

**RECEIVED**  
**May 03 2021**  
**SC Court of Appeals**

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Richland County  
Court of Common Pleas  
Bentley Price, Circuit Judge

Case No. 2019-CP-10-4505  
Appeal No. 2021-000236

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Vincent Jerode Beaton,

Appellant,

v.

North Charleston Police Department,

Respondent.

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**MOTION TO DISMISS APPEAL**

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Respondent North Charleston Police Department moves to dismiss the above captioned appeal for failure to comply with the South Carolina Appellate Court Rules. In support of this motion, the Respondent would show unto the Court the following points of noncompliance as established by the court filings and other matters attached and submitted herewith.

**Procedural History**

The Appellant, proceeding pro se, filed a complaint in this case alleging bad faith and gross negligence by the North Charleston Police Department in connection with his arrest on March 2, 2005, on a charge of murder. The complaint was filed on August 27, 2019, more than fourteen years after the arrest. Attorneys with the Hood Law Firm appeared as Counsel of Record for the Defendant/Respondent North Charleston Police Department, filing a motion to dismiss based on the statute of limitations. Thereafter the Plaintiff filed a motion to amend his complaint.

Both motions came before the Honorable Bentley Price for hearing on December 8, 2021. Judge Price signed an order denying the motion to amend on December 15, 2020, which was filed that same day; and the notice of the Clerk of Court for Charleston County evidences that written notice of the entry of the order was mailed on December 21, 2020. Judge Price also signed an order granting the motion to dismiss on December 16, 2020, which was filed the same day; and the notice of the Clerk of Court for Charleston County evidences that written notice of the entry of the order was mailed on December 22, 2020. Counsel of Record for the Defendant/Respondent received both notices of entry of the orders on December 28, 2020.

Counsel of Record has never received a Notice of Appeal from the Plaintiff/Appellant in regards to these orders. However, the undersigned Counsel of Record, Ellore Ganes did receive an email from Attorney Derk Van Raalte, of the office for the City Attorney for the City of North Charleston, on March 5, 2021, forwarding a copy of the Plaintiff/Appellant's Notice of Appeal that their office had received.

The Notice of Appeal appears to have been signed February 4, 2021, and the Affidavit of Service also purports that it was served on February 4, 2021. However, the envelope in which the City's Legal Department received the Notice of Appeal bears a postmark of February 24, 2021, and it evidences that it was addressed to the "North Charleston Police Department" at City Hall. The Notice of Appeal was received by the City of North Charleston Legal Department on March 4, 2021.

It appears from the Appellate Court's online docketing system (C-track) that the Plaintiff/Appellant's Notice of Appeal was filed in the Supreme Court on March 2, 2021; and thereafter, the Supreme Court transferred the appeal to the Court of Appeals on March 5, 2021. The Court of Appeals sent a deficiency letter to the Appellant dated March 12, 2021, directing the

Appellant to send a corrected proof of service and to provide a statement of when he received written notice of the entry of judgment. The letter allowed the Appellant 10 days from the date of the letter to provide such corrections.

The undersigned has received an Affidavit of Service and Notice of Appeal in an envelope with a post-marked date of April 1, 2021, beyond the March 22, 2021 deadline set by the Court's deficiency letter. Furthermore, neither document provides any statement as to when the Appellant received the written notice of entry of judgment. For this reason alone, the appeal should be dismissed. In addition, the Affidavit of Service provided in the mailing of April 1, 2021, purports to have served the Hood Law Firm at 172 Meeting Street, Charleston, SC 29401 on February 25, 2021; however, the documents provided herewith establishes that the Appellant's newly submitted proof of service is inaccurate.

#### **Non-compliance with the Appellate Court Rules**

1. ***Untimeliness:*** It does not appear that the Notice of Appeal was timely served in compliance with Rule 203 (b)(1), SCACR. Pursuant to Rule 203, the time for serving a notice of appeal runs from the date of the appellant's receipt of written notice of the entry of the order. Timely service of the notice of intent to appeal is a jurisdictional requirement. Mears v. Mears, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985). To the extent that the receipt of the written notice is the key to determining the timeliness of a notice of appeal, Rule 203(e) requires that the notice of appeal contain a statement of when the appealing party received notice if necessary to establish timeliness.

