

RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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

Case No. 2014-CP-10-2385

City of Charleston,
Charleston Police and
Charleston Fire Departments,

Respondent,

v.

Derrell Beckley

Appellant.

SUPPLEMENTAL RECORD ON APPEAL

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

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

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STATE OF SOUTH CAROLINA)

COUNTY OF Charleston)

Derrell Beckley)

Plaintiff(s))

City of Charleston, vs.)

Charleston Police and Fire Departments)

Defendant(s))

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014 -CP- 10 - 2385

(Please Print)

Submitted By: Derrell Beckley

Address: 1425 Manley Ave.
North Charleston, SC 29405

SC Bar #:

Telephone #: (407)212-0641

Fax #:

Other:

E-mail: darbeck58@gmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|--|---|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> Employment (120) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Other (199) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20<u> </u>-CP-<u> </u>-<u> </u> <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Assault/Slander/Libel (300) <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input checked="" type="checkbox"/> Other (399) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript of Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Other (799) | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Commission (990) <input type="checkbox"/> Employment Security Commission (991) <input type="checkbox"/> Other (999) |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Foreign Subpoenas (650) <input type="checkbox"/> Motion to Quash Subpoena in Out-of-County Action (660) | | | |

Civil Rights

Submitting Party Signature:

Derrell Beckley

Date:

10 April 14

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

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

PRO SE COMPLAINT FORM

Enter the full name of the plaintiff in this action)

DERRELL BECKLEY)

vs.)

Enter below the full name of defendant(s) in this)
action. If possible, please list only one defendant)
per line.)

CITY OF CHARLESTON,)
CHARLESTON POLICE DEPARTMENT,)
CHARLESTON FIRE DEPARTMENT.)

Civil Action No. 2014-CP-10-2385
(to be assigned by Clerk)

2014 APR 16 PM 3:53
CLERK OF COURT

If allowed by statute, do you wish to have a trial by jury? Yes No

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No

B. If you answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.

1. Parties to this previous lawsuit:

Plaintiff Derrell Beckley

Defendant(s) City of Charleston, Police and Fire Departments

2. Court: Fourth District

(If federal court, name the district; if state court, name the county)

3. Docket Number: 2:13-CV-3561-DCN-BM

4. Name(s) of Judge(s) to whom case was assigned: Judge Norton

5. Status of Case: dismissed

(For example, was the case dismissed? Settled? Appealed? Still Pending?)

6. Date lawsuit was filed: 12/20/2013

7. Date of disposition (if concluded): 3/28/2014

C. Do you have any other lawsuits pending in the federal court in South Carolina?

Yes No

II. PARTIES

In Item A below, place your name and address in the space provided. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff: _____

Address: _____

In Item B below, place the full name of the defendant; and his, her, or its address, in the space provided. Use Item C for additional defendants, if any.

B. Name of Defendant: _____

Address: _____

- C. *Additional Defendants (provide the same information for each defendant as listed in Item B above):*

III. STATEMENT OF CLAIM

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the name(s) of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets of paper if necessary.

1. On April 14, 2011 I was in the crosswalk on my bike. Corner of Meeting & Mary and was hit by a truck. A 911 call was made. Charleston Police showed up first. Threaten me with jail, canceled Fire Dept. in route (before I knew about it). When Fire showed up the officer spoke with their driver and they left the scene. I asked why are they leaving? "Because you refused help." He then told the driver that hit me (from Tennessee) to get in his truck and leave. Without recording any information from the driver. Then threaten me again with jail to go away. I leave town in fear of my safety.

2. I return to Charleston, fired lawyer (for doing nothing). I go to City Hall, sent to city legal dept, they send me to police dept. I spoke to the assistant to Chief of Police. We set up time and date to speak to detectives. No call, no show. I get no answer for about two days, until I e-mailed the Mayor. Then I get a call from police. The officers Sgt called me and told me he has two officers that said they heard me refused help. I said their lying. He said he believed them and hung up. I filed compliant. I get to police lobby (on Lockwood) there is about five officers standing around showing their badges, then when my name was called they left. I been there many times and never seen one officer hang out in the lobby. Before I gave my statement I was told the other officer was on another call.

