

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN)	SECOND JUDICIAL CIRCUIT
Sylvia Brannon, Individually, and as next friend for J.F. (a minor),)	CASE NO. 2023-CP-02-_____
Plaintiff,)	SUMMONS
vs.)	(Jury Trial Demand)
Aiken County School District and North Augusta Department of Public Safety,)	
Defendants.)	

TO THE DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action of which a copy is hereby served upon you, and to serve a copy of your Answer to the said Complaint on the subscriber at their offices, 1921 Henderson Street, Post Office Box 532, Columbia, South Carolina 29202 within thirty (30) days after the service thereof exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and for a default judgment.

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Aiken, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN)	SECOND JUDICIAL CIRCUIT
Sylvia Brannon, Individually, and as next friend for J.F. (a minor),)	CASE NO. 2023-CP-02-_____
Plaintiff,)	COMPLAINT
vs.)	(Jury Trial Demand)
Aiken County School District and North Augusta Department of Public Safety,)	
Defendants.)	

The Plaintiffs, complaining of the Defendants, Aiken County School District, and North Augusta Department of Public Safety (“Defendants”), would respectfully show unto this Honorable Court:

1. That Plaintiff, Sylvia Brannon (hereinafter “Plaintiff Sylvia Brannon”), is and was a citizen and resident of the County of Aiken, State of South Carolina at all times relevant herein.

2. That Plaintiff J.F. (hereinafter “J.F.”) is the minor son of Plaintiff Sylvia Brannon and is and was a citizen and resident of the County of Aiken, State of South Carolina at all times relevant herein. That Plaintiff Sylvia Brannon brings this action individually, and as next friend for J.F., her minor son (hereinafter Plaintiff Sylvia Brannon and Plaintiff J.F. are collectively referred to as “Plaintiffs”).

3. That upon information and belief, the Defendant Aiken County School District is a political subdivision of the State of South Carolina who conducts and transacts business within the County of Aiken, State of South Carolina, and of which the operations of North Augusta High School are subject to. Upon information and belief,

the Defendant Aiken County School District, is a governmental agency with its principal place of business located in the County of Aiken, State of South Carolina.

4. That upon information and belief, the Defendant North Augusta Department of Public Safety is a police department operated as a political subdivision of Aiken County Government and is a governmental agency with its principal place of business located in the County of Aiken, State of South Carolina (hereinafter Defendant Aiken County School District and Defendant North Augusta Department of Public Safety are collectively referred to as “Defendants”).

5. That this action is being brought in the Court of Common Pleas in Aiken County, the county in which this incident occurred, and therefore jurisdiction and venue are proper.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

6. That Plaintiffs incorporate herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as though the same were fully set forth herein at length.

7. That Plaintiff J.F., at the time of the allegations referenced herein was a special needs student in the Aiken County School District and was attending North Augusta High School.

8. That on or about August 27, 2021, during the 2021 – 2022 school year, a school resource officer, identified herein as Officer Jason Pearce, North Augusta Police Department, was grossly negligent and reckless when he arrested and detained the minor Plaintiff J.F., using excessive force while Plaintiff J.F., was undergoing a mental health crisis inside of North Augusta High School.

9. That J.F., suffered physical and emotional injuries as a result of the assault.

10. That as a proximate and actual result of Defendants' negligent, outrageous, carelessness, recklessness, wantonness, and gross negligent conduct, Plaintiff, suffered and will in the future suffer severe pain, permanent emotional distress, humiliation, mental anguish, indignity, loss of pleasures and enjoyment of life which will in the future require psychological and psychiatric medical care and treatment, and has caused and will in the future cause Plaintiff to incur medical costs.

11. That Plaintiff J.F., was handed cuffed and criminally prosecuted by Defendants. However, the case was subsequently dismissed by the Second Circuit Solicitor's Office.

12. That as a direct and proximate cause of the aforementioned incident, Plaintiff J.F., suffered emotional injuries from which he has suffered and will continue to suffer great physical pain and mental anguish and has caused him to lose the enjoyment of his life.

**FOR A FIRST CAUSE OF ACTION
AS TO ALL DEFENDANTS
Gross Negligence**

13. That Plaintiffs incorporate herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as though the same were fully set forth herein at length.

14. Defendants were acting under the color or pretense of State law, customs, practices, usage, or policy at all times mentioned herein by employing teachers,

administrators, school resource officers, supervisors, or other such personnel and/or employees and had certain duties imposed upon it with regard to Plaintiffs.

15. That Defendants owed/owe a clear duty to Plaintiff, J.F., and other students while on school property during school hours.