The Notice of Appeal served and filed by the Plaintiff/Appellant does not contain the necessary information regarding his receipt of the written notice of entry of the orders, and the Appellant failed to provide that information as directed by the deficiency letter. For this reason

alone, the appeal should be dismissed. In addition, even in the absence of the Appellant's failure to document the date of his receipt, the documents and court docket show that the orders were filed on December 15 and December 16 and that the corresponding written notices of entry were mailed on December 21 and December 22. Counsel for Defendant received the written notices on December 28, 2020. On these facts, the only reasonable conclusion is that the Plaintiff/Appellant received written notice more than 30 days before the February 24, 2021 postmark on the envelope. Accordingly, the appeal should be dismissed as untimely.

2. ***Improper Service:*** Rule 203(e)(1), SCACR, requires that the Notice of Appeal include the names and contact information for all counsel of record, and correspondingly, the appellant must serve the notice of appeal on all counsel of record. In the absence of that counsel information on the documents transferred from the Supreme Court, the Court of Appeals provided the Appellant with an opportunity to correct this deficiency. The Affidavit of Service included in the most recent package declares that the Notice was served by mail on the Hood Law Firm at 172 Meeting Street, Charleston, SC 29401 on February 25, 2021.

The undersigned submits that the Notice of Appeal was not served on counsel of record as required by Rule 262(b), SCACR. The undersigned, Ellore Ganes of the Hood Law Firm, has been Counsel of Record in this action since the filing of the motion to dismiss the complaint, yet the Plaintiff did not serve Ms. Ganes or any other attorney at the Hood Law Firm. Contrary to Appellant's recent submission, as noted above and shown by the documents filed herewith, the Appellant originally sent his Notice of Appeal to the "North Charleston Police Department" at City Hall, and an attorney with the City Attorney's office forwarded it to the undersigned on March 5, 2021, as a professional courtesy.

To the extent that the law allows a party to represent himself in an appeal, the pro se appellant still must substantially follow the rules. See State v. Burton, 356 S.C. 259, 265, n. 5, 589 S.E.2d 6, 9 n. 5 (2003) (“A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.”) More particularly, the timeliness of service of a notice of appeal is jurisdictional and cannot be excused for any reason. This jurisdictional defect alone or combined with the other points of noncompliance establish grounds for dismissal of this appeal.

Respectfully submitted,

HOOD LAW FIRM, LLC  
Ellore A. Ganes (SC #70509)  
Deborah Harrison Sheffield, Of Counsel (SC#2757)  
172 Meeting Street  
Post Office Box 1508  
Charleston, SC 29402  
Phone: (843) 577-4435  
Facsimile: (843) 722-1630  
Info@hoodlaw.com

s/Ellore A. Ganes  
Attorneys for the Respondent  
North Carolina Police Department

May 3, 2021

\_\_\_\_\_  
**CERTIFICATE OF SERVICE**  
\_\_\_\_\_

**RECEIVED**

**May 03 2021**

**SC Court of Appeals**

The undersigned certifies that on this day of May 3, 2021, a copy of the foregoing Motion to Dismiss was served on the Appellant, appearing pro se, by depositing said copy in the U.S. Mail, with sufficient first-class postage, at the address listed below:

Vincent Jerode Beaton 196947  
Lee CI F-2B 2210  
990 Wisacky Hwy.  
Bishopville, SC 29010

/s/ Ellore A. Ganes  
Ellore A. Ganes (SC #70509)



Switch View

**Vincent Jerode Beaton VS North Charleston Police Department , defendant, et al**

|                             |                                   |                          |   |                           |                |
|-----------------------------|-----------------------------------|--------------------------|---|---------------------------|----------------|
| <b>Case Number:</b>         | 2019CP1004505                     | <b>Court Agency:</b>     | Common Pleas                              | <b>Filed Date:</b>        | 08/27/2019     |
| <b>Case Type:</b>           | Common Pleas                      | <b>Case Sub Type:</b>    | Inmate Pet/Other 599                      | <b>File Type:</b>         | Non-Jury       |
| <b>Status:</b>              | Dismissed                         | <b>Assigned Judge:</b>   | Clerk Of Court C P, G S, And Family Court |                           |                |
| <b>Disposition:</b>         | Dismissed by Court - not Rule 40J | <b>Disposition Date:</b> | 12/16/2020                                | <b>Disposition Judge:</b> | Price, Bentley |
| <b>Original Source Doc:</b> |                                   | <b>Original Case #:</b>  |   |                           |                |
| <b>Judgment Number:</b>     |                                   | <b>Court Roster:</b>     |   |                           |                |

**Case Parties**

Click the  icon to show associated parties.