3. Refused to give an accident report. Officer said because I refused help. I never refused help. Summited an event report without any information about the driver or the truck. His Sgt at that time seen the report and said she was going to show her supervisor. Fire report states that I left the scene before they arrived. I was standing there looking at them. they never got out of their truck or asked me anything.

III. STATEMENT OF CLAIM - *continued.*

4. The charges are,

- a) Color of Law, in paragraph 1, 2 and 3,
- b) Due Process, in paragraph 1, 2 and 3,
- c) Conspiracy, in paragraph 2 and 3,
- d) Police Misconduct in paragraph 2 and 3,

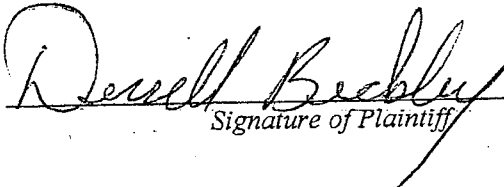
IV. RELIEF.

State briefly and exactly what you want this court to do for you.

Award \$50,000,000.00 for violating my rights.

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

Signed this 10 day of April, 2014



Signature of Plaintiff

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
)
)
 Derrell Beckley)
)
 Plaintiff,)
)
 vs.)
)
 City of Charleston, Charleston Police)
 and Fire Departments)
)
 Defendant(s).)
)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-10-2385

FILED
 APR 16 2014
 3:53 PM
 CLERK OF COURT
 NINTH JUDICIAL CIRCUIT
 CHARLESTON, SOUTH CAROLINA

**ORDER REGARDING PLAINTIFF'S
 MOTION FOR AN ORDER TO
 PROCEED *IN FORMA PAUPERIS***

THIS MATTER CAME before the Court on the *Pro Se* Plaintiff's Motion for an Order to Proceed *In Forma Pauperis* in order to have the required filing fee waived because of indigence.

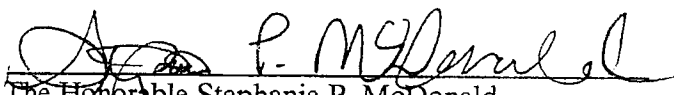
The request is GRANTED. Plaintiff may proceed *in forma pauperis* without payment of the filing fee and/or the service cost (check one or both).

The request is DENIED because the Plaintiff has not shown proof of indigence.

The request is DENIED because the Plaintiff's complaint is against a political subdivision or agency of the State of South Carolina and alleges a cause of action that occurred in a county other than Berkeley County/Charleston County (circle one). The South Carolina Tort Claims Act, S.C. Code § 15-78-100(b) provides that jurisdiction is in the county in which the act or omission occurred. Therefore, the Clerk of Court is directed to return the pleadings to the Plaintiff, and the Plaintiff may re-file in the proper county.

The request is DENIED pursuant to the reasons outlined in the attached order.

AND IT IS SO ORDERED.


 The Honorable Stephanie P. McDonald
 Chief Administrative Judge, Ninth Judicial Circuit

April 15, 2014
 Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Pro Se Financial Affidavit,

Enter the full name of the plaintiff in this action)

DERRELL BECKLEY)

Civil Action No. 2014-CP-10-2385
(to be assigned by Clerk)

vs.)

Enter below the full name of defendant(s) in this)
action. If possible, please list only one defendant)
per line.)

CITY OF CHARLESTON,)
CHARLESTON POLICE DEPARTMENT,)
CHARLESTON FIRE DEPARTMENT.)

2014 APR 16 PM 3:55
CLERK OF COURT

I Derrell Beckley being duly sworn, state that I am the Plaintiff and this is my Financial Status. I'm unemployed and have no other income.

I have no,

1. Stocks or bonds,
2. Trust fund,
3. VA pension or compensation,
4. SSI/SSDI disability,
5. Retirement,
6. Unemployment.

I live in VA housing and I volunteer at The VA Hospital, where I receive a ticket for a \$6.00 lunch.

Date 10 April 2014.

