THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Alex Kinlaw, Jr., Circuit Court Judge

Case No. 2018-001600

Gregory T. Christian, Appellant,

v.

Anna Healy,
Greenville Police Officer Andrew League,
City of Greenville, South Carolina, Defendants,

Of whom Anna Healy is the Respondent.

BRIEF OF APPELLANT

Gregory T. Christian/Appellant
15 Gallivan St.
Greenville, SC 29609
(864) 232-9966

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STATEMENT OF THE CASE

On April 23, 2018, Appellant Gregory T. Christian filed a *pro se* Complaint (Civil Action No.: 2018-CP-23-02513) (R. pp. 11-14, 15-18) alleging defamation against Defendants Anna Healy, Greenville Police Officer Andrew League, and the City of Greenville, South Carolina, arising out of Defendants' claims that Appellant stole a ring from a yard sale being conducted by Defendant Anna Healy.

On May 21, Defendant Anna Healy filed a Motion to Dismiss (R. pp. 19-20). Also on May 21, Defendants Greenville Police Officer Andrew League and City of Greenville jointly filed both an Answer and a Motion to Dismiss. On July 6, Appellant filed responses to both

Motions to Dismiss (R. pp. 21-26, 27-40). On July 11, Defendants Greenville Police Officer Andrew League and City of Greenville filed a Memorandum in Support of Motion to Dismiss. On July 17, Appellant filed a Response to the Memorandum in Support of Motion to Dismiss.

On July 17, 2018, a hearing was held (R. pp. 41-81) and both Motions to Dismiss were granted. The Order granting dismissal and denying Appellant's oral motion to amend was filed July 30, 2018 (R. pp. 3-10). Dismissal of Defendants Greenville Police Officer Andrew League and City of Greenville was granted substantially on the basis of res judicata. Dismissal of Respondent Healy was granted on grounds of insufficient service of process and failure to state a claim. Appellant's oral motion for leave to amend Complaint was in denied, in the case of Respondent Healy, on grounds of failure to state a claim (R. p. 8).

Appellant pursues Appeal of the portion of the Order Granting Dismissal which grants dismissal to Respondent Anna Healy.

STANDARD OF REVIEW

A ruling on a motion to dismiss a claim must be based solely on the allegations set forth on the face of the complaint. The motion cannot be sustained if the facts alleged and the inferences reasonably deducible therefrom would entitle the plaintiff to any relief on any theory of the case. See Dye v. Gainey, 320 S.C. 65, 463 S.E.2d 97 (Ct.App.1995). The question is whether in the light most favorable to the plaintiff, and with every reasonable doubt resolved in her behalf, the complaint states any valid claim for relief. The cause of action should not be struck merely because the court doubts the plaintiff will prevail in the action. Id. at 68, 463 S.E.2d at 99. (McCormick v. England, 494 SE 2d 431 - SC: Court of Appeals 1997)

FACTS

1. Appellant is 56 years old and a resident of Greenville, South Carolina. Appellant is an aerospace engineer, and created the initial design of the EVA rocket pack currently deployed on the International Space Station.[1] Other than being listed as a suspected thief in Greenville Police Report #16000024859 (R. p. 40), Appellant has no criminal record.

2. On April 23, 2016, as Appellant was leaving a yard sale approximately one mile from his house, Respondent Anna Healy, operator of the yard sale, in the presence of some number of persons, accosted Appellant from behind, from a distance of approximately 20 feet, and claimed to have seen Appellant steal a ring (R. p. 11, line 16) (R. p. 38).

3. Appellant was at a loss to respond. Respondent Healy then asked Appellant if he had taken a ring. Appellant replied "no". Respondent Healy then sought to search Appellant. Appellant told her "no", and then told Respondent Healy "If you think a crime has been committed you should call the police, and I will wait here until they arrive". This was the only sentence Appellant spoke to Respondent Healy (R. p. 12, lines 4-6).