| Name   | Address   | Race | Sex | Year Of Birth | Party Type         | Party Status | Last Updated |
|--|---|------|-----|---------------|--------------------|--------------|--------------|
| Agostino, Alyssa Louise (Inactive)                         | 1891 Charlotte Dr 210 Charlotte NC 28203                  |      |     |               | Defendant Attorney |              | 09/30/2020   |
| <input checked="" type="checkbox"/> Beaton, Vincent Jerode |   |      |     |               | Plaintiff          |              | 12/22/2020   |
| <input checked="" type="checkbox"/> Beaton, Vincent Jerode | 990 Wisacky Highway Bishopville SC 29010                  |      |     |               | Plaintiff Pro Se   |              | 08/28/2019   |
| Bradshaw, Julia Ann  | Hood Law Firm, LLC 172 Meeting Street Charleston SC 29401 |      |     |               | Defendant Attorney |              | 09/30/2020   |
| Elmore, Keith  |   |      |     |               | Defendant          |              | 08/28/2019   |
| Ganes, Elloree A.  | Hood Law Firm, LLC PO Box 1508 Charleston SC 294021508    |      |     |               | Defendant Attorney |              | 09/30/2020   |
| Jourdan, E   |   |      |     |               | Defendant          |              | 08/28/2019   |
| North Charleston Police Department                         |   |      |     |               | Defendant          |              | 10/21/2019   |

**Actions**

| Name                               | Description  | Type   | Motion Roster | Begin Date       | Completion Date  | Documents |
|------------------------------------|--|--------|---------------|------------------|------------------|-----------|
| Beaton, Vincent Jerode             | Note: INMATE LITIGATION                                      | Filing |               | 12/30/2055-14:40 | 12/16/2020-14:40 |           |
| Beaton, Vincent Jerode             | Notice of Appeal, Appeling order fr 12/16/2020 & Srv         | Filing |               | 02/26/2021-10:17 |                  |           |
| Beaton, Vincent Jerode             | Order-Defnts Motion to Dismiss is Granted                    | Order  |               | 12/16/2020-14:33 |                  |           |
| Beaton, Vincent Jerode             | Order-Pltffs Motion to Amend is Denied                       | Order  |               | 12/15/2020-16:35 | 12/16/2020-16:35 |           |
| Beaton, Vincent Jerode             | 12/7/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 11/06/2020-10:16 | 12/16/2020-10:16 |           |
| Beaton, Vincent Jerode             | 12/7/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 11/06/2020-10:16 | 12/16/2020-10:16 |           |
| Ganes, Elloree A.                  | 12/7/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 11/06/2020-10:16 | 12/16/2020-10:16 |           |
| Ganes, Elloree A.                  | 12/7/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 11/06/2020-10:16 | 12/16/2020-10:16 |           |
| Bradshaw, Julia Ann                | 12/7/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 11/06/2020-10:16 | 12/16/2020-10:16 |           |
| Bradshaw, Julia Ann                | 12/7/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 11/06/2020-10:16 | 12/16/2020-10:16 |           |
| Ganes, Elloree A.                  | Notice of Appearance and Transfer w/in firm & Crt/Srv        | Filing |               | 09/30/2020-10:23 | 12/16/2020-10:23 |           |
| Beaton, Vincent Jerode             | Notice to Removal of Photos from Mug Shot                    | Filing |               | 09/14/2020-13:51 | 12/16/2020-13:51 |           |
| Beaton, Vincent Jerode             | Notice of the Right to Travel                                | Filing |               | 09/08/2020-09:27 | 12/16/2020-09:27 |           |
| Agostino, Alyssa Louise            | 9/21/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 08/25/2020-14:13 | 12/16/2020-14:13 |           |
| Beaton, Vincent Jerode             | 9/21/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 08/25/2020-14:13 | 12/16/2020-14:13 |           |
| Agostino, Alyssa Louise            | 9/21/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 08/25/2020-14:13 | 12/16/2020-14:13 |           |
| Beaton, Vincent Jerode             | 9/21/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 08/25/2020-14:13 | 12/16/2020-14:13 |           |
| North Charleston Police Department | Defnts Memo in Support & reply & crt/srv                     | Filing |               | 04/16/2020-14:21 | 12/16/2020-14:21 |           |
| Beaton, Vincent Jerode             | Filing final notice of demand for payment & Crt/Srv          | Filing |               | 04/10/2020-14:30 | 12/16/2020-14:30 |           |
| Beaton, Vincent Jerode             | Memo of Understanding  | Filing |               | 03/27/2020-15:20 | 12/16/2020-15:20 |           |
| Beaton, Vincent Jerode             | 3/23/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 02/24/2020-09:11 | 12/16/2020-09:11 |           |
| Beaton, Vincent Jerode             | 3/23/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 02/24/2020-09:11 | 12/16/2020-09:11 |           |
| Agostino, Alyssa Louise            | 3/23/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 02/24/2020-09:11 | 12/16/2020-09:11 |           |
| Agostino, Alyssa Louise            | 3/23/2020_MOTION_Roster/Notice of Motions Roster Publication | Action |               | 02/24/2020-09:11 | 12/16/2020-09:11 |           |
| Beaton, Vincent Jerode             | Motion to Amend  | Motion |               | 11/15/2019-14:44 | 12/08/2020-14:44 |           |
| North Charleston Police Department | Motion/Motion Filing Fee                                     | Filing |               | 10/21/2019-16:19 | 12/16/2020-16:19 |           |
| Agostino, Alyssa Louise            | Defnt Motion/Dismiss or Motion/Summary judgment &            | Motion |               | 10/21/2019-15:39 | 12/08/2020-15:39 |           |