Signature Derrell Beckley
Derrell Beckley
1425 Manley Ave.
North Charleston, SC 29405-1901.

SWORN to Before me this 10th
day of April 2014

Jucy B. [Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires 9-16-2014

STATE OF SOUTH CAROLINA,)
)
COUNTY OF Charleston,)
)
Derrell Beckley)
)
Plaintiff)
)
vs.)
)
City of Charleston,)
Charleston Police and Fire Departments)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
9P JUDICIAL CIRCUIT

**MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS**

FILE NO. 2014-CP-10-2385

2014 APR 10 PM 3:54
CLERK OF COURT

I, Derrell Beckley being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me
this 10th day of April, 2014)
[Signature])
Notary Public for South Carolina)
My Commission expires 9-16-2014)

[Signature]
Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

ORDER

- Leave is *granted* to proceed in forma pauperis without payment of the filing fee.
- Leave is *granted* to proceed in forma pauperis without payment of the service cost.
- Leave is *denied* to proceed in forma pauperis.

Dated: April 15, 2014
Charleston, South Carolina

[Signature]
JUDGE/CLERK OF COURT

2014 APR 16 PM 3:53
CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

STATE OF SOUTH CAROLINA,)
)
COUNTY OF Charleston)
)
Derrell Beckley)
)
Plaintiff,)
)
vs. City of Charleston,)
)
Charleston Police and Fire Departments.)
)
Defendant.)

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. 2014 -CP- 10 - 2385

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Charleston, South Carolina

Derrell Beckley
Plaintiff/Attorney for Plaintiff

Dated: 10 April 2014

Address: 1425 Manley Ave. North Charleston 29405

2014 APR 16 PM 3:55
CLERK OF COURT

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



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

Attorney or Party Without Attorney: BECKLEY, DARRELL 1425 MANLEY AVENUE NORTH CHARLESTON, SC 29405 Att For: BECKLEY, DERRELL		Telephone No. 407-212-0641	Court Use Only
		SHERIFF NO. CIOT-14003872-001	
Name and Address of Court: CHARLESTON COUNTY COURT OF COMMON PLEAS			
Plaintiff: DERRELL BECKLEY Defendant: CITY OF CHARLESTON			
PROOF OF SERVICE (CIVIL OTHER)	Hearing Date 07/00/00	Time	Case Number 2014CP102385

I, J. AL CANNON, JR., ESQ., SHERIFF in and for said County and State, do hereby certify that I have received the annexed:

CIVIL ACTION COVERSHEET, SUMMONS, COMPLAINT FORM

on the 18th day of APRIL, 2014, and that I served the same on the 24th day of APRIL, 2014, at the hour of 9:00 AM within the County of CHARLESTON, State of SOUTH CAROLINA, as follows on:

PARTY TO SERVE: CITY OF CHARLESTON
 PERSON SERVED: WRIGHT, ZENOLA TITLE: REPRESENTATIVE

4/24/14 - CORPORATE SERVICE TO ZENOLA WRIGHT.

Address Served: 80 BROAD STREET
 CHARLESTON, SC 29401

Service By HARRISON, M.

SHERIFF'S FEES	Charges	** NO CHARGE **
-----	-----	
** TOTALS **	.00	

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

ATTEST OF CERTIFIED TRUE COPY

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

NOTARY PUBLIC SOUTH CAROLINA

DATE: 4/29/14

MY COMMISSION EXPIRES: 4-7-21

BY *[Signature]*

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



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

Attorney or Party Without Attorney: BECKLEY, DARRELL 1425 MANLEY AVENUE NORTH CHARLESTON, SC 29405 Att For: BECKLEY, DERRELL		Telephone No. 407-212-0641 SHERIFF NO. CIOT-14003872-002	Court Use Only
Name and Address of Court: CHARLESTON COUNTY COURT OF COMMON PLEAS			
Plaintiff: DERRELL BECKLEY Defendant: CITY OF CHARLESTON			
PROOF OF SERVICE (CIVIL OTHER)	Hearing Date 0/00/00	Time	Case Number 2014CP102385