4. Respondent Healy took out her phone, turned, and walked away. Respondent Healy called 911 and told the operator she believed Appellant had stolen a ring from her yard sale. Respondent Healy withheld Appellant's single above quoted sentence from the 911 operator and police, instead portraying Appellant is a threatening person refusing to leave, to Appellant's substantial subsequent risk (R. p. 12, lines 7-9) (911 transcript p. 3).

5. A short while later, Appellant was approached by Respondent Healy's father, Micheal McDunn. Appellant questioned Mr. McDunn about the ring, and was told it was valued at $75.

[1] *U.S. Spacesuits*, 2nd Ed. (2012), Springer Science+Business Media LLC, 978-1441995650, p.318, www.google.com/search?q="U.S. Spacesuits"+"Gregory T. Christian"

6. Some minutes later, Appellant sought out Respondent Healy to ask if she had called police, and was told it was none of his business. Appellant explained that it was.

7. At this point police arrived. Appellant approached police, introduced himself, and told them what had happened (R. p. 12, line 16). Appellant was grabbed, threatened, lied to, searched twice, given a trespass notice, and released (R. pp. 38-39). Appellant is listed as a suspected thief in Greenville Police Report #16000024859 (R. p. 40).

8. Appellant emphasizes this is not a matter of a story having two sides. Respondent Healy's version of events is essentially fabricated. Respondent Healy claimed **1)** to have seen Appellant steal a ring (R. p. 11, line 16), **2)** that she believed Appellant had stolen a ring (R. p. 11, line 7), **3)** that Appellant was the last person near a ring she could not find (R. p. 12, line 11), and **4)** that Appellant was one of three people near a ring she could not find (R. p. 12, line 9) (R. p. 36, line 10). Respondent Healy denies none of these claims in Motion to Dismiss. These claims are mutually exclusive and false. Respondent Healy claimed Appellant asked her when police would arrive (R. p. 36, line 22), an insignificance detail she would not have been expected to know. In reality, Appellant asked Respondent Healy if police had been called, and was told it was none of his business. Respondent Healy claimed to a police investigator Appellant "insisted on staying" (R. p. 36, line 18), but effectively admits in Motion to Dismiss (R. p. 19, line 10) that Appellant suggested police be called, and was waiting for them to arrive. Respondent Healy claimed Appellant was "sitting here kind of being belligerent" (911 transcript p. 3) and subsequently claimed Appellant "flew into a rage" (R. p. 72, line 19). Respondent Healy portrays her confrontation of Appellant as an attempted friendly exchange (R. p. 36, lines 13-17), which nonetheless ended with her telling a 911 operator Appellant had stolen a ring from her.

Respondent Healy claimed her attempt to search Appellant, a supposed criminal she did not know, was an "off-hand comment". (R. p. 36, line 26). In her interview with Greenville Police Internal Affairs (R. p. 38), Respondent Healy expounds at some length on Appellant's threatening behavior. Respondent Healy's claims in this regard have no more basis in reality than her various claims of Appellant having stolen a ring, which is to say none. No mention is made of any such behavior in the police report (R. p. 40). The police report does not reference a single word Respondent Healy told police, because she has yet to speak a word of truth in this matter. Respondent Healy appears to be a pathological liar. Respondent Healy alone knows why she accused Appellant of theft, and she has yet to divulge her motivation for doing so, whatever it may have been.

Corrected Facts:

9. The Order Granting Motions to Dismiss states "Defendant Anna Healy, questioned Plaintiff about a missing ring" (R. p. 3, line 10). This is not correct. As related above and in the Complaint (R. p. 12, line 16), Respondent Healy told Appellant "I saw you put that ring in your pocket". Appellant asserted this in a police video taken at the scene (R. p. 38). Respondent Healy's claim was not a question, nor has Appellant represented it as such. It is the first cause of action (R. p. 13, line 11).