|                        |  |        |  |                  |                  |  |
|------------------------|--|--------|--|------------------|------------------|--|
|                        | Crt/Srv                                  |        |  |                  |                  |  |
|                        | Affidavit Of Service                     | Filing |  | 10/01/2019-08:27 | 12/16/2020-08:27 |  |
| Beaton, Vincent Jerode | Order - Inmate Litigation                | Order  |  | 08/27/2019-16:12 | 12/16/2020-16:12 |  |
| Beaton, Vincent Jerode | Summons & Complaint w/ Affdvt of Service | Filing |  | 08/27/2019-14:40 | 12/16/2020-14:40 |  |

## Financials

| Summary             |                 |                                   |                |                     |                 |
|---------------------|-----------------|-----------------------------------|----------------|---------------------|-----------------|
| <b>Fine/ Costs:</b> | <b>\$200.00</b> | <b>Total Paid for fine/costs:</b> | <b>\$41.40</b> | <b>Balance Due:</b> | <b>\$158.60</b> |

| Costs                               |           |         |               |                  |
|-------------------------------------|-----------|---------|---------------|------------------|
| Description                         | Cost Code | Amount  | Charge Action | Disbursed Amount |
| Civil Filing Fee County 44%/100%    | CVFFCN    | \$44.00 |               | \$4.81           |
| Civil Filing Fee State 56%          | CVFFST    | \$56.00 |               | \$6.13           |
| SCJD Filing Fee Proviso \$50 / \$25 | SCJDPV    | \$50.00 |               | \$5.46           |
| Motion/Order Filing Fee \$25        | MOTION    | \$25.00 |               | \$0.00           |
| Motion/Order Filing Fee \$25        | MOTION    | \$25.00 |               | \$25.00          |
| Motion/Order Filing Fee \$25        | MOTION    | \$0.00  |               | \$0.00           |

| Payments     |                |            |                       |                |
|--------------|----------------|------------|-----------------------|----------------|
| Payment Date | Receipt Number | Entered By | Transaction Type Code | Payment Amount |
| 07/28/2020   | 621720         | cocbjt     | PY                    | \$14.40        |
| 10/21/2019   | 609413         | coceba     | PY                    | \$25.00        |
| 10/17/2019   | 609233         | COCMRR     | PY                    | \$2.00         |

COUNTY OF \_\_\_\_\_

Vincent Jerode Beaton

Plaintiff(s)

vs.

North Charleston Police Department, Keith Elmore  
and E. Jourd'an.

Defendant(s)

