original Report	Northbound 1310	Arrived 1328				
Date 09-27-2012	Time of Collision 1300	County 38	☒ Interstate ☐ 2-US Primary ☐ 3-SC Primary ☐ 4-Secondary ☐ 5-County ☐ 6-PP		Collision Location (Rt. # / Name) S 28 /		☒ Main ☐ 2-Alternate ☐ 3-Spur ☐ 8-Connection ☐ 7-Business ☐ 9-Other		Miles: 4	Dir. N E S W	In (Near) City or Town of: ORANGEBURG						
Lane # / Dir. #1 NL	Distance Offset 0.1	Direction N E S W	☐ 1-Interstate ☐ 2-US Primary ☐ 3-SC Primary ☐ 4-Secondary ☐ 5-County ☐ 6-PP		Base Intersection (Rt. # / Name) 801 / ST. MATTHEWS RD		☒ Main ☐ 2-Alternate ☐ 3-Spur ☐ 8-Connection ☐ 7-Business ☐ 9-Other		GPS COORDINATES 00 00' 00.00"								
R.R. Id.	From N E S W	Ramp Only 1-Entrance 2-Exit	☐ 1-Interstate ☐ 2-US Primary ☐ 3-SC Primary ☐ 4-Secondary ☐ 5-County ☐ 6-PP		Second Intersection (Rt. # / Name) 186 / WATERSPRING RD		☒ Main ☐ 2-Alternate ☐ 3-Spur ☐ 8-Connection ☐ 7-Business ☐ 9-Other		DEGREES MINUTES SECONDS Latitude: 33 33 36.40 Longitude: 80 49 30.40								
E-317922 Driver's Full Name CURTIS BIAFRA						E-317923 Driver's Full Name UNKNOWN											
Unit # 01	Sex F	Race B	Street/R.F.D. 41 LAKE LINDING LANE			Unit # 02	Sex O	Race O	Street/R.F.D.								
# Occ 1	Birth Date 05-10-1973		City, State, & Zip BLUFFTON SC 29810			# Occ 1	Birth Date		City, State, & Zip								
State SC	Driver's License # 011211932		Class D	Insurance Company NATIONWIDE		State	Driver's License # NONE		Class	Insurance Company NONE							
Year 2004	Body 4S	Vehicle Make JAGU	VIN # SAJEA51C94WD74462			Year	Body	Vehicle Make	VIN #								
State SC	Year 2013	License Plate # EGY885	Owner's D.L. # 011211932			State	Year	License Plate # NONE	Owner's D.L. #								
Home Telephone (843) 8843118			Owner's Full Name CURTIS BIAFRA			Home Telephone ()			Owner's Full Name								
Bus. Telephone (843) 2580036			Street/R.F.D. 41 LAKE LINDING LANE			Bus. Telephone ()			Street/R.F.D.								
Contributed To Collision Yes (No)			City, State, & Zip BLUFFTON SC 29810			Contributed To Collision Yes (No)			City, State, & Zip								
Estimated Speed 70	Speed Limit 70	C.D.L. Req. Yes (No)	T/B S Req. Yes (No)	Alc/Drg Info (see back): Yes (No)		Estimated Speed 75	Speed Limit 70	C.D.L. Req. Yes (No)	T/B S Req. Yes (No)	Alc/Drg Info (see back): Yes (No)							
Summons #		Code	Summons #	Code	Towed HILLIARD'S	Summons #		Code	Summons #	Code	Towed						
E-458383 Driver's Full Name UNKNOWN						State Year License Plate # Owner's D.L. # NONE											
Unit # 03	Sex M	Race O	Street/R.F.D.			Home Telephone ()			Owner's Full Name								
# Occ 1	Birth Date		City, State, & Zip			Bus. Telephone ()			Street/R.F.D.								
State	Driver's License # NONE		Class	Insurance Company NONE		Contributed To Collision Yes (No)			City, State, & Zip								
Year	Body	Vehicle Make	VIN #			Estimated Speed 85			Speed Limit 70	C.D.L. Req. Yes (No)	T/B S Req. Yes (No)	Alc/Drg Info (see back): Yes (No)					
Dir. of Travel:		Unit 1: N S E (W)	Unit 2: N S E (W)	Unit 3: N S E (W)	Summons #		Code	Summons #	Code	Towed							
						Unit 1 Dam.		Unit 2 Dam.		Unit 3 Dam.		Prop. Dam. 1		Prop. Dam. 2			
						\$2000		\$0		\$0		\$		\$			
						Property Owner/Witness HUDSON BOBBY						Property Owner/Witness					
						Address 3332 LOCUST AVE DENMARK						Address City					
						State Zip Phone SC 29002 8033835798						State Zip Phone					
Photo: Describe What Happened (Refer to Units by Number) Y (N)																	
UNIT 1 AND UNIT 3 WERE TRAVELING WEST ON I-26. UNIT 2 WAS ENTERING I-26 TRAVELING WEST FROM THE 145 RAMP. UNIT 2 ACCELERATED ONTO THE INTERSTATE CAUSING UNIT 3 MOVE OVER INTO THE LANE OF UNIT 1. TO KEEP FROM BEING STRUCK BY UNIT 3, UNIT 1 RAN OFF THE ROAD TO THE LEFT, ACROSS THE CENTERLINE, SPUN OUT OF CONTROL AND INTO A SMALL DITCH. UNIT 2 DID NOT REMAIN AT THE SCENE.																	
REPORT WAS AMENDED ON 12/16/12 TO SHOW: UNIT 2 AND UNIT 3 WERE ADDED TO DIAGRAM, NARRATIVE WAS CHANGED TO REFLECT CHANGES IN DIAGRAM, TRACTOR ADDED AS UNIT 3, SEQUENCE OF EVENTS AND TRUCK BUS SUPPLEMENT ADDED.																	
NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.																	
Investigating Officer's Name MCCAULEY - W		Rank TFC	Badge # 161	Jurisdiction Code HP07	Review Date 12-16-2012	Reviewer's Name J H Burris		Rank Cpl	Internal Agency Code 12BW190965								

Unit	Date of Birth	Sex	Race	INJ	Seat	R/SO	A.S.D.	Eject	LAI	Tran	Name	Street Address	Zip Code
01	05-10-1973	F	B	1	01	13	4	3	1	1	1	CURTIS BIAFRA	41 LAKE LINDING LANE BLUFFTON SC 29810
02			O	0	01	99	4	3	1	1	2	UNKNOWN	
03			M	O	0	01	99	4	3	1	2	UNKNOWN	

Race		A - Asian/Pacific Islander		W - Caucasian		a) Injury Status		2-Non-incapacitating		Seating Loc.		20-Pedestrian		60-Sleeper of Cab		Restraint/Safety Device	
3 - African American		H - Hispanic		O - Other		0-Not Injured		3-Incapacitating		01 02 03		30-Trailing Unit		70-Riding on Unit Exterior		00-None Used	
1 - Alaskan Native or American Indian		U - Unk.				1-Possible Injury		4-Fatal		04 05 06		40-Bus or Van (4th row or Higher)		90-Lap		11-Shoulder belt	
Air Bag Deployment / Switch		Ejection		b) 2 or 3 Wheel Motorized Vehicle		Head Injury		1-Yes 2-No		07 08 09		50-Other Enclosed Area (nontrailing)		99-Link/NA		12-Lap Belt Only	
a) 1-Deployed Front 4-Not Deployed		1-Not Ejected		2-Part Ejected		3-Freed (non-mech.)		4-Not Applicable		a) Transported to Medical Facility		51-Other Unenclosed Area (nontrailing)				13-Shoulder & Lap Belt 99-Unk.	
2-Deployed Side 7-Not Applicable		2-Part Ejected		3-Tot. Ejected		1-Not Trapped		2-Extricated (Mechanical Means)		b) By: 1-EMS 2-Police 9-Other 9-Unk.						31-Helmet 51-Reflective Clothing	
3-Deployed Both 9-Deployment Unk.		7-Not App.		9-Unk.		3-Unknown										41-Protective Pads 61-Lighting	
1-Switch in On Position 3-No Switch		7-Not App.															
2-Switch in Off Position 9-Unknown																	

Non-Collision		04-Equipment Failure		Collision: Not Fixed		Collision: Fixed Object		47-Emberment		55-Mail Box		68-Other	
01-Cargo/Equip Load or Shift		05-Fire/Explosion		08-Overturn/Rollover		20-Animal (Deer Only)		40-Bridge Overhead Structure		46-Equipment		56-Median Barrier	
02-Cross Median/Center		06-Immersion		09-Run off Road Left		21-Animal (All Other)		41-Bridge Parapet End		49-Fence		57-Overhead Sign Support	
03-Downhill Runaway		07-Jackknife		10-Run off Road Right		22-Motor Veh. (In Transport)		42-Bridge Pier or Abutment		50-Guardrail End		58-Other (Post, Pole, Support, Etc.)	
				11-Separation of Units		23-Motor Veh. (Stopped)		43-Bridge Rail		51-Guardrail Face		59-Other (Wall, Building, Tunnel, Etc.)	
				12-Spill (Two-Wheeled Veh.)		24-Motor Veh. (Other Roadway)		44-Culvert		52-Highway Traffic Sign Post		60-Tree	
				18-Other Non-collision		25-Motor Veh. (Parked)		45-Curb		53-Impact Absorbator/Crash Cushion		61-Utility Pole	
				19-Unk. Non-collision		26-Pedalcycle		46-Drift		54-Light/Luminaire Support		62-Work Zone Maint. Equipment	

Event 1		Event 2		Event 3		Event 4		Event 5		Event 6		Event 7		Event 8		Event 9		Event 10	
09		10		11		12		13		14		15		16		17		18	
218		2		2		2		2		2		2		2		2		2	
102		318		3		3		3		3		3		3		3		3	

Manner of Collision (Struck Veh.)		30-Rear-to-Rear		50-Sideswipe Same Dir.		1st / Most Deformed Area		1st Deformed		11		281		381		Most Deformed		11		281		381	
00-Not Coll. w/ Motor Veh.		41-Angle		60-Sideswipe Opposite Dir.		2-3		2-3		2-3		2-3		2-3		2-3		2-3		2-3		2-3	
10-Rear End		42-Angle		70-Backed Into		4		4		4		4		4		4		4		4		4	
20-Head On		43-Angle		99-Unknown		5		5		5		5		5		5		5		5		5	