10. The Order Granting Motions to Dismiss states police "conducted a consensual search of Plaintiff's pockets and clothing" (R. p. 4, line 2). This is not correct. Appellant was searched twice by police, and neither search was consensual, nor did Appellant represent the searches as such (R. p. 13, line 7). Appellant was initially searched ostensibly for weapons, and then a second time for a ring, after being told by police that several people claimed to have seen

Appellant steal a ring, and Appellant would be taken downtown and locked up if he did not submit to search (R. p. 38). These claims are factors in a federal action filed by Appellant, currently being appealed.

ARGUMENTS

I. BECAUSE RESPONDENT HEALY WAS SERVED WITH A COPY OF THE COMPLAINT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, RESTRICTED DELIVERY, RESPONDENT HEALY WAS PROPERLY SERVED PROCESS.

The Order Granting Motions to Dismiss states Appellant "conceded that service of process (upon Respondent Healy) was insufficient both at the hearing of July 17, 2018 and in his Response to Defendant's Motion to Dismiss. Specifically, the Court finds that service of process on Defendant Healy did not comply with Rule 4(d)(8) of the South Carolina Rules of Civil Procedure as it was not mailed certified mail, return receipt requested, restricted delivery." (R. p. 8, lines 1-6). This is in reference to Appellant inadvertently failing to check the "restricted delivery" box on the certified mail card, which carried an additional $5.10 charge. As Appellant stated in the Response to Motion to Dismiss (R. p. 26, lines 5-7), Plaintiff mistakenly believed the proviso concerning restricted delivery was fulfilled by certified mail with return receipt, given that the recipient is listed on the card and receipt. Appellant also averred in the Response to Motion to Dismiss that Respondent Healy had been served July 3 by certified mail, return receipt requested, restricted delivery per SCRCP 4(d)(8) (R. p. 26, line 6), and additionally averred this at the July 17 hearing (R. p. 73, lines 14-16). The additional $5.10 charge was paid in full.

Respondent Healy was thus served twice, the second time with the previously missed restricted delivery box checked.

II. BECAUSE RESPONDENT HEALY DEFAMED APPELLANT THREE DIFFERENT TIMES WITH THREE DISTINCT CLAIMS, RESPONDENT HEALY DEFAMED APPELLANT EVEN THOUGH SHE DID NOT EXPLICITLY TELL POLICE APPELLANT STOLE A RING.

On p. 6 of the Order Granting Motions to Dismiss, the lower court judge states "Of special note to the Court is Paragraph 24 of the Complaint, in which Plaintiff alleges that Defendant Healy did not defame him. Defamation is the sole cause of action. Plaintiff cannot maintain it against Healy when he alleges that she did not defame him." (R. p. 8, lines 9-12)

This appears to be a key misunderstanding. In Response to Motion to Dismiss (R. p. 23, line 17- p. 24, line 15), Appellant attempted to clarify this issue, but may not have been sufficiently blunt, and also may not have been sufficiently blunt at the hearing. Police lied in claiming in their report that Respondent Healy told them Appellant had stolen a ring. Respondent Healy actually told police that Appellant was the last person near a ring before she could not find it (R. p. 12, line 11). Both claims were false and defamatory *per se*. Respondent Healy's actual claim that Appellant was the last person near a ring did not give police probable cause for their search of Appellant, so they falsely claimed Respondent Healy simply told them Appellant had taken her ring ("Anna Brennan Healy advising that a subject had taken a ring from the her (sic) yard sale without paying for it.") (R. p. 40). This did not mean Respondent Healy's actual claim to police that Appellant was the last person near a ring was true, and in fact it was not. Respondent Healy's initial claim of having seen Appellant steal a ring had not worked, and she apparently switched to a looser claim which appeared to offer less liability. Two weeks later she

loosened her claim further to include an additional two persons near the ring(R. p. 12, line 9) (R. p. 36, line 10) . This also was false. Appellant understands this is somewhat confusing. Deceit is like that. As Appellant averred in the Complaint and subsequently reiterated in Response to Motions to Dismiss, there are three counts of defamation listed against Respondent Healy in the Complaint, none of which involved Respondent Healy directly telling police Appellant stole a ring:

1) The first count of defamation, described in paragraph #6 and listed as a cause of action in paragraph #20 of the Complaint (R. p. 13, line 13), is Respondent Healy claiming in public before some number of people that she had seen Appellant steal a ring. This constituted defamation and is actionable *per se*.