Submitted By: Vincent Jerode Beaton

Address: 990 Wisacky Highway, Bishopville,  
South Carolina 29010

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2019-CP-10-4505

SC Bar #: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Other: \_\_\_\_\_

E-mail: \_\_\_\_\_

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><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Fraud/Bad Faith (150)</li> <li><input type="checkbox"/> Failure to Deliver/Warranty (160)</li> <li><input type="checkbox"/> Employment Discrim (170)</li> <li><input type="checkbox"/> Employment (180)</li> <li><input type="checkbox"/> Other (199) _____</li> </ul>  | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li>Previous Notice of Intent Case # <u>20 -NI-</u></li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299) _____</li> </ul>   | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input type="checkbox"/> Assault/Battery (370)</li> <li><input type="checkbox"/> Slander/Label.(380)</li> <li><input type="checkbox"/> Other (399) _____</li> </ul>   | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input type="checkbox"/> Other (499) _____</li> </ul>  |
| <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul> <p><u>Tort Claim</u></p>  | <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Drv. License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture—Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul> | <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)</li> <li><input type="checkbox"/> Confession of Judgment (770)</li> <li><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)</li> <li><input type="checkbox"/> Other (799) _____</li> </ul> | <p><b>Appeals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Public Service Comm. (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |
| <p><b>Special/Complex /Other</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input type="checkbox"/> Other (699) _____</li> <li><input type="checkbox"/> Sexual Predator (510)</li> <li><input type="checkbox"/> Permanent Restraining Order (680)</li> <li><input type="checkbox"/> Pharmaceuticals (630)</li> <li><input type="checkbox"/> Unfair Trade Practices (640)</li> <li><input type="checkbox"/> Out-of State Depositions (650)</li> <li><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)</li> <li><input type="checkbox"/> Pre-Suit Discovery (670)</li> </ul> |  |   |  |

Submitting Party Signature:

Vincent Jerode Beaton

July 25, 2019

Date: 7-25-2019

FILED  
2019 AUG 27 PM 9:33  
CLERK OF COURT

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, 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 NORTH CHARLESTON )

Vincent Jerode Beaton )  
Plaintiff. )  
VS. )

NORTH CHARLESTON POLICE DEPARTMENT )  
Keith Elmore and E. Jordan DEFENDANT(S) )

IN THE COURT OF COMMON PLEA  
SUMMONS

FILE NO.: 2019-CP-10-4505

FILED  
2019 AUG 27 PM 2:33  
JULIE J. ARMSTRONG  
CLERK OF COURT

TO THE DEFENDANT(S), 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.

South Carolina

Dated: July 25, 2019

Julie J. Armstrong  
Clerk of Court  
100 Broad Street, Suite, 106  
Charleston, South Carolina 29401

Vincent Jerode Beaton  
Vincent Jerode Beaton  
Lee Correctional Institution F-2 Bm 2210  
Bishopville, South Carolina, 29010

STATE OF SOUTH CAROLINA  
COUNTY OF NORTH CHARLESTON

Vincent Jerode Beaton,  
Plaintiff,

vs.

NORTH CHARLESTON POLICE DEPARTMENT  
Keith Elmore and E. Jourdan  
Defendants

In the Court of Common Pleas  
Ninth Judicial Circuit  
Case# 2019-CP-10-4505  
Tort Claims Complaint, for False  
Arrest, or Imprisonment.

FILED  
2019 AUG 27 PM 2:33  
CLERK OF COURT

To: Defendants

I, Vincent Jerode Beaton, the Plaintiff in this Civil action do make the following claims.

This is a civil action filed by Plaintiff, Vincent Jerode Beaton, under the South Carolina, Negligence and Gross Negligence, in violation of Statutory laws and Art. I § 3; S.C. CONST. and Plaintiff is seeking Compensation and Punitive damages.

1. I believe that the Defendants, North Charleston Police Department, Detectives Keith Elmore and E. Jourdan, is a resident of North Charleston County and reside at North Charleston, South Carolina, which is within Judge Circuit Jurisdiction.

2. I, make this Complaint, on July 25, 2019.

Vincent Jerode Beaton, was charged for Count #1 - Murder 03/03/2005 of 2357 Dunlap Street Lot #33 Detectives Keith Elmore and E. Jourdan are the charging Detectives was involve in this case Detectives. Keith Elmore and E. Jourdan, issue arrest warrant F-969116, for Plaintiff to be taken into Custody.

(3) On March 02, 2005 Plaintiff was arrested by North Charleston Police Department, Keith Empire, and E. Jourdan approx. 10:10 P.M. at 2225 Dunlap Street Lot #36 North Charleston, South Carolina 29406.

(4) On March 08, 2005 The Solicitor's Office of North Charleston Police Department, § Keith Empire, and E. Jourdan agree that all charges be not processed and dismiss.

(5) Defendants has shown Negligence and Gross Negligence bad act make false arrest or imprisonment without facts and evidence.

(6) I believe, because of the above information, that I am entitle to and do request a judgment for \$300,000.00 thousand dollars and / or other relief as below requested.

Including any cost resulting in this action.

I State under the penalty of perjury that the above is correct and truth ful.