Vehicle Type:		15-Full Size Van		27-Pedalcycle		61-School Bus		Alcohol / Drug Test Given		3-Given - Pending		Special Use Only	
01-Automobile		16-Mini Van		38-Animal Drawn Veh		62-Passenger Bus		1-Given - Known Results		4-None		1	
101-Pickup Truck		17-Sport Utility		39-Animal (Ridden)		98-Other		2-Given - Unusable		5-Refused		2	
13-Truck Tractor		25-Motorcycle		41-Pedestrian		99-Link (Hit and Run Only)		Test Type		3-Urine		3	
14-Other Truck		26-Other Motorbike		51-Train				1-Breath (Alc Only)		4-Serum		4	

Vehicle Use Code		04-Ambulance		08-Farm Use		12-Fire Fighting		1-Under-Compartment Intrusion		Undermide/Overmide		1	
01-Personal		05-Military		09-Wrecker or Tow		13-Logging		2-Under-No Intrusion		4-Over-MV in transport		2	
02-Driver Training		06-Transport Passengers		10-Police		18-Other		3-Under-Unknown		5-Over-Other Vehicle		3	
03-Construction/Maint.		07-Transport Property		11-Government		41-Pedestrian		0-None/Minor		2-Functional Damage		4	

Vehicle Attachment		4-Utility Trailer		9-Towed Motor Vehicle		C-Other Tanker		Drug Results		3-Marijuana		0-None/Minor		Extent of Deformity		1	
1-None		5-Farm Trailer		9-Petroleum Tanker		D-Flat Bed		1-Amphetamines		4-Opates		2-Functional Damage		4-Severe/Totaled		2	
2-Mobile Home		6-Trailer w/Boat		A-Lowboy Trailer		E-Twin Trailers		2-Cocaine		5-PCP 8-Other		3-Disabling Damage		5-Not Applicable		3	
3-Semi-Trailer		7-Camper Trailer		8-Autocarrier Trailer		F-Other		Alc Test Results		1-Two-way, Not Divided		3-Two-way, Divided, Barrier		4-One-Way		8-Other	

Action Prior to Impact		(Vehicle)		(Non-motorist)		1-Two-way, Not Divided		3-Two-way, Divided, Barrier		4-One-Way		8-Other		Trafficway		3	
01-Backing		08-Parked		21-Approaching Leaving Vehicle		A1-		2-Two-way, Divided, Unprotected Median		4-One-Way		8-Other		Trafficway		3	
02-Changing lanes		09-Stopping or		22-Entering/Crossing Location		A2-		1-Gore		3-Median		5-Roadway		7-Sidewalk		9-Unk.	
03-Entering traffic lane		Stopped in traffic		23-Playing/Working on Vehicle		A3-		2-Island		4-Roadside		6-Shoulder		8-Outside Trafficway		B: X-walk	
04-Leaving traffic lane		10-Turning left		24-Pushing Vehicle				1-Straight - Level		3-Straight - Hillcrest		5-Curve - On grade		6-Curve - Hillcrest		Road Character	
05-Making U-turn		11-Turning right		25-Standing				2-Straight - On grade		4-Curve - Level		6-Curve - Hillcrest		9-Unk.		Road Surface Condition	
06-Movements Essentially Straight Ahead		26-Walking, Playing, Cycling		27-Working				1-Dry		3-Snow		5-Ice		7-Water (Standing, etc.)		9-Unk.	
07-Overtaking/passing		88-Other		99-Unk.				2-Wet		4-Slush		6-Contaminants		8-Other		Traffic Control Type	

Weather Condition		3-Cloudy		8-Fog, Smog, Smoke		02-Flashing Traffic Signal		22-Oncoming Emergency Vehicle		43-Yield Sign		51-Flashing Beacon	
1-Clear (no adverse conditions)		4-Sleet, Hail		7-Blowing Sand		11-RR (X-bucks, Lights & Gates)		31-Pavement Markings (only)		44-Work Zone		98-None	
2-Rain		5-Snow		9-Unk.		12-RR (X-bucks & Lights)		41-Stop Sign		45-Other Warning Signs		99-None	
Light Condition		3-Dusk		6-Dark (Street Lamp Not Lit)		13-RR (X-bucks Only)		42-School zone Sign					
1-Daylight		4-Dark (Lighting Unspecified)		7-Dark (No lights)		1-Yes, Directly		2-Yes, Indirectly		3-No		9-Unk.	
2-Dawn		5-Dark (Street Lamp Lit)				1-Before 1st Sign		3-Transition Area		5-Termination		1-Yes 2-No Work Zone	

Junction Type		03-Five/More Points		07-Shared Use Paths or Trail		12-Y-Intersection		1-Shoulder/Median Work		3-Intermittent/Moving Work		Work Zone Location	
01-Crossover		04-Four-way Intersection		08-T-Intersection		13-Nonjunction		2-Lane Shift/Crossover		4-Lane Closure		8-Other 9-Unk.	
02-Driveway		05-Railway Grade Crossing		9-Traffic Circle		99-Unk.						1-Yes 2-No Workers Present	

Primary		Contributing Factors		39-Made an Improper Turn		Roadway		Non-Motorist		Environmental		62-Obstruction	
18		Driver		10-Medical Related		30-Debris		48-Other		50-Inattentive		60-Animal in Road	
		01-Disregarded Signs, Signals, Etc.		12-Aggressive Operations of Vehicle		31-Non-highway Work		49-Unk.		51-Lying &/or Illegally in Roadway		63-Weather Cond.	
		02-Distracted/Inattention		13-Over-correcting/Over-steering		32-Obstruction in Roadway				52-Failure to Yield R. of W.		61-Glare	
		03-Driving Too Fast for Conditions		14-Swerving to Avoiding Object		33-Road Surface Condition (i.e., Wet)				53-Not Visible (Dark Clothing)		68-Other	
		04-Exceeded Authorized Speed Limit		15-Wrong Side or Wrong Way		34-Rut, Holes, Bumps				54-Disregard Signs, Signals, Etc.		69-Unk.	
		05-Failed to Yield Right of Way		16-Under the Influence		35-Shoulders (None, Low, Soft, High)				55-Improper Crossing		70-Brakes	
		06-Run off Road		17-Vision Obscured (Within Unit)		36-Traffic Control Device (i.e., Missing)				56-Darting		71-Steering	
		07-Fatigued/Asleep		18-Improper lane Usage/Change		37-Work Zone (Const./Maint./Utility)				57-Wrong Side of Road		72-Power Plant	
		08-Followed Too Closely		19-Cell Phone		38-Worn, Travel-Polished Surface				58-Other		73-Tires/Wheel	
				20-Texting						59-Unk.		74-Lights	
				28-Other Improper Action						68-Under the Influence		75-Signals	
				29-Unk.						67-Other Person Under Influence		76-Window/Shield	
										69-Under the Influence		77-Restraint System	
										70-Brakes		78-Truck Coupling	
										71-Steering		79-Cargo	
										72-Power Plant		80-Fuel System	
										73-Tires/Wheel		88-Other	
										74-Lights		89-Unk.	
										75-Signals			

Mail FR-10 to: Office of Financial Responsibility SC Department of Public Safety PO Box 1498, Columbia, SC 29216				SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY FR-10 (REV. 07/2010) NOTICE OF REQUIREMENT					
Date	Time	County	1- Interstate 4- Secondary 2- US Primary 5- County 3- SC Primary 6- PP	Collision Location (Rt # / Name)	1- Main line 6- Connection 2- Alternate 7- Business 5- Spur	Miles	Dir. N E S W	In (Near) City or Town of:	
09-27-2012	1300	38		528 /		4	3 W	ORANGEBURG	
To Vehicle Owner/Operator		Failure to comply could result in appropriate action under 56-10-270 and 56-10-20 of the 1976 code of laws of S.C. as amended, if vehicle subject to registration in S.C., and upon conviction thereof, the Department must suspend your driving and/or registration privileges until all compliances have been met under the above sections of law.							
E-317922				Driver/Pedestrian's Full Name CURTIS BIAFRA				E-317923	
Unit #	Sex	Race	Street/R.F.D.	Unit #	Sex	Race	Street/R.F.D.		
01	F	B	41 LAKE LINDING LANE	02		O			
Birth Date		City, State, & Zip		Birth Date		City, State, & Zip			
05-10-1973		BLUFFTON SC 29810							
State	Driver's License #		Class	Insurance Company	State	Driver's License #		Class	Insurance Company
SC	011211932		D	NATIONWIDE		NONE			NONE
Year	Body	Vehicle Make	VIN #	Year	Body	Vehicle Make	VIN #		
2004	4S	JAGU	SAJEA51C94WD74462						
State	Year	License Plate #	Owner's D.L. #	State	Year	License Plate #	Owner's D.L. #		
SC	2013	EGY865	011211932			NONE			
Home Telephone		Owner's Full Name		Home Telephone		Owner's Full Name			
(843) 8843118		CURTIS BIAFRA		()					
Bus. Telephone		Street/R.F.D.		Bus. Telephone		Street/R.F.D.			
(843) 2580038		41 LAKE LINDING LANE		()					
Contributed To Collision		City, State, & Zip		Contributed To Collision		City, State, & Zip			
Yes (No)		BLUFFTON SC 29810		Yes (No)					
E-458383 Driver/Pedestrian's Full Name UNKNOWN									
Unit #	Sex	Race	Street/R.F.D.	Home Telephone	Owner's Full Name				
03	M	O		()					
Birth Date		City, State, & Zip		Bus. Telephone	Street/R.F.D.				
				()					
State	Driver's License #		Class	Insurance Company	Contributed To Collision		City, State, & Zip		
	NONE			NONE	Yes (No)				
Year	Body	Vehicle Make	VIN #	Accident Insurance Information for Unit # 02					
				Company Name		Area Code/Phone Number			
				NONE		()			
				Agency Name		Policy Number			
All Units Insurance Information (to be completed by Investigating Officer)									
Accident Insurance Information for Unit # 01				Accident Insurance Information for Unit # 03					
Company Name		Area Code/Phone Number		Company Name		Area Code/Phone Number			
NATIONWIDE		()		NONE		()			
Agency Name		Policy Number		Agency Name		Policy Number			
Insurance Information									
Notice of Requirement Accepted				Signature		Y N Refused to Affix Signature?			
						Y N Vehicle Subject to Registration in SC?			
To Be Completed By Insurance Agency, Broker, Or Other Company Representative									
Reference to Unit #: _____, I hereby affirm that to the best of my knowledge the vehicle described above was insured by the below stated insurance company on the date of the collision.									
Insurance Company				Policy #:		Signature			
						Title			
Beginning Date:		Ending Date:		Policy Holder:		NAICS (Assigned by S.C. Dept of Ins.)		Bus. Telephone	
								()	
Notice: Failure to have this form completed by your insurance broker, agent, or representative and returned to the South Carolina Department of Public Safety within 15 days may result in suspension of your driving and/or registration privileges.									
If any of the below are applicable, disregard the above portion.						Form FR-10 Not Issued: Section 56-10-270 56-10-520			
☐ Check here if a Form SR-23, Fleet Policy of 25 or more vehicles is on file with the Department covering the vehicle.						No FR-10 Issued to Operator/ Owner of Unit #:			
☐ Check here if a certificate of self-insurance has been issued by the Department covering the vehicle and indicate the certificate number: SI - _____						Summons Issued to:			
☐ Check here if liability insurance was not in effect to comply with South Carolina statutory requirements.						Summons Number:			
Signature						Signature			
Date						For operating or allowing the operation of an uninsured vehicle			
Investigating Officer's Name		Rank	Badge #	Code	Date	Reviewer's Name		Rank	Internal Agency Code
MCCAULEY - W		TFC	181	HP07	12-15-2012	J H BURRIS		CPL	12BW190968