2) The second count of defamation, described in paragraph #9 and listed as a cause of action in paragraph #21 of the Complaint (R. p. 12, line 7) (R. p. 13, line 14), occurred while Respondent Healy was being recorded on a 911 call some seconds after the first count and no longer recalled seeing Appellant steal a ring, but nonetheless conveyed her belief to the operator Appellant had done so. This constituted defamation and is actionable *per se*.

3) The third count of defamation, described in paragraph #11 and listed as a cause of action in paragraph #22 of the Complaint (R. p. 12, line 11) (R. p. 13, line 15), occurred when Respondent Healy was expected to come up with some reason for claiming Appellant had stolen a ring and told Greenville Police Officer Kenneth Payne that Appellant was the last person near a ring she could not find. This was logically equivalent to saying Appellant stole the ring, but Respondent Healy apparently felt it was vague enough to not constitute defamation. In reality, per precedent her action constituted defamation and is actionable *per se*. She later contradicted

her claim by claiming three people were near the ring before she could not find it (R. p. 12, line 9) (R. p. 36, line 10). Her father claimed several people were near the ring (R. p. 12, line 13) (R. p. 37, line 11).

III. BECAUSE SUGGESTING TO A DE FACTO VIGILANTE THAT POLICE BE CALLED DOES NOT IMMUNIZE THEM FROM CIVIL LIABILITY FOR DEFAMATION, RESPONDENT HEALY IS NOT IMMUNIZED FROM LIABLITY BY APPELLANT SUGGESTING POLICE BE CALLED.

In the Order Granting Motions to Dismiss, the lower court finds: "In addition, the Complaint shows that Plaintiff invited the police to the scene. For that reason, Plaintiff cannot complain that Healy called them. South Carolina Jurisprudence, Vol. 20, Libel & Slander, p. 110." (R. p. 8, lines 13-15) The lower court thus finds Respondent Healy is immunized from civil liability for her defamatory statements to police by Appellant's suggestion she call them. Appellant notes he is having to defend to a court of law his suggestion to a de facto vigilante that police be called. The pertinent portion of the publication cited by the lower court states:

""It is generally held that a publication of a libel or slander is insufficient to support an action for defamation if it is invited or procured by the plaintiff, or by a person acting for him in the matter." Thus, if a person allegedly defamed requested that slanderous words be repeated in the presence of a third person, there can be no publication." (South Carolina Jurisprudence, Vol. 20, Libel & Slander, p. 110).

In the present case, however, and as Appellant averred in Response to Respondent's Motion to Dismiss (R. p. 22, #4), suggesting police be called was not an invitation to continue defaming Appellant. Appellant, who was not carrying a cell phone, only suggested police be called as the sole apparent alternative to either 1) leaving the scene of a crime which Respondent

Healy was claiming to have witnessed Appellant commit or 2) submitting to the search of his person being sought by Respondent Healy. Unless the lower court judge can suggest a better course of action than suggesting police be summoned to the scene of the alleged crime, the judge should not find fault with Appellant's advocacy of uniformed law enforcement. What would the judge have had Appellant do? Should Appellant have left (i.e., fled) the scene and waited to see if his accuser decided to call police? Appellant's experience with police was harrowing enough as it was, owing to Respondent Healy's false portrayal of him. Should Appellant have submitted to the search sought by Respondent Healy? Dispensing with personal dignity, does the judge actually believe Appellant should have let a seemingly unhinged woman, who plainly took the law into her own hands, publicly search him until she was satisfied he did not have a ring on his person? Appellant notes he was subjected to egregious vilification by Respondent Healy even with keeping her away from him.