July 25, 2019

Date:

Julie V. Armstrong  
Clerk of Court  
100 Broad Street, Suite 106  
Charleston, South Carolina 29401

Vincent Jerome Beale

Lee C1 F-2 Plaintiff  
Bm 2210  
990 Wisacky Hwy  
Bishopville, South Carolina 29010

STATE OF SOUTH CAROLINA  
COUNTY OF NORTH CHARLESTON  
Vincent Jerode Beaton  
Plaintiff,

vs.

NORTH CHARLESTON POLICE DEPARTMENT  
Keith Elmore and E. Jordan  
Defendants

2019-CP-10-4505  
In The Court Of Common Pleas  
Affidavits Of Service

FILED  
2019 AUG 27 PM 2:33  
JULIE J. ARMSTRONG  
CLERK OF COURT

TO THE DEFENDANTS ABOVE NAMED

YOU ARE HEREBY SERVED 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 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 all, for the relief demanded in the Complaint.

South Carolina

July 25, 2019

Vincent Jerode Beaton  
Lee C1 F-2 B rm 2210  
990 Wisacky Hwy  
Bishopville, S.C. 29010

Julie J. Armstrong  
Clerk Of Court  
100 Broad Street, Suite 106  
Charleston, South Carolina 29401

COVER LETTER

I, Vincent Jerode Beaton, on this 25<sup>th</sup> day of July, Two Thousand and Nineteenth in the year of our Lord, have served The Clerk of Court, Julie L. Armstrong, Clerk of Court, at 100 Broad Street, Suite 106, Charleston, South Carolina, Notice of this Summon and Complaint.  
29401

July 25, 2019  
Date:

Vincent Jerode Beaton  
Lee Correctional Institution F-2 B rm# 2210  
990 Wisacky HWY  
Bishopville, South Carolina 29010

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019-CP-10-4505

VINCENT JERODE BEATON

NORTH CHARLESTON POLICE  
DEPARTMENT

PLAINTIFF(S)

DEFENDANT(S)

|               |  |
|---------------|--|
| Submitted by: | Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
|               | or<br><input type="checkbox"/> 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, 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
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  Affirmed;  Reversed;  Remanded;  Other

2020 DEC 15 PM 1:54  
 JUDGE J. ANTHONY  
 CLERK OF COURT  
 FILED

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.

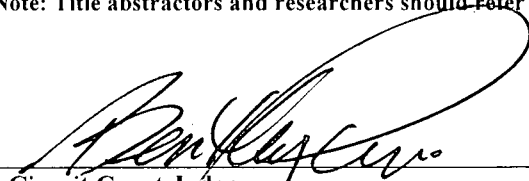
**PLAINTIFF'S MOTION TO AMEND IS DENIED.**

This order **X ends** does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

| INFORMATION FOR THE PUBLIC 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<br>(List name(s) below)   | Judgment Against<br>(List name(s) below) | Judgment Amount to be Enrolled<br>(List amount(s) below) |
| N/A  |  | \$   |

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

2766  
Judge Code

12.15.20  
Date

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019-CP-10-4505

VINCENT JERODE BEATON

NORTH CHARLESTON POLICE  
DEPARTMENT

PLAINTIFF(S)

DEFENDANT(S)

|               |  |
|---------------|--|
| Submitted by: | Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
|               | or<br><input type="checkbox"/> Self-Represented Litigant                             |

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- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

FILED  
 2020 DEC 16 PM 2:00  
 CLERK OF COURT

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.

**DEFENDANT'S MOTION TO DISMISS IS GRANTED.**

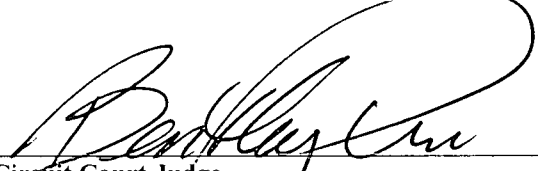
This order **X ends** does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

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|--|--|--|
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**Note: Title abstractors and researchers should refer to the official court order for judgment details.**

  
 \_\_\_\_\_  
 Circuit Court Judge

2766  
Judge Code

12-16-20  
Date

**JULIE J. ARMSTRONG**  
CLERK OF COURT, C.P. & G.S.  
100 BROAD STREET, SUITE 106  
CHARLESTON, SC 29401-2258  
**RETURN SERVICE REQUESTED**