ORIGINAL

SOUTH CAROLINA DPS AND DMV USE ONLY			South Carolina Uniform Traffic Collision Report (For Investigating Officers) Supplemental Bus & Truck Collision Report (Revised 04/2008)		☒ Amended-Attach Copy of Original Report ☐ Corrected Report
			Page <u>1</u> of <u>1</u> Pages		
Date 09-27-2012	Time 1300	County 38	Route Category ☒ Interstate 2-US Primary 3-SC Primary 4-Secondary 5-County 6-PP	Accident Location (Route Number and Name if Any) ON 28 /	Auxiliary ☒ Mainline 2-Altimate 5-Spur 8-Connection 7-Business 9-Other
IF THIS CRASH INCLUDES:			Access Control		
Any truck that has a gross vehicle weight rating (GVWR) of more than 10,000 pounds or a gross combination weight rating (GCWR) of more than 10,000 pounds and is used on public highways,			How Many? 1	1- No Access Control 2- Full Access Control 3- Partial Access Control	
OR			How Many? 03	Vehicle Information Gross Vehicle Weight Rating Gross Combination Weight Rating 01- Less than or Equal to 10,000 Pounds 02- 10,001-28,000 Pounds 03- More than 28,000 Pounds 99- Unknown/HR and Run	
Any motor vehicle with seating to transport nine (9) or more people, including the driver			How Many? 08	Vehicle Configuration 00- Passenger Car (only w/ HAZMAT placard) 01- Light Truck (only w/ HAZMAT placard) 02- Bus (seats for 9-15 people) 03- Bus (seats for 16+ people) 04- Single Unit Truck (2axles/6+ tires) 05- Single Unit Truck (3 or more axles) 06- Truck w/ Trailer 07- Truck-Tractor Only (Bobtail) 08- Tractor w/ Semi-Trailer 09- Tractor w/ Double Trailers 10- Tractor w/ Triple Trailers 96- Other/Unable to Classify 99- Unknown/HR and Run	
Any motor vehicle (regardless of weight) displaying a hazardous materials placard;			How Many? 01	Bus Use 01- Not used as a bus 02- School 03- Transit/Commuter/Sch service 04- Intercity 05- Charter/Tour 06- Shuttle/Church 07- Unknown	
AND RESULTS IN:			Cargo Body Type		
Any fatality or fatalities			How Many? 02	00- Bus (seats for 9-15 people) 01- Bus (seats for 16+ people) 02- Enclosed Box 03- Cargo Tank 04- Flat Bed 05- Dump 06- Concrete Mixer 07- Auto Transporter 08- Garbage/Refuse 09- Grain, Chips, Gravel 10- Pole 11- Intermodal Container 12- Log 13- Veh. Towing Vehicle 97- N/A 98- Other 99- Unknown/Hit & Run	
Any person(s) transported for immediate medical services			How Many? 1	Trailer Length and Width Length 00- No Trailer 01- Less than 480 in. (40 ft) 02- 481 in. - 576 in. (48 ft) 03- 577 in. or more 99- Unknown/Hit and Run Width 00- No Trailer 01- Less than 50 in. (5 ft) 02- 61 in. - 84 in. (7 ft) 03- 85 in. or more 99- Unknown/Hit and Run	
Number of Vehicles Towed			How Many? 1		
Any disabled motor vehicle(s) towed away from the scene			How Many? 1		
Complete This Form Only If: One or More Qualifying Vehicle(s) was Involved - AND One or More Qualifying Injuries/Fatalities was Sustained - OR One or More Disabled Vehicle(s) was Towed Away From the Scene					
Total Number of Supplemental Forms Required for this Collision			1		
Unit Number <u>03</u> FR-10 Number <u>E-458383</u>					
Carrier Information					
Name: <u>UNKNOWN</u>					
Address: <u>UNKNOWN</u>					
City: <u>UNKNOWN</u> State: <u>OT</u> Zip: <u>UNKNO</u>					
Business Phone Number: <u> </u>					
Identification Numbers					
U.S. DOT <u> </u> None = 0 <u> </u>					
State Number <u> </u> S C (3) Not in Commerce - Other Truck/Bus (4) Not in Commerce - Government (5) Other Operation/Not Specified Carrier? <u>1</u>					
Carrier Type: (s this vehicle a(n) (1) Interstate, (2) Intrastate Carrier? <u>1</u>					
Was a Citation Issued to this Vehicle? 1- Yes 2- No 3- Pending <u>2</u>					
Investigator's Name <u>MCCAULEY - W</u> Rank <u>TFC</u> Date <u>12-18-2012</u>					
Reviewer's Name <u>J H Burriss</u> Rank <u></u>					
Hazardous Material Involvement Was This Vehicle Carrying Hazardous Materials? 1- Yes 2- No 3- Unknown/Hit and Run <u>2</u> Did the Vehicle Have a Hazardous Material Placard? 1- Yes 2- No 3- Unknown/Hit and Run <u>2</u> If "Yes", What Class of Hazardous Material (off placard/shipping papers)? 01- Class 1 (Explosives) 06- Class 5 (Poison/Infectious Substance) 02- Class 2 (Gases) 07- Class 7 (Radioactive) 03- Class 3 (Flammable Liquids) 08- Class 8 (Corrosives) 04- Class 4 (Flammable Solids) 09- Class 9 (Misc. Goods) 05- Class 5 (Oxidizing Substance) 10- No Placard 99- Other/Unknown/Hit and Run If "YES", enter 4 digit HAZMAT ID (Look on placard/shipping papers) <u> </u> Did Hazardous Material Release from this Vehicle? 1- Yes 2- No 3- Unknown/Hit and Run <u>2</u> Name of Agency Notified (In Case of Release): <u> </u>					

ORIGINAL-CORRECTED

3

SOUTH CAROLINA DPS/OHS & DMV USE ONLY				Page # 1	SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM				# Of Units 03	Amended - Attach Copy of Original Report ☒ Corrected	Notified 1310	Arrived 1328											
Date 09-27-2012	Time of Collision 1300	County 38	1- Interstate 2- US Primary 3- SC Primary 4- Secondary 5- County 6- PP		Collision Location (Rt. # / Name) E 26 /		1- Main 2- Alternate 3- Spur 4- Connection 5- Business 6- Other		Miles: 4	Dir. N E S W W	In / Near City or Town of: ORANGEBURG												
Lane # / Dir. # Of N E S W NL		Distance Offset Miles .01	Direction N E S W W	1- Interstate 2- US Primary 3- SC Primary 4- Secondary 5- County 6- Other		Base Intersection (Rt. # / Name) 601 / ST. MATTHEWS RD		1- Main 2- Alternate 3- Spur 4- Connection 5- Business 6- Other		GPS COORDINATES 00 00' 00.00"													
R.R. Id.		From N E S W	Ramp Only 1- Entrance 2- Exit	To N E S W	1- Interstate 2- US Primary 3- SC Primary 4- Secondary 5- County 6- Other		Second Intersection (Rt. # / Name) 166 / WATERSPRING RD		1- Main 2- Alternate 3- Spur 4- Connection 5- Business 6- Other		Latitude 33 33 36.4	Longitude 80 49 30.4											
E-317922				Driver/Pedestrian's Full Name CURTIS BIAFRA				E-317923				Driver/Pedestrian's Full Name UNKNOWN											
Unit # 01	Sex F	Race B	Street/R.F.D. 41 LAKE LINDING LANE		Unit # 02	Sex O	Race O	Street/R.F.D.															
# Occ 1	Birth Date 05-10-1973		City, State, & Zip BLUFFTON SC 29810		# Occ 1	Birth Date		City, State, & Zip															
State SC	Driver's License # 011211932		Class D	Insurance Company NATIONWIDE	State	Driver's License # NONE		Class	Insurance Company NONE														
Year 2004	Body 4S	Vehicle Make JAGU	VIN # SAJEA51C94WD74462		Year	Body	Vehicle Make	VIN #															
State SC	Year 2013	License Plate # EGY865	Owner's D.L. # 011211932		State	Year	License Plate # NONE	Owner's D.L. #															
Home Telephone (843) 6843118		Owner's Full Name CURTIS BIAFRA			Home Telephone ()		Owner's Full Name																
Bus. Telephone (843) 2580036		Street/R.F.D. 41 LAKE LINDING LANE			Bus. Telephone ()		Street/R.F.D.																
Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810			Contributed To Collision Yes		City, State, & Zip																
Estimated Speed 70	Speed Limit 70	C.D.L. Req. Yes (No)	T/B S Req. Yes (No)	Alc/Drg Info (see back): Yes (No)	Estimated Speed 75	Speed Limit 70	C.D.L. Req. Yes (No)	T/B S Req. Yes (No)	Alc/Drg Info (see back): Yes (No)														
Summons #		Code	Summons #	Code	Summons #		Code	Summons #	Code														
				HILLIARD'S																			
E-458383				Driver/Pedestrian's Full Name UNKNOWN				State				Year											
Unit # 03	Sex M	Race O	Street/R.F.D.		Home Telephone ()		Owner's Full Name		State		Year		License Plate #		Owner's D.L. #								
# Occ 1	Birth Date		City, State, & Zip		Bus. Telephone ()		Street/R.F.D.		Contributed To Collision Yes		City, State, & Zip												
State	Driver's License # NONE		Class	Insurance Company NONE	Contributed To Collision Yes		City, State, & Zip																
Year	Body	Vehicle Make	VIN #		Estimated Speed		Speed Limit	C.D.L. Req. Yes (No)	T/B S Req. Yes (No)	Alc/Drg Info (see back): Yes (No)													
Dir. of Travel:		Unit 1: N S E (W)		Unit 2: N S E (W)		Unit 3: N S E (W)		65		70													
				Unit 1 Dam.				Unit 2 Dam.				Unit 3 Dam.				Prop. Dam. 1				Prop. Dam. 2			
				\$2000				\$0				\$0				\$				\$			
				Property Owner/Witness HUDSON BOBBY				Property Owner/Witness															
				Address 3332 LOCUST AVE				City DENMARK				Address				City							
				State SC				Zip 29002				Phone 8033835796				State SC				Zip			
				Photo: Y (N)				Describe What Happened (Refer to Units by Number)															
				UNIT #1 AND UNIT #3 WERE TRAVELING WEST ON I-26. UNIT #2 WAS ENTERING I-26 WESTBOUND FROM THE ENTRANCE RAMP. UNIT #2 ACCELERATED ONTO I-26 INTO LANE #2. UNIT #3 CHANGED LANES FROM LANE #2 TO LANE #1 TO AVOID BEING STRUCK BY UNIT #2. UNIT #2, TRAVELING IN LANE #2, WAS FORCED OFF THE ROAD BY UNIT #3. UNIT #1 RAN OFF ROADWAY, SPUN OUT OF CONTROL AND INTO A SMALL DITCH. UNIT #2 LEFT THE SCENE. IT WAS LATER FOUND THAT UNIT 3 WAS INVOLVED IN THE COLLISION ALSO.																			
				REPORT WAS CORRECTED ON 01/24/2013 TO SHOW CORRECTIONS IN NARRATIVE.																			

NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.

Investigating Officer's Name MCCAULEY - W	Rank TFC	Badge # 181	Jurisdiction Code H P O 7	Review Date 01-26-2013	Reviewer's Name J H Burriss	Rank Cpl	Internal Agency Code 12BW190965
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[illegible]

Mail FR-10 to: Office of Financial Responsibility SC Department of Public Safety PO Box 1498, Columbia, SC 29216	SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY FR-10 (REV. 07/2010) NOTICE OF REQUIREMENT	
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Date 09-27-2012	Time 1300	County 38	1- Interstate 4- Secondary 2- US Primary 5- County 3- SC Primary 6- PP 526 /	Collision Location (Rt. # / Name) 526 /	1- Main line 8- Connection 2- Alternate 7- Business 5- Spur 4	Miles: 4	Dir. S W	In (Near) City or Town of: ORANGEBURG
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To Vehicle Owner/Operator

Failure to comply could result in appropriate action under 56-10-270 and 56-10-20 of the 1976 code of laws of S.C. as amended, if vehicle subject to registration in S.C., and upon conviction thereof, the Department must suspend your driving and/or registration privileges until all compliances have been met under the above sections of law.

E-317922				Driver/Pedestrian's Full Name CURTIS BIAFRA				E-317923				Driver/Pedestrian's Full Name UNKNOWN							
Unit # 01	Sex F	Race B	Street/R.F.D. 41 LAKE LINDING LANE		Unit # 02	Sex O	Race O	Street/R.F.D.		Unit # 01	Sex F	Race B	Street/R.F.D. 41 LAKE LINDING LANE						
Birth Date 05-10-1973		City, State, & Zip BLUFFTON SC 29810		Birth Date		City, State, & Zip		Birth Date		City, State, & Zip		Birth Date		City, State, & Zip					
State SC	Driver's License # 011211932		Class D	Insurance Company NATIONWIDE		State	Driver's License # NONE		Class	Insurance Company NONE		State	Driver's License # NONE		Class	Insurance Company NONE			
Year 2004	Body 4S	Vehicle Make JAGU	VIN # SAJEA51C94WD74462		Year	Body	Vehicle Make	VIN #		Year	Body	Vehicle Make	VIN #		Year	Body	Vehicle Make	VIN #	
State SC	Year 2013	License Plate # EGY865		Owner's D.L. # 011211932	State	Year	License Plate # NONE		Owner's D.L. #	State	Year	License Plate # NONE		Owner's D.L. #	State	Year	License Plate # NONE		Owner's D.L. #
Home Telephone (843) 6843118		Owner's Full Name CURTIS BIAFRA				Home Telephone ()		Owner's Full Name				Home Telephone ()		Owner's Full Name					
Bus. Telephone (843) 2580036		Street/R.F.D. 41 LAKE LINDING LANE				Bus. Telephone ()		Street/R.F.D.				Bus. Telephone ()		Street/R.F.D.					
Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810		Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810		Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810		Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810		Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810	

E-458383				Driver/Pedestrian's Full Name UNKNOWN				State	Year	License Plate # NONE	Owner's D.L. #								
Unit # 03	Sex M	Race O	Street/R.F.D.		Unit # 03	Sex M	Race O	Street/R.F.D.		Unit # 03	Sex M	Race O	Street/R.F.D.						
Birth Date		City, State, & Zip		Birth Date		City, State, & Zip		Birth Date		City, State, & Zip		Birth Date		City, State, & Zip					
State SC	Driver's License # NONE		Class NONE	Insurance Company NONE		State	Driver's License # NONE		Class NONE	Insurance Company NONE		State	Driver's License # NONE		Class NONE	Insurance Company NONE			
Year 2004	Body 4S	Vehicle Make JAGU	VIN # SAJEA51C94WD74462		Year	Body	Vehicle Make	VIN #		Year	Body	Vehicle Make	VIN #		Year	Body	Vehicle Make	VIN #	
Home Telephone (843) 6843118		Owner's Full Name CURTIS BIAFRA				Home Telephone ()		Owner's Full Name				Home Telephone ()		Owner's Full Name					
Bus. Telephone (843) 2580036		Street/R.F.D. 41 LAKE LINDING LANE				Bus. Telephone ()		Street/R.F.D.				Bus. Telephone ()		Street/R.F.D.					
Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810		Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810		Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810		Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810		Contributed To Collision Yes		City, State, & Zip BLUFFTON SC 29810	

All Units Insurance Information
(to be completed by Investigating Officer)

Accident Insurance Information for Unit # 01				Accident Insurance Information for Unit # 02				Accident Insurance Information for Unit # 03			
Company Name NATIONWIDE		Area Code/Phone Number ()		Company Name NONE		Area Code/Phone Number ()		Company Name NONE		Area Code/Phone Number ()	
Agency Name		Policy Number		Agency Name		Policy Number		Agency Name		Policy Number	

Insurance Information

Notice of Requirement Accepted ☒				Signature _____				Y N Refused to Affix Signature?			
Y N Vehicle Subject to Registration in SC?											
To Be Completed By Insurance Agency, Broker, Or Other Company Representative								The information as contained herein is based solely upon my knowledge and belief as a representative of the above insurance company and no warranty of liability is imputed into the above mentioned insurance as I have listed herein.			
Reference to Unit #: _____, I hereby affirm that to the best of my knowledge the vehicle described above was insured by the below stated Insurance company on the date of the collision.								Signature _____ Title _____			
Insurance Company				Policy #:				NAIC# (Assigned by S.C. Dept of Ins.)			
Beginning Date:				Ending Date:				Bus. Telephone ()			
Policy Holder:				Signature _____				Date _____			

Notice: Failure to have this form completed by your insurance broker, agent, or representative and returned to the South Carolina Department of Public Safety within 15 days may result in suspension of your driving and/or registration privileges.

If any of the below are applicable, disregard the above portion.				Form FR-10 Not Issued: Section 56-10-270 56-10-520			
Check here if a Form SR-23, Fleet Policy of 25 or more vehicles is on file with the Department covering the vehicle.				No FR-10 Issued to Operator/ Owner of Unit #: _____			
Check here if a certificate of self-insurance has been issued by the Department covering the vehicle and indicate the certificate number: SI - _____				Summons Issued to: _____			
Check here if liability insurance was not in effect to comply with South Carolina statutory requirements.				For operating or allowing the operation of an uninsured vehicle			
Signature _____				Summons Number: _____			
Date _____				Signature _____			

Investigating Officer's Name MCRAHEE, J	Rank TCR	Badge # 181	Code 4007	Date 12-15-2012	Reviewer's Name 14 BIDDIE	Rank CR	Internal Agency Code 1201400000
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ORIGINAL-CORRECTED

SOUTH CAROLINA DPS AND DMV USE ONLY

South Carolina
Uniform Traffic Collision Report
(For Investigating Officers)
Supplemental Bus & Truck Collision Report
(Revised 04/2009)

Amended/Attach Copy of Original Report

Corrected

Page 1 of 1 Pages

Date	Time	County	Route Category	Accident Location	Auxiliary
09-27-2012	1300	38	☒ 1-Interstate ☐ 2-US Primary ☐ 3-SC Primary ☐ 4-Secondary ☐ 5-County ☐ 6-PP	ON 26 /	☒ 1-Mainline ☐ 2-Alternate ☐ 5-Spur ☐ 6-Connection ☐ 7-Business ☐ 9-Other

IF THIS CRASH INCLUDES:

Any truck that has a gross vehicle weight rating (GVWR) of more than 10,000 pounds or a gross combination weight rating (GCWR) of more than 10,000 pounds and is used on public highways,

OR

Any motor vehicle with seating to transport nine (9) or more people, including the driver

OR

Any motor vehicle (regardless of weight) displaying a hazardous materials placard;

Access Control

- 1- No Access Control
2- Full Access Control
3- Partial Access Control

1

Vehicle Information

Gross Vehicle Weight Rating

Gross Combination Weight Rating

- 01- Less than or Equal to 10,000 Pounds
02- 10,001-26,000 Pounds
03- More than 26,000 Pounds
99- Unknown/ Hit and Run