In the event, Respondent Healy did not in fact repeat to police her initial claim of having seen Appellant steal a ring, as contemplated by the SCJ volume cited by the lower court, instead telling a 911 operator simply that she believed Appellant had stolen a ring (R. p. 12, line 7), telling police at the scene that Appellant was the last person near a ring she could not find (R. p. 12, line 11), and later telling a police investigator that Appellant was one of three people near a ring she could not find (R. p. 12, line 9) (R. p. 36, line 10) (See also the claim of Respondent Healy's father that several people were near the ring before it could not be found (R. p. 12, line 13) (R. p. 37, line 11)). Appellant for his part had no idea what Respondent Healy would say next, to himself or anyone else, but Appellant otherwise in no way invited nor consented to Respondent Healy's further defamation in suggesting she call police, and the lower court errs in

inferring Appellant so did.

IV. BECAUSE RESPONDENT HEALY'S CLAIMS OF THEFT WERE MADE WITH MALICE, HER COMMUNICATIONS WERE NOT PRIVILEGED.

In the Order Granting Motions to Dismiss, the lower court finds: "According to the facts alleged, the communication was privileged. *Manley v. Manley*, 312, S.C. 291, 353 S.E.2d 312 (Ct. App. 1987)." (R. p. 8, line 15), specifically in that the second and third claims of defamation entailed communication with law enforcement personnel. The cited precedent *Manley*, however, which dealt with involuntary commitment, held that a presumption of malice arising from defamation *per se*, and which would otherwise overcome a claim of privileged communication, was defeated by a showing of good faith:

Manley states "Under general law .... it is actionable *per se*, to impute to another in writing that he suffers from mental illness. 50 Am. Jur. (2d) *Libel and Slander* Section 91 (1970). Where words are actionable *per se*, malice will be implied. *Jones v. Garner*, 250 S.C. 479, 158 S.E. (2d) 909, 32 A.L.R. (3d) 1417 (1968)." *Manley* concludes "In determining whether or not the communications made by the respondents were qualifiedly privileged, due regard must be had for the occasion and the relationship of the parties. *Conwell v. Spur Oil Co. of Western South Carolina, supra.* Here, the affidavits and depositions show beyond dispute that all of the respondents acted in the utmost good faith to deal with the mother's perceived mental disorder. ... We therefore hold that the trial judge did not err in concluding that the actions of the respondents were lawful."

In the present instance, however, and unlike *Manley*, there has been no showing of good faith on Respondent Healy's part, and indeed Appellant submits her actions are difficult to

fathom. As Appellant argued in Response to Motions to Dismiss (R. p. 23, lines 4-17), citing *Eubanks v. Smith*, 354 SE 2d 898, SC Supreme Court 1987, privilege does not hold where malice is presumed. Respondent Healy's initial public accusation of theft was defamatory *per se* and carried with it a presumption of malice which could not be extinguished by Respondent Healy continuing the same conduct with law enforcement personnel. Appellant further cited *Swinton Creek Nursery v. Edisto Farm Credit*, 514 SE 2d 126 - SC: Supreme Court 1999: "However, the question whether the privilege has been abused is one for the jury. *Id.* Factual inquiries, such as whether the defendants acted in good faith in making the statement ... are generally left in the hands of the jury to determine whether the privilege was abused." In short, there is no privilege absent good faith, and there is no good faith where malice remains presumed.

V. BECAUSE THE COMPLAINT ALLEGES COMMUNICATION IN A PUBLIC ASSEMBLY AND WITH OTHER PERSONS; THE COMPLAINT ALLEGES PUBLICATION.

