

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
Shaneeeka Stroman)
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Plaintiff,)
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v.)
)
Swansea Police Department Town of,)
Defendant, et al,)
)
Defendant.)
_____)
)

IN THE COURT OF COMMON PLEAS

Civil Action Number: 2018-CP-32-04154

ORDER GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

This matter is before the Court on a Motion for Summary Judgment on Behalf of Defendants, Swansea Police Department, Town of Swansea, Cliff Hayes, and William Bennett, by and through their undersigned counsel, offer the following discussion in favor of their Motion for Summary Judgment that was filed on November 30, 2021. A hearing was held on January 31, 2022, at the Lexington County Courthouse. Plaintiff appeared *pro se* and Attorney David DeMasters appeared on behalf of Defendants.

FACTUAL BACKGROUND

Plaintiff was involved in an altercation on September 22, 2017 at Hardees located on 320 West Third Street, Swansea, South Carolina. Officers arrived on the scene in response to a call from an employee indicating that an individual was present on the premises and refused to leave despite numerous requests to do so. Lieutenant Bennett then spoke with Plaintiff and advised her that she was being placed on “trespass notice” at the Hardees due to her refusing to leave after Hardees requested that she leave. When Lieutenant Bennett was speaking with Plaintiff, he

observed a strong odor of alcohol and Plaintiff appeared to be intoxicated.¹ The Plaintiff was issued a citation for “Disorderly Conduct” pursuant to the Town of Swansea ordinance for being intoxicated in public and refusing to leave the premises. The citation for disorderly conduct was subsequently dismissed by the Town of Swansea and the records were expunged. Plaintiff filed this subject action alleging “police misconduct”, “failure to intervene” as to Defendant Hayes, “false arrest” as to Defendant Town of Swansea, and a Fourth Amendment violation against Defendant Bennett.

On November 30, 2021, Defendant filed the instant Motion for Summary Judgment regarding each of the plaintiff’s claims.

STANDARD OF REVIEW

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” Rule 56(c), SCRPC. The Court, in considering a motion for summary judgment, must view the facts and reasonable inferences in the light most favorable to the nonmoving party. *Pye v. Estate of Fox*, 369 S.C. 555, 563, 633 S.E.2d 505, 509 (2006). “The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder.” *George v. Fabri*, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001). A party opposing summary judgment may not rest on the mere allegations of the pleadings, but must set forth or point to specific facts in the record showing that there is a genuine issue of material fact. Rule 56(e), SCRPC; *see also Bravis v. Dunbar*, 316 S.C. 263, 449 S.E.2d 495 (Ct. App. 1994). Rather, the

¹ At the hearing, Plaintiff did not deny being intoxicated the evening the incident occurred. Nor did Plaintiff deny using expletives when speaking with Lieutenant Bennett or that she had refused to leave the Hardees’ parking lot.

non-moving party must come forward with specific facts showing there is a genuine issue for trial. *Baughman*, 306 S.C. at 115, 410 S.E.2d at 545. It is not sufficient for the party opposing the motion to simply show that there is “some metaphysical doubt as to the material facts.” *Id.*

ANALYSIS

In its motion, Defendants Swansea Police Department, Town of Swansea, Cliff Hayes, and William Bennett sets forth several grounds for which it seeks summary judgment and dismissal of this action as a matter of law. Foremost, Defendant asserts that Defendant Lieutenant Bennet had probable cause to issue Plaintiff with a citation for disorderly conduct pursuant to the Town of Swansea ordinance. Second, Defendants contend that Defendant Hayes and Lieutenant Bennett are not proper parties in this action under the South Carolina Tort Claims Act, S.C. Code Ann § 15-78-10. Lastly, Defendants submit that the Plaintiff does not have a judicially cognizable claim against the Defendants for failure to investigate, pursuant to 42 U.S.C. § 1983.

Upon review of the evidence before the Court, there evidence shows that Lieutenant Bennett had probable cause to issue Plaintiff a citation for “disorderly conduct”. As attested to by Lieutenant Bennett, he issued Plaintiff the citation due to her being intoxicated in public, and refusing to leave the Hardees’ parking lot.

At the hearing, Plaintiff did not dispute being intoxicated on the evening of September 22, 2017 or that she refused to leave the Hardee’s parking lot. During the hearing, Plaintiff did not argue or present any evidence that probable cause did not exist for the disorderly conduct citation. Plaintiff also did not attribute any damages to the citation. Defense counsel argued, Plaintiff does not have a constitutional right to have law enforcement investigate or have a judicially cognizable interest in the criminal prosecution of another person. *Lopez v. Robinson*, 914 F.2d 486, 494 (4th Cir. 1990). South Carolina does not recognize a cause of action for negligent arrest or a negligent

performance of a criminal investigation. *Wyatt v. Fowler*, 326 S.C. 97, 99, 484 S.E.2d 590, 592 (1997).

CONCLUSION

Having reviewed the aforementioned submissions, testimony and exhibits in this case, even viewing the evidence in the light most favorable to the Plaintiff, this Court finds that the Plaintiff has not provided sufficient evidence to support the claims set forth. While the Court is sympathetic to Plaintiff's plight regarding her medical bills and injuries sustained in the altercation that occurred in the Hardees' parking lot on September 22, 2017, there is no legal basis to hold the Town of Swansea, the Town of Swansea Police Department, or any of its employees liable for any of the injuries she sustained or medical bills for treatment of those injuries. Consequently, this Court finds that based upon the foregoing reasons and the laws of the State of South Carolina, Defendants are entitled to summary judgment as a matter of law as to Plaintiff's claims as set forth in her Amended Complaint in this matter.

IT IS, THEREFORE, ORDERED that Defendants' Motion for Summary is hereby GRANTED, and this action is dismissed with prejudice.

IT IS SO ORDERED.

[JUDICIAL E-SIGNATURE ON THE FOLLOWING PAGE]



Lexington Common Pleas

Case Caption: Shaneeka Stroman VS Swansea Police Department Town Of ,
defendant, et al
Case Number: 2018CP3204154
Type: Order/Summary Judgment

It Is So Ordered

s/ Walton J. McLeod