1.335  
clerkofcourt.charlestoncounty.org

RECEIVED DEC 28 2020

3



JULIA ANN BRADSHAW  
HOOD LAW FIRM, LLC  
172 MEETING ST  
CHARLESTON SC 29401-3126

**NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC**

**Order-Pltffs Motion to Amend is Denied**

**CASE NO: 2019CP1004505**

**Vincent Jerode Beaton VS North Charleston Police Department , defendant, et al**

This judgment was entered on the 15th day of December, 2020, and notice mailed first class on Monday, December 21, 2020, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

**JULIE J. ARMSTRONG**  
CLERK OF COURT, C.P. & G.S.  
100 BROAD STREET, SUITE 106  
CHARLESTON, SC 29401-2258  
RETURN SERVICE REQUESTED



1.335  
clerkofcourt.charlestoncounty.org



16



JULIA ANN BRADSHAW  
HOOD LAW FIRM, LLC  
172 MEETING ST  
CHARLESTON SC 29401-3126

**NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC**

**Order-Defnts Motion to Dismiss is Granted**

**CASE NO: 2019CP1004505**

**Vincent Jerode Beaton VS North Charleston Police Department , defendant, et al**

This judgment was entered on the 16th day of December, 2020, and notice mailed first class on Tuesday, December 22, 2020, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

**RECEIVED DEC 28 2020**

**From:** Derk Van Raalte <[derk@bradyhair.com](mailto:derk@bradyhair.com)>

**Date:** March 5, 2021 at 8:39:15 AM EST

**To:** Ellore Ganes <[elloree.ganes@hoodlaw.com](mailto:elloree.ganes@hoodlaw.com)>

**Cc:** Beth Woodall <[bwoodall@northcharleston.org](mailto:bwoodall@northcharleston.org)>, Leslie Mitchum <[lmitchum@northcharleston.org](mailto:lmitchum@northcharleston.org)>

**Subject:** **Beaton v. N Chas 2019 CP 10 04505**

Twice in one week we catch up. We'll be "besties" soon at this rate, Ellore!

Attached is a purported Notice of Appeal on a case I think you might have defended the City on recently. I suspect he's out of time for it, but maybe not with it being from an inmate. Please advise on any steps we need to take.

Thanks

DVR

On 3/5/21, 8:36 AM, "[mailerdaemon@northcharleston.org](mailto:mailerdaemon@northcharleston.org)" <[mailerdaemon@northcharleston.org](mailto:mailerdaemon@northcharleston.org)> wrote:

Rec'd Legal  
3-4-21

THE STATE OF SOUTH CAROLINA  
FOR THE STATE SUPREME COURT

Vincent Jerode Beaton  
Plaintiff

vs.

NORTH CHARLESTON POLICE DEPARTMENT  
DEFENDANT

Court of Common PLEAS  
NINTH JUDICIAL CIRCUIT

NOTICE OF APPEAL  
#19-CP-10-4505

Please take Notice, the Plaintiff herein files this  
"NOTICE OF APPEAL", filed in this Court on the 16<sup>th</sup> day December  
2020 denial of Complaint file in this Court.

Respectfully Submitted  
Vincent Jerode Beaton

Vincent Jerode Beaton / Pro'se  
04053461 - DL#

While employed at 2200 Dunlap St. lot # 45 North  
Chas. S.C. 29406 Money Clean Pressure Wash.

February 6<sup>th</sup> 2021

THE SOUTH CAROLINA

AFFIDAVIT OF SERVICE

STATE OF SOUTH CAROLINA

247-21-8467 J.S.S.#

County of Lee, C.I. Warden Wise

I, Vincent Jerode Beaton, being duly sworn says that: A copy of this Notice has been served on the Defendants Counsel on 4<sup>th</sup> day of February 2021 along with order by first class mail. Section 17-25-10 No person shall be punish until legally convicted. Article I, 24-21-5 (b) "Hearing Officer," who conducted the March 03, 2005 Preliminary hearing, By a preponderance of evidence has suspended the March 03, 2005 40 PYS Sentence for 16-3-10 Murder in the "Consent To Search Premises of 2225 Dunlap St. lot #36 without an arresting official.

I, Vincent Jerode Beaton, seeks restitution for the 0. dollars and 0. cents, he owe the State of South Carolina in the amount \$300,000.00. Three hundred thousand dollars, and immediate release. 196947500# expired May 26, 2001, and why ~~should~~ am I being detain?