03

Vehicle Configuration

- 00- Passenger Car (only w/ HAZMAT placard)
01- Light Truck (only w/ HAZMAT placard)
02- Bus (seats for 9-15 people)
03- Bus (seats for 16 + people)
04- Single Unit Truck (2-axes/6+ tires)
05- Single Unit Truck (3 or more axes)
06- Truck w/ Trailer
07- Truck-Tractor Only (Bobtail)
08- Tractor w/ Semi-Trailer
09- Tractor w/ Double Trailers
10- Tractor w/ Triple Trailers
98- Other/Unable to Classify
99- Unknown/ Hit and Run

08

Bus Use

- 01- Not used as a bus
02- School
03- Transit/Commuter/Sch service
04- Intercity

- 05- Charter/Tour
06- Shuttle/Church
07- Unknown

01

AND RESULTS IN:

Any fatality or fatalities

Any person(s) transported for immediate medical services

Number of Vehicles Towed

Any disabled motor vehicle(s) towed away from the scene

Complete This Form Only If:

One or More Qualifying Vehicle(s) was Involved - AND

One or More Qualifying Injuries/Fatalities was Sustained - OR

One or More Disabled Vehicle(s) was Towed Away From the Scene

Cargo Body Type

- 00- Bus (seats for 9-15 people)
01- Bus (seats for 16+ people)
02- Enclosed Box
03- Cargo Tank
04- Flat Bed
05- Dump
06- Concrete Mixer
07- Auto Transporter
08- Garbage/Refuse
09- Grain, Chips, Gravel
10- Pole
11- Intermodal Container
12- Log
13- Veh. Towing Vehicle
97- N/A
98- Other
99- Unknown/Hit & Run

02

Trailer Length and Width

Length

- 00- No Trailer
01- Less than 480 in. (40 ft)
02- 481 in. - 576 in. (48 ft.)
03- 577 in. or more
99- Unknown/ Hit and Run

Trailer 1 Length
03

Trailer 2 Length

Width

- 00- No Trailer
01- Less than 50 in. (5 ft.)
02- 51 in. - 84 in. (7 ft.)
03- 85 in. or more
99- Unknown/ Hit and Run

Trailer 1 Width
02

Trailer 2 Width

Total Number of Supplemental Forms Required for this Collision

1

Unit Number 03 FR-10 Number E-458383

Carrier Information

Name: UNKNOWN

Address: UNKNOWN

City: UNKNOWN

State: O T

Zip: U N K N O

Business Phone Number:

Identification Numbers

U.S. DOT

None = 0

State Number

- (3) Not in Commerce - Other Truck/Bus
(4) Not in Commerce - Government
(5) Other Operation/Not Specified Carrier?

1

Carrier Type: Is this vehicle a(n) (1) Interstate, (2) Intrastate

Was a Citation Issued to this Vehicle?

1- Yes 2- No 3- Pending

2

Hazardous Material Involvement

Was This Vehicle Carrying Hazardous Materials?

1- Yes 2- No 3- Unknown/Hit and Run

2

Did the Vehicle Have a Hazardous Material Placard?

1- Yes 2- No 3- Unknown/Hit and Run

2

If "Yes", What Class of Hazardous Material (off placard/shipping papers)?

- 01- Class 1 (Explosives)
02- Class 2 (Gases)
03- Class 3 (Flammable Liquids)
04- Class 4 (Flammable Solids)
05- Class 5 (Oxidizing Substance)
06- Class 6 (Poison/Infectious Substance)
07- Class 7 (Radioactive)
08- Class 8 (Corrosives)
09- Class 9 (Misc. Goods)
10- No Placard
99- Other/Unknown/Hit and Run

If "YES", enter 4 digit HAZMAT ID (Look on placard/shipping papers)

Did Hazardous Material Release from this Vehicle?

1- Yes 2- No 3- Unknown/Hit and Run

2

Name of Agency Notified (In Case of Release):

Investigator's Name

Rank

Date

Reviewer's Name

Rank

MCCAULEY - W

TFC

01-26-2013

J H Burriss

ORIGINAL-CORRECTED

SOUTH CAROLINA DPS/CHS & DMV USE ONLY				Page # 1 Of 1	SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM TR-310 (Rev. 7/2010)		# Of Units 03	Amended - Attach Copy of Original Report	Notified 1310	Arrived 1328	
Date 09-27-2012	Time of Collision 1300	County 38	☒ Interstate ☐ 2-US Primary ☐ 3-SC Primary	☐ 4-Secondary ☐ 5-County ☐ 6-PP	Collision Location (Rt. # / Name) E 26 /		☒ Main ☐ 2-Alternate ☐ 5-Spur	☐ 6-Connection ☐ 7-Business ☐ 9-Other	Miles: 4	Dir. N E S W W	In (Near) City or Town of: ORANGEBURG
Lane # / Dir. # Of N E NL S W		Distance Offset Feet	Direction N E S W	☐ 1-Interstate ☐ 2-US Primary ☐ 3-SC Primary	☐ 4-Secondary ☐ 5-County ☐ 6-Other	Base Intersection (Rt. # / Name) 601 / ST. MATTHEWS RD	☒ Main ☐ 2-Alternate ☐ 5-Spur	☐ 6-Connection ☐ 7-Business ☐ 9-Other	GPS COORDINATES 00 00' 00.00"		DEGREES MINUTES SECONDS
R.R. Id.		From N E 1-Entrance S W 2-Exit	Ramp Only	To N E S W	☐ 1-Interstate ☐ 2-US Primary ☐ 3-SC Primary	☐ 4-Secondary ☐ 5-County ☐ 6-Other	Second Intersection (Rt. # / Name) 186 / WATERSPRING RD	☒ Main ☐ 2-Alternate ☐ 5-Spur	☐ 6-Connection ☐ 7-Business ☐ 9-Other	Latitude 33 33 38.40	Longitude 80 49 30.40
E-317922						E-317923					
Driver's Full Name CURTIS BIAFRA						Driver's Full Name UNKNOWN					
Unit # 01	Sex F	Race B	Street/R.F.D. 41 LAKE LINDING LANE			Unit # 02	Sex O	Race O	Street/R.F.D.		
# Occ 1	Birth Date 05-18-1973		City, State, & Zip BLUFFTON SC 29810			# Occ 1	Birth Date		City, State, & Zip		
State SC	Driver's License # 011211932		Class D	Insurance Company NATIONWIDE		State	Driver's License # NONE		Class	Insurance Company NONE	
Year 2004	Body 4S	Vehicle Make JAGU	VIN # SAJEAS1C34WD74462			Year	Body	Vehicle Make	VIN #		
State SC	Year 2013	License Plate # EGY885	Owner's D.L. # 011211932			State	Year	License Plate # NONE	Owner's D.L. #		
Home Telephone (843) 8843118			Owner's Full Name CURTIS BIAFRA			Home Telephone ()			Owner's Full Name		
Bus. Telephone (843) 2580036			Street/R.F.D. 41 LAKE LINDING LANE			Bus. Telephone ()			Street/R.F.D.		
Contributed To Collision Yes (No)			City, State, & Zip BLUFFTON SC 29810			Contributed To Collision Yes (No)			City, State, & Zip		
Estimated Speed 70	Speed Limit 70	C.D.L. Req. Yes (No)	T/B S Req. Yes (No)	Alc/Drg Info (see back): Yes (No)		Estimated Speed 75	Speed Limit 70	C.D.L. Req. Yes (No)	T/B S Req. Yes (No)	Alc/Drg Info (see back): Yes (No)	
Summons #		Code	Summons #	Code	Towed HILLIARD'S	Summons #		Code	Summons #	Code	Towed Yes (No)
E-458383						E-458383					
Driver's Full Name UNKNOWN						Driver's Full Name UNKNOWN					
Unit # 03	Sex M	Race O	Street/R.F.D.			Unit # 03	Sex M	Race O	Street/R.F.D.		
# Occ 1	Birth Date		City, State, & Zip			# Occ 1	Birth Date		City, State, & Zip		
State	Driver's License # NONE		Class	Insurance Company NONE		State	Driver's License # NONE		Class	Insurance Company NONE	
Year	Body	Vehicle Make	VIN #			Year	Body	Vehicle Make	VIN #		
Dir. of Travel:			Unit 1: N S E (W)	Unit 2: N S E (W)	Unit 3: N S E (W)	Dir. of Travel:			Unit 1: N S E (W)	Unit 2: N S E (W)	Unit 3: N S E (W)
						Unit 1 Dam. \$2000 Unit 2 Dam. \$0 Unit 3 Dam. \$0 Prop. Dam. 1 \$ Prop. Dam. 2 \$					
Property Owner/Witness HUDSON BOBBY Address 3332 LOCUST AVE City DENMARK State SC Zip 29002 Phone 8033835798						Property Owner/Witness Address City State Zip Phone					
Photo: Describe What Happened (Refer to Units by Number) Y (N)						REPORT CORRECTED ON 01-31-2013 TO SHOW CORRECTED NARRATIVE.					
NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.											
Investigating Officer's Name MCCAULEY - W			Rank TFC	Badge # 161	Jurisdiction Code HPO7	Review Date 02-08-2013	Reviewer's Name J H Burris			Rank Cpl	Internal Agency Code 12BW190965

Unit	Date of Birth	Sex	Race	INJ	Seat	R/SD	A&O	Eject	LAI	Trans	Name	Street Address	Zip Code
01	05-10-1973	F	B	1	01	13	4	3	1	1	1	CURTIS BIAFRA	41 LAKE LINDING LANE BLUFFTON SC 29910
02			O	0	01	99	4	3	1	1	2	UNKNOWN	
03			M	O	0	01	99	4	3	1	2	UNKNOWN	

Race A - Asian/Pacific Islander B - African American H - Hispanic I - Alaskan Native or American Indian W - Caucasian O - Other U - Unk.		a) Injury Status 2-Non-Incapacitating 3-Incapacitating 1-Not Injured 4-Fatal 1-Possible Injury 2-2 or 3 Wheel Motorized Vehicle Head Injury 1-Yes 2-No		Seating Loc. 01 02 03 04 05 06 07 08 09		20-Pedestrian 30-Transit Unit 40-Bus or Van (4th row or Higher) 50-Other Enclosed Area (nontrailing) 51-Other Unenclosed Area (nontrailing)		Restraint/Safety Device 00-None Used 11-Shoulder belt 12-Lap Belt Only 13-Shoulder & Lap Belt 21-Child Safety Seat 88-Other 99-Unk.	
Air Bag Deployment / Switch 1-Deployed Front 2-Deployed Side 3-Deployed Both 4-Not Deployed 7-Not Applicable 9-Deployment Unk.		Ejection 1-Not Ejected 2-Part. Ejected 3-Tot. Ejected 7-Not App.		b) Location After Impact 1-Not Trapped 2-Extricated (Mechanical Means) 3-Freed (non-mech.) 4-Not Applicable 9-Unknown		a) Transported to Medical Facility 1-Yes 2-No 3-Unknown		b) By: 1-EMS 2-Police 8-Other 9-Unk.	