The Order Granting Motions to Dismiss finds the Complaint did not allege publication, citing *Kendrick v. Citizens & Southern National Bank*, 266 S.C. 450, 223 S.E.2d 866 (1976) (R. p. 8, line 16). *Kendrick*, however, held "Since the conversation was between Mr. Sudyk and appellant and no one else heard it, there was no publication and, therefore, no actionable slander." But as Appellant has averred, Respondent Healy's defamatory statements were made at a public yard sale and also to a number of persons. Respondent Healy quite vocally claimed to have seen Appellant steal a ring, from a distance of approximately twenty feet (R. p. 11, line 16). There was no attempt at discretion. In Respondent Healy's statements to a police investigator, she makes multiple references to "other customers" present (R. p. 36, line 20). Appellant particularly notes the widespread fear Respondent Healy claims Appellant caused. Both Respondent Healy's

father (R. p. 37, line 11) and the police (R. p. 39, line 18) refer to "several people" present. It seemed to Appellant redundant to specify witnesses at a public event, the more so as Respondent Healy, her father, and the police all claim witnesses were present, but if the Court remands and Appellant is granted leave to amend, Appellant would join his own observations to those of the others, to include a woman who was standing next to Respondent Healy as she was accosting him. The Court should in any event have no doubt Respondent Healy's conduct was quite public.

VI. BECAUSE FAULT IS SUPERSEDED BY PRESUMED MALICE, FAULT IS ESTABLISHED OR OTHERWISE MOOT.

The Order Granting Motions to Dismiss finds the Complaint does not allege fault, citing *Erickson v. Jones Street Publishers*, 368 S.C. 444, 629 S.E.2d 653 (2006) (R. p. 8, line 16). *Erickson*, however, concerns the issue of fault arising out of a false media allegation of sexual impropriety, and does not bear upon a direct allegation of a criminal act, which allegation establishes a presumption of malice. As Appellant averred in Response to Motion to Dismiss (R. p. 22, lines 1-18) (R. p. 24, line 21 – p. 25, line 6), publicly claiming someone has committed a criminal act is defamatory *per se*. As Appellant cited in Response, "Under South Carolina law defamatory statements that an individual broke the law or was unfit for her profession are defamatory *per se*". (*Brailsford v. Wateree Community Action, Inc.*, 135 F.Supp. 3d 433 (D.S.C. 2015)). *Brailsford* continues: "Malice and damages are presumed in the case of defamation *per se*. See: *Holtzscheiter v. Thomson Newspapers*, Inc., 332 S.C. 502, 506 S.E.2d 497, 501-02 (1998) (*Holtzscheiter* II)." Plaintiff has alleged facts establishing Defendant communicated multiple falsehoods to multiple persons imputing a criminal act by Plaintiff, by virtue of which imputation the law presumes defamation *per se* and malice, which supersedes or subsumes the

question of fault. Appellant need not establish Respondent Healy's motivation or rationale for falsely accusing Appellant of theft, and indeed Appellant does not know why she did it. If the law required Appellant to establish fault or malice, and if we assume Respondent Healy actually believed Appellant stole a ring, then Appellant could only guess she had a hunch, which leads to the observation that fabricating claims to substantiate a hunch of criminal activity appears indicative of a sociopathic personality. But, as Appellant notes, the law requires no such analysis on Appellant's part, and assumes Respondent Healy's accusations defamatory and malicious until Respondent Healy establishes otherwise, something she has not attempted to do.

Appellant notes the Order Granting Motions to Dismiss does not make reference to malice. Should the Court remand with leave to amend, Appellant would amend to include claims of fault and malice, though Appellant believes the action was properly initiated on a basis of presumed malice founded upon false imputation of a criminal act.

VII. BECAUSE SUCH DEFECTS AS THE COMPLAINT MAY HAVE ARE READILY CORRECTED, LEAVE TO AMEND SHOULD HAVE BEEN GRANTED.

Appellant's oral motion to amend the Complaint was denied, in the case of Respondent Healy, on grounds any amended pleadings would be futile and would be prejudicial to Defendant, and on grounds of failure to state a claim (R. p. 8, line 21). Appellant respectfully disagrees.

