

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Darian Meggett,

Plaintiff,

vs.

Officer Christopher Brasseaux, and The City
of North Charleston,

Defendant

) IN THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
)

) CASE NO.:
)
)

SUMMONS

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your pleading to said Complaint upon the subscribers at their offices at 1017 Chuck Dawley Blvd., Ste. 200, Mount Pleasant, SC 29464, within 30 days after the service hereof, exclusive of the day of such service, and if your fail to answer the Complaint within the time aforesaid, the Plaintiffs will apply to the Court for judgment by default for the relief demanded in the Complaint.

BY: Respectfully Submitted,

/s/ Daniel R. Dalton

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ATTORNEYS FOR PLAINTIFF

Mount Pleasant, South Carolina
August 2, 2021

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Darian Meggett,

Plaintiff,

VS.

Officer Christopher Brasseaux, and The City
of North Charleston,

Defendant

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NO.:

**COMPLAINT
(JURY TRIAL DEMANDED)**

Introduction

1. On the evening of July 1, 2021, Mr. Darian Meggett (“Mr. Meggett” or “Plaintiff”) was driving a vehicle when Officer Christopher Brasseaux (“Defendant Brasseaux”) – employed by Defendant City of North Charleston – activated his emergency lights. Within ten (10) seconds the lights being activated, Mr. Meggett safely pulled to the side of the road, exited the vehicle, and stood approximately five (5) yards from the vehicle with his hands in the air.

2. Defendant Brasseaux exited his vehicle and sprinted toward Mr. Meggett.

3. Mr. Meggett remained claim with his hands still in the air as Defendant Brasseaux rushed toward him.

4. Defendant Brasseaux immediately slammed Mr. Meggett onto the hood of another parked vehicle, and then violently tackled him to the ground, all the while screaming profanities.

5. Defendant Brasseaux then painfully twisted Mr. Meggetts' arms and held them there while placing him in handcuffs.

6. Defendant Brasseaux's violence, slam, tackle, and arrest caused extensive damage to Mr. Meggett's neck, shoulders, and back and left him with nearly twelve (12) screws, two (2) rods, and unbearable pain.

7. In arresting Mr. Meggett, Defendant Brasseaux used violent, physical force which was clearly excessive in light of the circumstances existing at the time of a simple traffic stop.

8. As a direct and proximate result of the acts of the Defendants, Mr. Meggett suffered severe and permanent physical, mental, and emotional damages.

9. This is an action for money damages under 42 U.S.C. Sections 1983 and 1988, and the Fourth and Fifteenth Amendments to the United States Constitution, and state law tort claims, against Defendant Brasseaux, an officer with the North Charleston Police, and the City of North Charleston. Defendant Brasseaux is sued as an individual. Defendant City of North Charleston is sued as a government entity. This United States District Court has jurisdiction under 28 U.S.C. Sections 1331 and 1343, and pendent jurisdiction to entertain claims arising under state law.

10. The individual defendant – Defendant Brasseaux – acting under color of state law as a police officer, violated the rights of Mr. Meggett with excessive force and an unreasonable seizure of his person, prohibited under the Fourth and Fourteenth Amendments to the United States Constitution, and Defendant Brasseaux assaulted and battered Mr. Meggett. These violations and torts were committed as a result of the policies and customs of Defendant City of North Charleston, as well as the result of negligence on the part of all Defendants.

11. Specifically, in July 2021, the CNA – a nonprofit research group appointed by the City of North Charleston – conducted a racial bias audit on the North Charleston Police Department.

12. CNA released a preliminary draft report summarizing its findings. According to the draft report:

- a. North Charleston's population is 45 percent African American and 46 percent White;
- b. The North Charleston Police Department documented 314 use of force incidents between 2016 and 2020;
- c. Black people are involved in 67 percent of the department's use-of-force incidents, while 21 percent involve White people;
- d. The average highest level of force used is greater for Black community members compared with White community members;
- e. Black people received over 51 percent of the citations issued from 2018 to 2020, whereas White people received 36 percent; and
- f. 63 percent of the people arrested from 2016 to 2020 were African American, and 36 percent of those people were White.

Parties

13. Darian Meggett is a resident of Charleston County, South Carolina.
14. At all times material to this complaint, Defendant Brasseaux was employed as a Police Officer by the City of North Charleston.
15. The City of North Charleston is a City organized under the laws of the state of South Carolina.

Facts

16. The evening of July 1, 2021, Mr. Darian Meggett was driving West on Lacross Rd. and W. Deacon St. in North Charleston. Defendant Brasseaux was traveling the opposite direction and turned around in pursuit of Mr. Meggett.