I, J. AL CANNON, JR., ESQ., SHERIFF in and for said County and State, do hereby certify that I have received the annexed:

CIVIL ACTION COVERSHEET, SUMMONS, COMPLAINT FORM

on the 18th day of APRIL, 2014, and that I served the same on the 24th day of APRIL, 2014, at the hour of 11:20 AM within the County of CHARLESTON, State of SOUTH CAROLINA, as follows on:

PARTY TO SERVE: CHARLESTON CITY POLICE DEPARTMENT
 PERSON SERVED: SGT NICK TITLE: DUTY SERGEANT

4/24/14 - CORPORATE SERVICE TO SGT. NICK.

Address Served: 180 LOCKWOOD BOULEVARD
 CHARLESTON, SC 29401

Service By HARRISON, M.

SHERIFF'S FEES	Charges	** NO CHARGE **
-----	-----	
** TOTALS **	.00	

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

ATTEST OF CERTIFIED TRUE COPY

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

NOTARY PUBLIC SOUTH CAROLINA

DATE: 4/29/14

MY COMMISSION EXPIRES: 4-7-21

BY *[Signature]*

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



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

Attorney or Party Without Attorney: BECKLEY, DARRELL 1425 MANLEY AVENUE NORTH CHARLESTON, SC 29405 Att For: BECKLEY, DERRELL		Telephone No. 407-212-0641	Court Use Only
		SHERIFF NO. CIOT-14003872-003	
Name and Address of Court: CHARLESTON COUNTY COURT OF COMMON PLEAS			
Plaintiff: DERRELL BECKLEY Defendant: CITY OF CHARLESTON			
PROOF OF SERVICE (CIVIL OTHER)	Hearing Date 0/00/00	Time	Case Number 2014CP102385

I, J. AL CANNON, JR., ESQ., SHERIFF in and for said County and State, do hereby certify that I have received the annexed:

CIVIL ACTION COVERSHEET, SUMMONS, COMPLAINT FORM

on the 18th day of APRIL, 2014, and that I served the same on the 25th day of APRIL, 2014, at the hour of 11:30 AM within the County of CHARLESTON, State of SOUTH CAROLINA, as follows on:

PERSON SERVED: CHARLESTON FIRE DEPARTMENT
 PS TITLE: SERVED ZEONOLA WRIGHT

SUBSTITUTED SERVICE: BY LEAVING A COPY THEREOF AT THEIR DWELLING HOUSE OR USUAL PLACE OF ABODE WITH A PERSON OF SUITABLE AGE AND DISCRETION, THEN RESIDING THEREIN, OR WITH AN AGENT AUTHORIZED BY APPOINTMENT OR BY LAW TO RECEIVE SERVICE OF PROCESS

Address Served: 80 BROAD STREET
 CHARLESTON, SC 29401

Service By HARRISON, M.

SHERIFF'S FEES	Charges	** NO CHARGE **
-----	-----	
** TOTALS **	.00	

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

ATTEST OF CERTIFIED TRUE COPY

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

NOTARY PUBLIC SOUTH CAROLINA

DATE: 5/05/14

MY COMMISSION EXPIRES: 4-7-21

BY *[Signature]*

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Derrell Beckley,

Plaintiff,

v.

City of Charleston, Charleston Police and
Fire Departments,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-10-2385

MOTION TO DISMISS

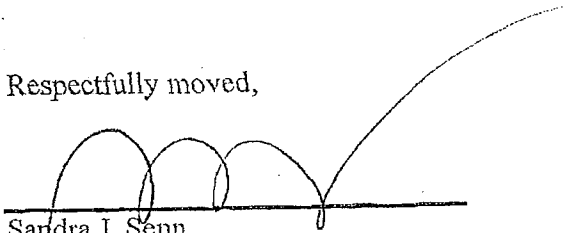
BY
JULIE A. HARRIS
CLERK OF COURT
2014 MAY 28 PM 2:19

COME NOW the Defendants, and hereby respectfully move this Honorable Court to dismiss the Summons and Complaint in this matter pursuant to Rule 3(a), SCRCP, and S.C. Code Ann. § 15-78-110, for failure to commence this civil action within the applicable statute of limitations.