There appear to be three arguable defects to the Complaint, specifically the issues of publication, malice, and fault, all of which could be readily corrected by amendment.

1) Appellant believed publication was established by occurrence of the incident at an open air yard sale at which Respondent Healy, her father, and the police all themselves claimed the presence of multiple witnesses, but Appellant would by amendment add his own observations to

those of the others, to include a woman who was standing next to Respondent Healy as she accosted him.

2) Appellant believed malice was presumed by law, given that Respondent Healy publicly and falsely accused Appellant of a criminal act, but Appellant would by amendment add a claim of malice.

3) Appellant believed fault was superseded by presumption of malice, but Appellant would add a claim of fault by amendment, on a basis of negligence by virtue of Respondent Healy having falsely accused Appellant of theft based on a presumed hunch, if this was the case, though it seems lying to substantiate a hunch is malicious rather than negligent.

CONCLUSION

Respondent Healy falsely accused Appellant of theft three times, by three distinct claims. Appellant, 53 years old at the time and with no criminal record, is now listed in a police report as a suspected thief. Respondent Healy has offered no justification whatsoever for her multiple and contradictory claims of Appellant's alleged act of theft, and in fact it is not possible at this writing to so much as credibly speculate why Respondent Healy claimed Appellant stole a ring, if she in fact believed he did. Take away that one fact. Respondent Healy clearly did not believe she saw Appellant steal a ring, else she would not have walked away when Appellant suggested she call police, and she would not have abandoned her original claim a moment later when talking to the 911 operator. Respondent Healy's assertion to a 911 operator that she believed Appellant had stolen a ring contains no indication of the basis thereof. Respondent Healy claimed to police at the scene that Appellant was the last person near a ring she could not find. She later claimed to

police that Appellant was one of three people near a ring she could not find. It is difficult to say which claim is less credible. Her withholding from authorities that Appellant suggested police be called and was waiting for them to arrive, and her many fabrications about Appellant, appear malicious under any circumstances. Why did Respondent Healy claim Appellant was a thief? What good faith explanation could fit the facts? Appellant submits this matter is not resolved to a level sufficient for dismissal without Answer and discovery.

Wherefore, Appellant prays the portion of the Order Granting Motions to Dismiss be reversed as it pertains to Respondent Healy, and the case be remanded to the lower court for continued proceedings with Respondent Healy as sole Defendant, with leave to amend as specified herein.

Respectfully submitted,

April 22, 2019

Gregory T. Christian/Appellant
15 Gallivan St.
Greenville, SC 29609

CERTIFICATE OF SERVICE

I certify that on April 22, 2019 I served a copy of this FINAL BRIEF OF APPELLANT on Respondent Anna Healy's counsel of record, addressed as shown below:

Carl F. Muller
607 Pendleton St., Suite 201
Greenville, SC 29601

Gregory T. Christian/Appellant
15 Gallivan St.
Greenville, SC 29609

THE STATE OF SOUTH CAROLINA
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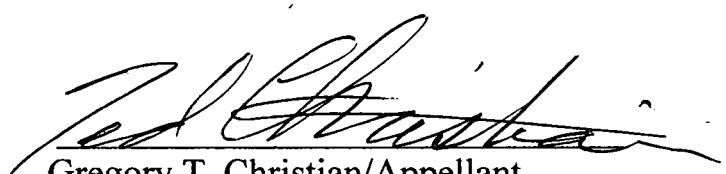
Of whom Anna Healy is the Respondent.

CERTIFICATE OF APPELLANT

The undersigned certifies that this Final Brief complies with Rule 211(b), SCACR.

April 22, 2019



Gregory T. Christian/Appellant
15 Gallivan St.
Greenville, SC 29609
(864) 232-9966