Vincent Jerode Beaton

February 4<sup>th</sup> 2021

Vincent Jerode Beaton / Pro se  
04053461 ) DL#

While employed at 2200 Dunlap St. lot #45  
North Chas. S.C. 29406 Money Clean Pressure Wash

I, declare under the penalties of perjury this statement is true  
and correct.

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019-CP-10-4505

VINCENT JERODE BEATON

NORTH CHARLESTON POLICE  
DEPARTMENT

PLAINTIFF(S)

DEFENDANT(S)

|               |  |
|---------------|--|
| Submitted by: | Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
|               | or<br><input type="checkbox"/> Self-Represented Litigant                             |

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- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

2020 DEC 15 PM 1:54  
 JUDGE J. J. ARNOLD  
 CLERK OF COURT  
 FILED

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.

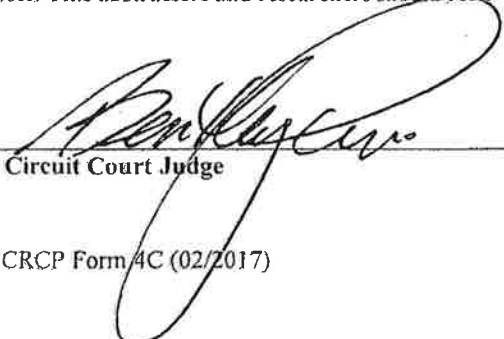
**PLAINTIFF'S MOTION TO AMEND IS DENIED.**

This order **X ends** does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

| INFORMATION FOR THE PUBLIC 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. |  |  |
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 Circuit Court Judge

2766  
Judge Code

12.15.20  
Date

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

JUDGMENT IN A CIVIL CASE  
CASE NO. 2019-CP-10-4505

VINCENT JERODE BEATON

NORTH CHARLESTON POLICE  
DEPARTMENT  
DEFENDANT(S)

PLAINTIFF(S)

|               |  |
|---------------|--|
| Submitted by: | Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
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 Affirmed;  Reversed;  Remanded;  Other

FILED  
2020 DEC 16 PM 2:00  
CLERK OF COURT

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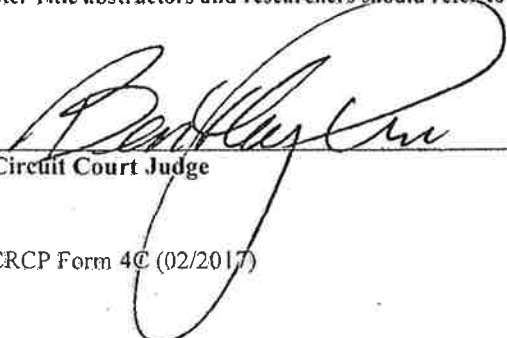
DEFENDANT'S MOTION TO DISMISS IS GRANTED.

This order **X ends** does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

| INFORMATION FOR THE PUBLIC INDEX   |  |  |
|--|--|--|
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Circuit Court Judge

2766  
Judge Code

12-16-20  
Date



LEE CI MAIL ROOM

FEB 24 2021

RECEIVED

LEE CI MAIL ROOM  
FEB 24 2021  
RECEIVED



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

March 12, 2021

Vincent Beaton  
Lee Correctional Institution  
ASU-S-SIDE RM#135T  
990 Wiacky Highway  
Bishopville SC 29010

Re: Vincent J. Beaton v. North Charleston Police Department  
Appellate Case No. 2021-000236

Dear Mr. Beaton:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Specifically, the proof of service does not contain the respondent's address in which the notice of appeal was served. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine J. Fanning, deputy". The signature is written in a cursive style with a large initial "C".

CLERK

cc: Julia Ann Bradshaw, Esquire

May 3, 2021

**Via Efiling And Us Mail**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**  
**May 03 2021**  
**SC Court of Appeals**

Re: Vincent Jerode Beaton v. North Charleston Police Department  
Appellate Case No. 2021-000236  
HLF File No. 1.335

Dear Ms. Kitchings:

Enclosed please find the Respondent's Motion to Dismiss with Certificate of Service, along with our filing fee in the above captioned matter. I am serving Appellant by U.S. mail with a copy.

Kind regards,

Yours truly,

**/s/ Elloree A. Ganes**

Elloree A. Ganes

EAG/jad

Enclosure(s)

cc [***Via U.S. Mail***]: Vincent Jerode Beaton 196947  
Lee CI F-2B 2210  
990 Wisacky Hwy.  
Bishopville, SC 29010