Non-Collision 01-Cargo/Equip. Loss or Shift 02-Cross Median/Center 03-Downhill Runaway 04-Equipment Failure 05-Fire/Explosion 06-Ammonition 07-Jackknife 08-Overturn/Rollover 09-Ran off Road Left 10-Ran off Road Right 11-Separation of Units 12-Spill (Two-Wheeled Veh.) 18-Other Non-collision 19-Unk. Non-collision		Collision: Not Fixed 20-Animal (Deer Only) 21-Animal (All Other) 22-Motor Veh. (to Transport) 23-Motor Veh. (Stopped) 24-Motor Veh. (Other Roadway) 25-Motor Veh. (Parted) 26-Pedalcycle 27-Pedestrian 28-Railway Veh. 29-Work Zone Maint. Equip. 38-Other Movable Object 39-Unk. Movable Object		Collision: Fixed Object 40-Bridge Overhead Structure 41-Bridge Pier/End 42-Bridge Pier or Abutment 43-Bridge Rail 44-Culvert 45-Curb 46-Ditch 47-Embankment 48-Equipment 49-Fence 50-Guardrail End 51-Guardrail Face 52-Highway Traffic Sign Post 53-Impact Attenuator/Crash Cushion 54-Light/Luminance Support 55-Mail Box 56-Median Barrier 57-Overhead Sign Support 58-Other (Post, Pole, Support, Etc.) 59-Other (Wall, Building, Tunnel, Etc.) 60-Tree 61-Utility Pole 62-Work Zone Maint. Equipment 68-Other 99-Unk.	
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Manner of Collision (Struck Veh.) 00-Not Coll. w/ Motor Veh. 10-Rear End 20-Head On 30-Rear-to-Rear 41-Angle (↗↘) 42-Angle (↖↗) 43-Angle (↖↘) 50-Sideswipe Same Dir. 60-Sideswipe Opposite Dir. 70-Backed Into 99-Unknown		1st / Most Deformed Area 		1st Deformed 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34		Most Deformed 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34	
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Vehicle Type: 01-Automobile 12-Pickup Truck 13-Truck Tractor 14-Other Truck 15-Full Size Van 16-Mini Van 17-Sport Utility 25-Motorcycle 26-Other Motorbike 27-Pedalcycle 38-Animal Drawn Veh. 39-Animal (Ridden) 41-Pedestrian 51-Train 62-Passenger Bus 98-Other 99-Unk. (Hit and Run Only)		Vehicle Use Code 01-Personal 02-Driver Training 03-Construction/Maint. 04-Ambulance 05-Military 06-Transport Passengers 07-Transport Property 08-Farm Use 09-Wrecker or Tow 10-Police 11-Government 12-Fire Fighting 13-Logging 41-Pedestrian		Vehicle Attachment 1-None 2-Mobile Home 3-Semi-Trailer 4-Utility Trailer 5-Farm Trailer 6-Trailer w/Boat 7-Camper Trailer 8-Towed Motor Vehicle 9-Petroleum Tanker A-Lowboy Trailer B-Autocenter Trailer C-Other Tanker D-Flat Bed E-Twin Trailers F-Other	
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Action Prior to Impact (Vehicle) 01-Backing 02-Changing lanes 03-Entering traffic lane 04-Leaving traffic lane 05-Making U-turn 06-Movements Essentially Straight Ahead 07-Overtaking/passing 08-Parked 09-Slowing or Stopped in traffic 10-Turning left 11-Turning right 28-Other 99-Unk.		(Non-motorist) 21-Approaching/Leaving Vehicle 22-Entering/Crossing Location 23-Playing/Working on Vehicle 24-Pushing Vehicle 25-Standing 26-Walking, Playing, Cycling 27-Working	
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Weather Condition 1-Clear (no adverse conditions) 2-Rain 3-Cloudy 4-Sleet, Hail 5-Snow 6-Fog, Smog, Smoke 7-Blowing Sand, Oil, Dirt or Snow 8-Severe Crosswinds 9-Unk.		Light Condition 1-Daylight 2-Dawn 3-Dusk 4-Dark (Lighting Unspecified) 5-Dark (Street Lamp Lit) 6-Dark (Street Lamp Not Lit) 7-Dark (No lights)	
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Junction Type 01-Crossroad 02-Driveway 03-Five/More Points 04-Four-way Intersection 05-Railway Grade Crossing 07-Shared Use Paths or Trail 08-T-Intersection 09-Traffic Circle 12-Y-Intersection 13-Nonjunction 99-Unk.		Contributing Factors 01-Disregarded Signs, Signals, Etc. 02-Distracted/Inattention 03-Driving Too Fast for Conditions 04-Exceeded Authorized Speed Limit 05-Failed to Yield Right of Way 06-Ran off Road 07-Fatigued/Asleep 08-Followed Too Closely 09-Made an Improper Turn 10-Medical Related 12-Aggressive Operation of Vehicle 13-Over-correcting/Over-steering 14-Swerving to Avoiding Object 15-Wrong Side or Wrong Way 16-Under the Influence 17-Vision Obscured (Within Unit) 18-Improper lane Usage/Change 19-Cell Phone 20-Texting 28-Other Improper Action 29-Unk.	
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Roadway 30-Debris 31-Non-highway Work 32-Obstruction in Roadway 33-Road Surface Condition (i.e., Wet) 34-Rut, Holes, Bumps 35-Shoulders (None, Low, Soft, High) 36-Traffic Control Device (i.e., Missing) 37-Work Zone (Const./Maint./Utility) 38-Worn, Travel-Polished Surface 48-Other 49-Unk.		Non-Motorist 50-Inattentive 51-Lying &/or Illegally in Roadway 52-Failure to Yield R. of W. 53-Not Visible (Dark Clothing) 54-Disregard Signs, Signals, Etc. 55-Improper Crossing 56-Darting 57-Wrong Side of Road 58-Other 59-Unk.		Environmental 60-Animal in Road 61-Glare 62-Obstruction 63-Weather Cond. 68-Other 99-Unk.	
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Alcohol / Drug Test Given 1-Given - Known Results 2-Given - Unusable 3-Given - Pending 4-None 5-Refused		Test Type 1-Breath (Alc Only) 2-Blood 3-Urine 4-Serum 8-Other		Special Use Only 1-Under-Compartment Intrusion 2-Under-No Intrusion 3-Under-Unknown 4-Over-M/V in transport 5-Over-Other Vehicle 6-None 9-Unk.	
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Drug Results 1-Amphetamines 2-Cocaine 3-Marijuana 4-Opiates 5-PCP 8-Other		Aic Test Results 1-Two-way, Not Divided 2-Two-way, Divided, Unprotected Median 3-Two-way, Divided, Barrier 4-One-Way 8-Other		Extent of Deformity 0-None/Minor 1-Functional Damage 2-Disabling Damage 3-Severe/Totalled 4-Not Applicable 9-Unk.	
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1st Straight - Level 1-Dry 2-Wet 3-Snow 4-Slush 5-Ice 6-Contaminants 7-Water (Standing, etc.) 8-Other 9-Unk.		Road Character 1		Road Surface Condition 1	
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01-Stop and Go Light 02-Flashing Traffic Signal 11-RR (X-bucks, Lights & Gates) 12-RR (X-bucks & Lights) 13-RR (X-bucks Only)		21-Officer or Flagman 22-Oncoming Emergency Vehicle 31-Pavement Markings (only) 41-Stop Sign 42-School zone Sign		43-Yield Sign 44-Work Zone 45-Other Warning Signs 51-Fishing Beacon 98-None 99-Unk.	
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1-Yes, Directly 2-Yes, Indirectly 3-No 9-Unk.		School Bus Involved: 1-Yes 2-No 9-Unk.		Work Zone Location 1-Shoulder/Median Work 2-Lane Shift/Crossover 3-Intermittent/Moving Work 4-Lane Closure 8-Other 9-Unk.	
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Vehicle Defect 70-Brakes 71-Steering 72-Power Plant 73-Tires/Wheel 74-Lights 75-Signals 76-Windows/Shield 77-Restraint System 78-Truck Coupling 79-Cargo 80-Fuel System 88-Other 99-Unk.	
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Mail FR-10 to: Office of Financial Responsibility SC Department of Public Safety PO Box 1498, Columbia, SC 29216				SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY FR-10 (REV. 07/2010) NOTICE OF REQUIREMENT							
Date 09-27-2012	Time 1300	County 38	1- Interstate 4- Secondary 2- US Primary 5- County 3- SC Primary 6- PP	Collision Location (Rt. # / Name) 526 /	1- Main line 6- Connection 2- Alternate 7- Business 5- Spur	Miles: 4	Dir. N E S W	In (Near) City or Town of: ORANGEBURG			
To Vehicle Owner/ Operator Failure to comply could result in appropriate action under 56-10-270 and 56-10-20 of the 1976 code of laws of S.C. as amended, if vehicle subject to registration in S.C., and upon conviction thereof, the Department must suspend your driving and/or registration privileges until all compliances have been met under the above sections of law.											
E-317922			Driver/Pedestrian's Full Name CURTIS BIAFRA			E-317923			Driver/Pedestrian's Full Name UNKNOWN		
Unit # 01	Sex F	Race B	Street/R.F.D. 41 LAKE LINDING LANE			Unit # 02	Sex O	Race O	Street/R.F.D.		
Birth Date 06-10-1973			City, State, & Zip BLUFFTON SC 29910			Birth Date			City, State, & Zip		
State SC	Driver's License # 011211932		Class D	Insurance Company NATIONWIDE		State	Driver's License # NONE		Class	Insurance Company NONE	
Year 2004	Body 4S	Vehicle Make JAGU	VIN # SAJEA51C94WD74462			Year	Body	Vehicle Make	VIN #		
State SC	Year 2013	License Plate # EGY886	Owner's D.L. # 011211932			State	Year	License Plate # NONE	Owner's D.L. #		
Home Telephone (843) 8843113			Owner's Full Name CURTIS BIAFRA			Home Telephone ()			Owner's Full Name		
Bus. Telephone (843) 2580036			Street/R.F.D. 41 LAKE LINDING LANE			Bus. Telephone ()			Street/R.F.D.		
Contributed To Collision Yes ☐ No ☒			City, State, & Zip BLUFFTON SC 29910			Contributed To Collision Yes ☐ No ☒			City, State, & Zip		
E-458383						Driver/Pedestrian's Full Name UNKNOWN					
Unit # 03	Sex M	Race O	Street/R.F.D.			Home Telephone ()			Owner's Full Name		
Birth Date			City, State, & Zip			Bus. Telephone ()			Street/R.F.D.		
State	Driver's License # NONE		Class	Insurance Company NONE		Contributed To Collision Yes ☐ No ☒			City, State, & Zip		
Year	Body	Vehicle Make	VIN #			Accident Insurance Information for Unit # 02					
All Units Insurance Information (to be completed by Investigating Officer)						Company Name NONE			Area Code/Phone Number ()		
						Agency Name			Policy Number		
Accident Insurance Information for Unit # 01						Accident Insurance Information for Unit # 03					
Company Name NATIONWIDE			Area Code/Phone Number ()			Company Name NONE			Area Code/Phone Number ()		
Agency Name			Policy Number			Agency Name			Policy Number		
Insurance Information											
Notice of Requirement Accepted ☒						Signature			Y N Refused to Affix Signature?		
									Y N Vehicle Subject to Registration in SC?		
To Be Completed By Insurance Agency, Broker, Or Other Company Representative						The information as contained herein is based solely upon my knowledge and belief as a representative of the above insurance company and no warranty of liability is imputed into the above mentioned insurance as I have listed herein.					
Reference to Unit #: _____, I hereby affirm that to the best of my knowledge the vehicle described above was insured by the below stated insurance company on the date of the collision.											
Insurance Company			Policy #:								
Beginning Date:		Ending Date:		Policy Holder:							
Signature			Title			NAIC# (Assigned by S.C. Dept of Ins.)			Bus. Telephone ()		
Notice: Failure to have this form completed by your insurance broker, agent, or representative and returned to the South Carolina Department of Public Safety within 15 days may result in suspension of your driving and/or registration privileges.											
If any of the below are applicable, disregard the above portion.						Form FR-10 Not Issued: Section 56-10-270 56-10-520					
☐ Check here if a Form SR-23, Fleet Policy of 25 or more vehicles is on file with the Department covering the vehicle. ☐ Check here if a certificate of self-insurance has been issued by the Department covering the vehicle and indicate the certificate number: SI - _____ ☐ Check here if liability insurance was not in effect to comply with South Carolina statutory requirements.						No FR-10 issued to Operator/ Owner of Unit #: _____ Summons issued to: _____ For operating or allowing the operation of an uninsured vehicle Summons Number: _____ Signature: _____					
Investigating Officer's Name MCCAULEY - W			Rank TFC	Badge # 161	Code HP07	Date 12-15-2012	Reviewer's Name J H BURRIS			Rank CPL	Internal Agency Code 12BW180965