Although not expressly stated in his *pro se* complaint, Plaintiff has brought this action under the South Carolina Tort Claims Act ("TCA"), S.C. Code Ann. § 15-78-10, *et seq.*, by alleging that a government employee or employees committed a tort against him. *See* S.C. Code Ann. § 15-78-70(a) ("This chapter constitutes the exclusive remedy for any tort committed by an employee of a governmental entity."). Any action brought pursuant to the TCA is "forever barred" unless it is commenced within two (2) years after the date of the alleged loss. S.C. Code § 15-78-110. A civil action is generally deemed commenced by filing and serving a summons and complaint. Rule 3(a), SCRCP.

Plaintiff alleges in his complaint to have suffered a loss on April 14, 2011. This action was filed on April 16, 2014, three years and two days after the date of the alleged loss. Because the action was not filed and served within the TCA's two-year statutory period, the claim should properly be dismissed.

Respectfully moved,



Sandra J. Senn
Senn Legal, LLC
P.O. Box 12279
Charleston, SC 29422
(843) 556-4045
(843) 556-4046 (fax)

Attorney for Defendants

Charleston, South Carolina
May 28, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

COURT OF COMMON PLEAS

DERRELL BECKLEY)
PLAINTIFF,)

TRANSCRIPT OF RECORD
14-CP-10-02385

v.)

CITY OF CHARLESTON,)
CHARLESTON POLICE AND)
FIRE DEPARTMENTS)

DEFENDANTS.)

September 11, 2014
Charleston, South Carolina

B E F O R E :

THE HONORABLE R. MARKLEY DENNIS, JUDGE

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

DERRELL BECKLEY
Appearing Pro Se

CHRISTOPHER T. DORSEL, ESQ.
Attorney for Defendants

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

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(There were no exhibits submitted.)

1 THE COURT: You're Derrell Beckley?

2 MR. BECKLEY: Yes, sir.

3 THE COURT: Mr. Dorsel, this is your
4 motion, sir?

5 MR. DORSEL: Yes, Your Honor.

6 THE COURT: Okay.

7 MR. DORSEL: I'm Chris Dorsel here on
8 behalf of the City of Charleston, Police, City of
9 Charleston, and the Fire Department.

10 THE COURT: Okay.

11 MR. DORSEL: We -- this is a case that
12 was, involved an accident that occurred on
13 April 14th, 2011. Suit was filed on April 16th,
14 2014. This was filed pursuant to the Tort Claims
15 Act, two year statute for that, obviously filed
16 outside of that. And it was also filed outside of
17 the three year statute so we filed a motion to
18 dismiss based on filing outside of any applicable
19 statute.

20 THE COURT: Okay. Mr. Beckley, I'll happy
21 to hear from you, sir. There's a statute of
22 limitations that's unfortunately a very strict one
23 effecting the Tort Claims Act.

24 MR. BECKLEY: Yes, sir, but I filed this
25 claim on the 10th of April. I filed it with the

1 court.

2 THE COURT: Filed on the 10th of April of
3 what year, sir?

4 MR. BECKLEY: Of 2014, sir.

5 THE COURT: Yeah, well, the problem ---

6 MR. BECKLEY: And, Judge, I went to a
7 proceeding and the judge granted it on the 16th.

8 THE COURT: He granted you the right to
9 proceed pro se in forma pauperis, Judge McDonald
10 did. But in looking at the pleading itself, it
11 alleges that the accident, the incident occurred on
12 April 14th, 2011.

13 MR. BECKLEY: Yes, sir.

14 THE COURT: That means on April the 13th,
15 2013, your statute of limitations in bringing this
16 expired. It had to be brought before that date for
17 you to proceed by law.