17. Defendant Brasseaux activated his emergency lights right after Mr. Meggett turned left from Charter Drive onto Taylor Street. Within 10 seconds of the Defendant Brasseaux's lights being activated, Mr. Meggett pulled over off of Taylor Street between Charter Street and Jury Lane.

18. Mr. Meggett exited the vehicle and was standing roughly 5 yards from his vehicle with his hands in the air when Officer Brasseaux exited his vehicle and sprinted toward Mr. Meggett.

19. Mr. Meggett was calm with his hands in the air as Defendant Brasseaux rushed him.

20. Defendant Brasseaux immediately slammed Mr. Meggett onto the hood of another parked vehicle, then violently tackled him to the ground, screaming profanities the entire time.

21. Defendant Brasseaux then twisted Mr. Meggett's arms awkwardly and held them there while placing him in handcuffs.

22. The force of Defendant Brasseaux's slam, tackle, and arrest, broke Mr. Meggett's back. Mr. Meggett required extensive surgery on his back and is currently undergoing additional treatment for his injuries.

23. In arresting Mr. Meggett, the defendant used physical force which was clearly excessive in light of the circumstances existing at the time of the traffic stop.

24. As a direct and proximate result of the acts of the defendants, Mr. Meggett suffered the following injuries and damages:

- a. violation of his constitutional rights under the Fourth and Fourteenth amendments to the United States Constitution to be free from an unreasonable search and seizure of her person;
- b. loss of his physical liberty;
- c. physical pain and suffering, and emotional trauma and suffering, requiring significant medical expense and resulting in permanent injury;

25. The actions of the defendants violated the clearly established and well settled federal constitutional rights of Mr. Meggett to be free from the unreasonable seizure of his person, and to be free from the excessive, unreasonable and unjustified force against his person.

26. The actions of the defendants were grossly negligent, proximately causing physical and mental injuries and damages to Mr. Meggett.

COUNT I: 42 U.S.C. Section 1983 against Individual Defendants

27. The plaintiff claims damages for the foregoing injuries and damages under 42 U.S.C. Section 1983 against the defendant Brasseaux for violation of his constitutional rights under color of state law.

COUNT II: ASSAULT AND BATTERY

28. Defendant Brasseaux intentionally assaulted and battery Mr. Meggett.

29. As a proximate result of the assault and battery, the Plaintiff suffered the damages described previously.

COUNT III: False Arrest and False Imprisonment

30. Defendant Brasseaux unlawfully detained Mr. Meggett so as to retrain his liberty.

31. Defendant Brasseaux intentionally confined Mr. Meggett such that Mr. Meggett was not aware of any reasonable means of escape.

32. As a proximate result of the false arrest and imprisonment, the Plaintiff suffered the damages described previously.

COUNT IV: 42 U.S.C. Section 1983 – City of North Charleston

33. On or about July 1, 2021 the City of North Charleston developed and maintained customs, policies and practices which exhibited deliberate indifference to the constitutional rights of the citizens of the City of North Charleston, which caused the violation of the constitutional rights of Mr. Meggett.

34. It was the custom, policy or practice of the defendant city to inadequately supervise and train its officers, including defendant Brasseaux, failing to adequately discourage constitutional violations on the part of its officers constituting the excessive use of force to effectuate arrests.

35. As a result of the foregoing customs, policies or practices, deputies employed by the defendant, including defendant Brasseaux, believed that their actions would not be properly monitored by supervisory officers, and that misconduct would not only not be investigated or sanctioned but would be tolerated.

36. The foregoing customs, policies or practices of the defendant demonstrated a deliberate indifference on the part of the defendant department to the constitutional rights of the citizens of the City of North Charleston, proximately causing the violations of the plaintiff's rights, resulting in the damages described above.

COUNT V: Negligence – S.C. Tort Claims Act

37. The defendant City was negligent in the following particulars:

- a. Failure to train their officers in effectuating legal arrests;
- b. Failure to train their officers in the employment of reasonable force if arrest was proper;
- c. Failure to supervise their officers to avoid the employment of illegal arrest and excessive force, including assault, battery and brutality;

- d. Failure to investigate claims of excessive force, thereby encouraging an institutional culture of the use of excessive force among their employees.

38. As a direct and proximate result of the acts and delicts of the defendants, the plaintiff suffered damages as described above.

WHEREFORE, the plaintiff requests the following relief:

- a. Trial by jury on his claims;
- b. An award of compensatory damages against the defendants, including punitive damages, as the trier may assess and impose;
- c. An award of reasonable attorneys' fees and costs allowed by statute;
- d. Such other and further relief as this court deems just.

Respectfully,

BY: /s/ Daniel R. Dalton

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ATTORNEYS FOR PLAINTIFF

Mount Pleasant, South Carolina
August 2, 2021