ORIGINAL-CORRECTED

SOUTH CAROLINA DPS AND DMV USE ONLY

South Carolina
Uniform Traffic Collision Report
(For Investigating Officers)
Supplemental Bus & Truck Collision Report
(Revised 04/2009)

Amended/Attach Copy of Original Report

Corrected

Page 1 of 1 Pages

Date	Time	County	Route Category	Accident Location	Auxiliary
09-27-2012	1300	38	☒ Interstate ☐ US Primary ☐ SC Primary ☐ Secondary ☐ County ☐ PP	(Route Number and Name if Any) On 28 /	☒ Mainline ☐ Alternate ☐ Spur ☐ Connection ☐ Business ☐ Other

VEHICLE INFORMATION

Any truck that has a gross vehicle weight rating (GVWR) of more than 10,000 pounds or a gross combination weight rating (GCWR) of more than 10,000 pounds and is used on public highways,

OR

Any motor vehicle with seating to transport nine (9) or more people, including the driver

OR

Any motor vehicle (regardless of weight) displaying a hazardous materials placard;

1

- 1- No Access Control
2- Full Access Control
3- Partial Access Control

1

Gross Vehicle Weight Rating

- Gross Combination Weight Rating
01- Less than or Equal to 10,000 Pounds
02- 10,001-25,000 Pounds
03- More than 25,000 Pounds
99- Unknown/Hit and Run

03

Vehicle Configuration

- 00- Passenger Car (only w/ HAZMAT placard)
01- Light Truck (only w/ HAZMAT placard)
02- Bus (seats for 9-15 people)
03- Bus (seats for 16+ people)
04- Single Unit Truck (2 axles+ tires)
05- Single Unit Truck (3 or more axles)
06- Truck w/ Trailer
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08

Bus Use

- 01- Not used as a bus
02- School
03- Transit/Commuter/Sch service
04- Intercity
05- Charter/Tour
06- Shuttle/Church
07- Unknown

01

Cargo Body Type

- 00- Bus (seats for 9-15 people)
01- Bus (seats for 16+ people)
02- Enclosed Box
03- Cargo Tank
04- Flat Bed
05- Dump
06- Concrete Mixer
07- Auto Transporter
08- Garbage/Refuse
09- Grain, Chips, Gravel
10- Pole
11- Intermodal Container
12- Log
13- Veh. Towing Vehicle
97- N/A
98- Other
99- Unknown/Hit and Run

02

Trailer Length and Width

Length

- 00- No Trailer
01- Less than 480 in. (40 ft)
02- 481 in. - 576 in. (48 ft)
03- 577 in. or more
99- Unknown/Hit and Run

Trailer 1 Length

Trailer 2 Length

03

Width

- 00- No Trailer
01- Less than 60 in. (5 ft)
02- 61 in. - 84 in. (7 ft)
03- 85 in. or more
99- Unknown/Hit and Run

Trailer 1 Width

Trailer 2 Width

02

Complete This Form Only If:

One or More Qualifying Vehicle(s) was Involved - AND

One or More Qualifying Injuries/Fatalities was Sustained - OR

One or More Disabled Vehicle(s) was Towed Away From the Scene

1

Unit Number 03 FR-10 Number E-458383

Carrier Information

Name: UNKNOWN

Address: UNKNOWN

City: UNKNOWN

State: OT

Zip: U N K N O

Business Phone Number:

U.S. DOT

None = 0

State Number

- (3) Not in Commerce - Other Truck/Bus
(4) Not in Commerce - Government
(5) Other Operation/Not Specified Carrier?

1

Carrier Type: Is this vehicle a(n) (1) Interstate, (2) Intrastate

Was a Citation issued to this Vehicle?

- 1- Yes 2- No 3- Pending

2

Investigator's Name
MCCAULEY - W

Rank

Title

TFC

02-08-2013

Reviewer's Name

J H Burris

Rank

Name of Agency Notified (In Case of Release):

Was This Vehicle Carrying Hazardous Materials?

- 1- Yes 2- No 3- Unknown/Hit and Run

2

Did the Vehicle Have a Hazardous Material Placard?

- 1- Yes 2- No 3- Unknown/Hit and Run

2

If "Yes", What Class of Hazardous Material (off placard/shipping papers)?

- 01- Class 1 (Explosives)
02- Class 2 (Gases)
03- Class 3 (Flammable Liquids)
04- Class 4 (Flammable Solids)
05- Class 5 (Oxidizing Substance)
06- Class 6 (Poison/Infectious Substance)
07- Class 7 (Radioactive)
08- Class 8 (Corrosives)
09- Class 9 (Misc. Goods)
10- No Placard
99- Other/Unknown/Hit and Run

If "YES", enter 4 digit HAZMAT ID (Look on placard/shipping papers)

Did Hazardous Material Release from this Vehicle?

- 1- Yes 2- No 3- Unknown/Hit and Run

2

EXHIBIT "3"
WITNESS STATEMENTS

1/25/15

On September 27/10/2008 Traveling West bound
at Ex 145 # at 2:30pm As I approach Enter Section
Traffic was heavy so I slowed than a blue car pull
around me and went into traffic causing the truck
to swerved into the other lane forcing drive to
leave her lane hitting the shoulder losing control
of her car and slid sideways back across in front of tow
hands of traffic ~~car~~ struck and in bank mint and came
to rest in the ditch. The truck that cause the
collision pull over to the right in the emergency lane.
and I pull over behind him I went over ~~there~~ to the
white vehicle to check the driver along with the driver
that cause the collision, and there was a white guy talking
to the driver the white assisted driver over to bank where ^{sh-} sit
down and waited for the ambulance. The younger white guy
that was there took down all the information ^{contact} from everybody as
we waited for EMS. EMS transported the driver and we
are the Hwy Highway Patrol. When the Highway Patrol arrived
the Trooper talk to the at-fault driver first and wrote down his
information then he talk to the younger guy and got
his information and then the Trooper took my information
along with the tag no. of the blue sedan with I had written
down, I inform him of where I work in case he needed
any thing else and then I left.

Bobby Jackson

Notary Public Carl W Woods

January 26, 2015

To whom it may concern,

My name is Stacey Olden, and I am a personal friend of Ms. Biafra M. Curtis. The purpose of this correspondence is to state my knowledge of the car accident, which Ms. Curtis was involved in on September 27, 2012. On this day, Ms. Curtis was traveling on I 26W on her way to Columbia. Around 2:00 or 3:00 pm on the afternoon of 9/27/12, I received a telephone call from Ms. Curtis. I immediately detected that something was wrong. She tearfully told me that she was in a car accident. She was so emotionally distort, however, that she was unable to tell me what happened. Ms. Curtis gave the telephone to a gentleman that was at the scene of the accident with her. The gentleman told me that he witnessed the accident, and that a truck ran Ms. Curtis off the highway as he was trying to avoid a vehicle that was merging onto the highway. He stated that Ms. Curtis was very shaken up and in pain, and that she would be taken to Orangeburg Regional Hospital because the accident happened right around exit 145 on I 26W, the Orangeburg exit.