18 MR. BECKLEY: '13, sir?

19 THE COURT: 2013, yes, sir.

20 MR. BECKLEY: Statute of limitations?

21 THE COURT: Yes, sir, there is.

22 MR. BECKLEY: I had a lawyer at that time,
23 sir.

24 THE COURT: Sir, go talk to your lawyer.
25 Your lawyer, whatever -- find out from the lawyer

1 why, but your lawyer is not here today. I'd be
2 happy to tell him he's made the same mistake; but
3 there's a two year statute of limitations, sir, in
4 the Tort Claims Act, and that's what this clearly
5 is.

6 Your motion is granted, Mr. Dorsel.

7 MR. DORSEL: Thank you, Your Honor.

8 THE COURT: Thank you, sir.

9 MR. DORSEL: Your Honor, there's another
10 case on the roster where a voluntary dismissal has
11 been entered. It is Jackson, Rodney Jackson versus
12 Charleston County, Charleston County Sheriff's
13 Office.

14 THE COURT: Do you have the number?

15 MR. DORSEL: I don't have the number, I
16 apologize.

17 THE COURT: We'll find it. Thank you very
18 much.

19 MR. DORSEL: May I hand this up?

20 THE COURT: Yes, thank you.

21 MR. BECKLEY: How do I appeal this
22 decision?

23 THE COURT: You'll have a right of appeal,
24 yes, sir, and you'll get an order that says motion
25 to dismiss.

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

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

MR. BECKLEY: Thank you, sir.

THE COURT: Thank you, sir.

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

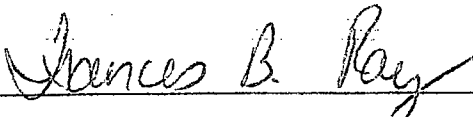
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a ~~stenographic report and was transcribed through~~ computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 1st day of February, 2015.


FRANCES BAKIS-RAY, RPR

Derrell Backley

City of Charleston, et al

PLAINTIFF(S)

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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other.
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: Motion to Dismiss by Defendant, filed on 5/28/2014, is GRANTED.

ORDER INFORMATION

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

FILED
2014 SEP 16 PM 3:10
CLERK OF COURT
ARISTARONG

INFORMATION FOR THE JUDGMENT INDEX

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

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

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.

[Signature]
Circuit Court Judge

2060
Judge Code

9/11/2014
Date

For Clerk of Court Office Use Only

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Derrell Beckley,
Plaintiff,

v.

City of Charleston, Charleston Police and
Fire Departments,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-10-2385

ORDER

BY _____

FILED
2014 SEP 16 PM 3:11
JULIE J. ARMS-STRONG
CLERK OF COURT

This matter came before the court on a Motion to Dismiss filed on behalf of Defendants City of Charleston, Police Department and Fire Departments (hereinafter, "Defendants"). Present at the September 11th, 2014, hearing were Christopher T. Dorsel, counsel for Defendants, and Derrell Beckley, *pro se*.

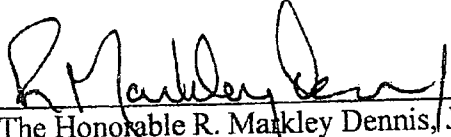
The Court heard arguments from both parties in this matter, which arises from a June 14, 2011, incident in Charleston, South Carolina. Because Plaintiff has alleged in his complaint that a government employee or employees committed a tort against him, this claim is subject to the South Carolina Tort Claims Act ("TCA"). See S.C. Code Ann. § 15-78-70(a) ("This chapter constitutes the exclusive remedy for any tort committed by an employee of a governmental entity."). Pursuant to the TCA, any action brought pursuant to the TCA is "forever barred" unless it is commenced within two (2) years after the date of the alleged loss. S.C. Code § 15-78-110.

Plaintiff alleged in his complaint to have suffered a loss on April 14, 2011, and the current lawsuit was filed on April 16, 2014. Because this action was not filed within the TCA's two-year statutory period, Plaintiff's claims in this suit are barred and this matter is dismissed with prejudice.

RMDT/s

THEREFORE, the Court grants Defendants' Motion to Dismiss and dismisses all claims against Defendants with prejudice.

AND IT IS SO ORDERED.



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

September 12, 2014
Charleston, South Carolina

RMDJ/2

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

March 28, 2016

Derrell Beckley
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