I immediately left my house in Columbia and went to Orangeburg Regional Hospital. When I arrived, I was allowed to go in the back to the ER treatment room to see Ms. Curtis. When I first saw Ms. Curtis, her emotions and anxiety level were very high, and she was in obvious pain. I was at the hospital when the SC State trooper came to take Ms. Curtis' statement. She recounted the car accident. She stated that as she was driving on I 26W in the far left lane, an 18-wheeler truck started coming over into her lane, forcing her off the highway onto the shoulder. After turning several times, her car ended up in a ditch. She talked about how

terrified she was, not knowing where her vehicle would end up once it stopped turning. She realized that she could end up back on the highway with cars traveling at speeds too fast to avoid hitting her. What Ms. Curtis told me and the trooper while she was in the hospital was directly in line with what the gentleman at the scene told me that he witnessed.

If you have any questions or require anything further of me, feel free to contact me at [REDACTED].

Thank you,

Stacey L. Olden 1/28/15

Stacey L. Olden

Stacy Jones
01-28-2015

2013-05-30 10:29

TYLER

8039375600 >>

8437572889

P V2

FAX

To: Carl Woods**From:** Erin Tyler**Fax:** 843-757-2889**Pages:** 2**Phone:** 843-694-7591**Date:** 5.30.2013**Re:** Statement of Accident**CC:**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

Statement of accident involving Ms. Curtis.

5.30.2013

2013-05-30 10:30

TYLER

8039375600 >>

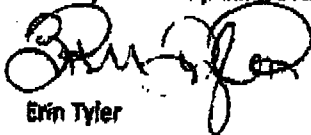
8437572889

P 2/2

Regarding the accident involving Ms. Curtis

As I was going around the ramp, merging onto I-26 west, there was a car (blue in color) in front of me. The individual driving the car seemed to be in a hurry because they were going around the ramp faster than the average cautious driver would. As we got ready to merge onto the interstate, I noticed a white eighteen-wheeler approaching in my side view mirror. I then slowed down but the driver in front of me did not, instead he/she sped up to get ahead of the eighteen-wheeler. I also saw a white sedan in the far left lane approaching. By that time, the eighteen-wheeler merged over into the left lane of the white sedan to avoid the blue car. The merging of the eighteen-wheeler forced the driver of the white sedan onto the grass. I then looked ahead and the driver of the blue car immediately sped off and was out of sight in a matter of seconds.

I then noticed the driver in the white sedan sliding across both lanes of the interstate (the passenger side of the white sedan was facing ongoing traffic) and landed in the ditch on the far right. Once the accident was over I and a few others slowly proceeded on our way. I looked in my rearview mirror to check on the driver of the white sedan and to see if anyone had had come to Ms. Curtis' aid (the driver of the white sedan). There was a white eighteen wheeler that had already pulled over and another one in the process of pulling over. I saw no others. At that moment, I dialed 911 to report what I had seen.



Erin Tyler

Attention: Mr. Carl Woods,

In reference to our phone conversation on yesterday (Tuesday), thanks for your kindness and understanding spirit.

My Name is James R. Lamb, I am an interim Pastor serving Oteen Baptist Church in Asheville, North Carolina. I have been a Pastor since 1970 and have owned and operated a Barber Shop for several years. I have never owned any other business nor had any other employment during those years.

In September 2012 my wife and I drove to Charleston South Carolina to spend a few days with our daughter, granddaughter and great granddaughter who were camping on James Island. On Thursday, September 27 we began our journey home with my wife, granddaughter and great granddaughter traveling with me.

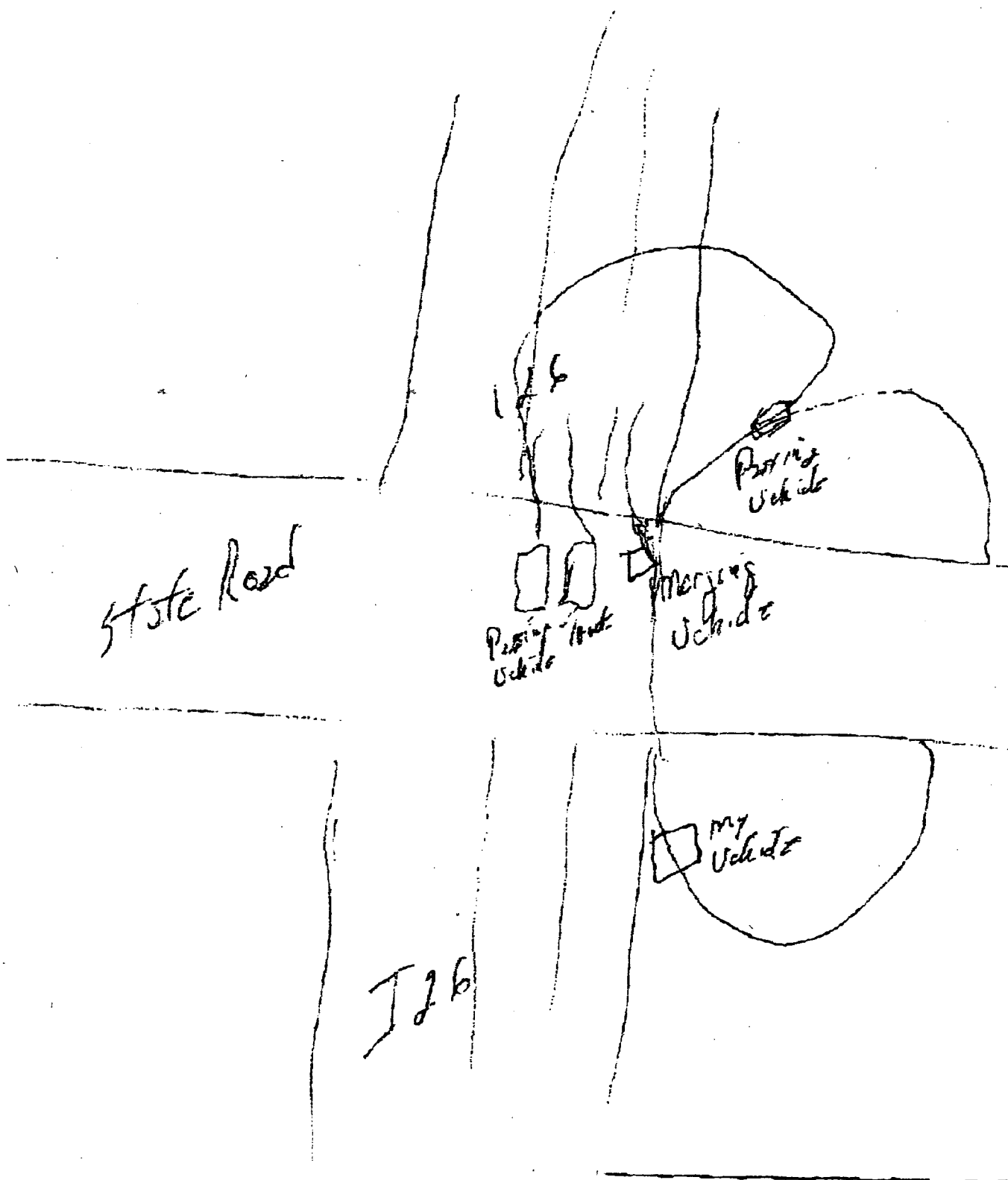
We exited off interstate 26 for lunch at a Cracker Barrel. After lunch we continued our journey. As we made our way back to enter interstate 26 we witnessed an accident just before merging onto interstate 26. A vehicle was merging onto I26 which moved a truck (tractor trailer) over into the left lane which was occupied by a passing vehicle. The young lady passing was forced off the road and lost control of her car and crossed both lanes in front of the vehicle which had just entered the traffic and the truck, slid through the grass and across the exit ramp and stopped in a drainage ditch just in front of my vehicle which as stopped by this time.

I moved over off the pavement and ran to the car as this young lady was very upset and crying. I asked if she was ok and spoke to calm her down. Almost immediately the truck driver was there and identified himself as the driver of the rig and apologized but assured her that he could not help the accident. I called 911 which took routing into three different districts before getting the proper connection. As soon as I completed the information I returned to the young lady (by this time she was out of the car, being attended to by a fireman and seemed to be ok). Taking it for granted that this was a first responder and that things were in order I got in my vehicle and continued my journey home.

I have received several phone calls from Sgt. King of the South Carolina Highway Patrol saying that the investigating officer did not get the name of the truck driver. I received a call also from the young lady involved in the accident as well as a visit from her to our church one Sunday. I have received other calls from Sgt King requesting permission to be get a copy of my drivers license and a description of my person as well as ownership of a Lambs Trucking Company. I have been informed that I have been accused of being the person to have been driving the truck. I simply did that day as I felt I should and stop to help a needy person, then returned home.

Thank you for your work and hopefully this will help in some way to clear up the situation.
James R. Lamb

Picture of Accident

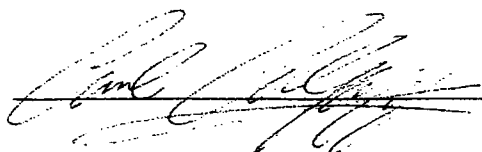


Attn: Carl Woods

Witness Statement

I Carl Culpepper, who is a EMT for Williston Rescue, was transporting a patient from orangeburg hosp to Lexington, I was driving the ambulance, while en route on St Matthews road going over the I-26 overpass I noticed a car in the west bound lane facing east bound. At that point I had assumed the car was involved in a wreck. As I exited the on ramp for I-26 I pulled over to check on the patient. As I pulled I noticed there were at least 2 18 wheeler trucks pulled over also. One being a black male and the other being a white male. While walking to the vehicle I noted that the patient was out of the vehicle walking around talking on the phone. I asked pt if she was ok, hurting anywhere, pt said she was fine but had some neck pain. Pt stated she did not want to go to the hospital. I called orangeburg county dispatch and advised them of the wreck and to dispatch highway patrol and an ambulance to check out patient as a precautionary measure. I walked over and talked to the truck drivers and they were talking and I overheard them say a little blue car came into there lane and they swerved to miss the car and while doing that ran the patient off the road. The white male truck driver stated that he was a emt in the state of Alabama. There was a truck driver with a notepad taking down every ones information. I gave him my name and number. I again asked the patient if she was ok and she stated yes. I advised her that I had a ambulance on the way to check her out and that I had given my contact information to the truck driver. I was not able to stay on scene and further due to I had to get my patient to Lexington hosp. when I left no other emergency vehicles were on scene.

Carl Culpepper 06-22-2013

 6/22/13