16. That Defendants acting through its agents and servants were negligent, careless, reckless, and grossly negligent at the time and place aforementioned in the following particulars:

- a) In arresting Plaintiff J.F., without probable cause;
- b) In falsely arresting Plaintiff J.F.;
- c) In arresting Plaintiff J.F., without sufficient grounds to make an arrest;
- d) In ordering an arrest when there was no charge to arrest for;
- e) In arresting Plaintiff due to bias;
- f) In violating established precedent and in arresting Plaintiff without probable cause;
- g) In failing to have adequate policies and procedures in place to protect citizens from being arrested by officers without probable cause;
- h) In failing to properly train, supervise, and monitor its staff, personnel, agents, officers, and/or employees;
- i) In failing to provide a safe school for children, including J.F.;
- j) In hiring and retaining staff, personnel, agents, officers, and/or employees that were not fit to care for children, including J.F.;
- k) In failing to take reasonable precautions and safety measures for its students;
- l) In failing to properly hire, train, and/or supervise its staff, personnel, agents, officers, and/or employees;
- m) In failing to have adequate policies and procedures in place to protect the students at North Augusta High School, including J.F.;

- n) In failing to act as a reasonably prudent entity would act under the same or similar circumstances;
- o) In failing to protect the minor Plaintiff;
- p) In refusing to dismiss the charges after reviewing the evidence;
- q) In arresting Plaintiff without justification;
- r) In the officer's failure to conform her conduct to her training;
- s) In exercising her discretion in a grossly negligent manner (see *Duncan vs. Hampton County School District # 2* 335 S.C. 535, 517 S.E.2d 449 (S.C. App. 1999 "if discretion is exercised in a grossly negligent manner then the government entity involved is liable for its torts as if it were a private individual));
- t) In failing to enforce their own internal rules, policies, procedures, and standards with respect to officer, agents, and employees conduct; and
- u) In any other such manner that Plaintiffs may become aware of through discovery and/or at trial.

17. All of which were the direct and proximate cause of the damages suffered by the Plaintiffs herein, said acts being in violation of the statutes and laws of the State of South Carolina.

18. That as a direct and proximate result of Defendants' negligence, gross negligence, carelessness, and/or recklessness, Plaintiffs were harmed and sustained severe and permanent physical injuries, emotional distress, humiliation, mental anguish, indignity, loss of pleasures and enjoyment of life which required and will in the future require psychological and psychiatric medical care and treatment.

19. That as a direct and proximate result of Defendants' negligence and/or recklessness, Plaintiffs have and will likely, in the future, be caused to incur medical expenses.

20. That Plaintiffs are informed and believe that they are entitled to actual damages in an amount that would adequately compensate them for their injuries and damages.

**FOR A SECOND CAUSE OF ACTION
AS TO ALL DEFENDANTS
Negligent Supervision/ Negligent Hiring/Negligent Training/Negligent Retention**

21. That Plaintiffs incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as though the same were fully set forth herein at length.

22. That Plaintiffs are informed and believe that Defendants through the negligent, reckless, wanton, outrageous, and grossly negligent conduct of its employees is further negligent, willful, careless, reckless, and grossly negligent in one or more of the following particulars:

- (a) In failing to exercise the degree of care that a reasonably prudent school district would have exercised under the same or similar circumstances;
- (b) In failing to conduct a proper and adequate background search or review of its staff, personnel, agents, officers, and/or employees before and after hiring;
- (c) In failing to monitor the conduct of its staff, personnel, agents, officers, and/or employees and to take appropriate steps to discipline and/or terminate them after the commissions of negligent, outrageous, willful, wanton, reckless, grossly negligent and/or unlawful acts;
- (d) In failing to properly supervise its employees;
- (e) In failing to have in place adequate policies and procedures to monitor its staff, personnel, agents, officers, and/or employees, and if such policies and procedures were in place, in failing to enforce them;
- (f) In failing to have in place adequate policies and procedures to mandate compliance by its staff, personnel, agents, officers, and/or employees with state guidelines, statutes, laws, and regulations, and if such policies and procedures were in place, in failing to enforce them;

- (g) In failing to train and instruct Jason Pearce and its employees as to how to properly conduct themselves in a school environment;
- (h) In any other such manner that Plaintiffs may become aware of through discovery and/or at trial.

23. That all of which were the direct and proximate cause of the damages suffered by the Plaintiffs herein, said acts being in violation of the laws of the State of South Carolina.

24. That Plaintiffs have suffered and will continue to suffer physical pain, humiliation, mental anguish, emotional distress, medical expenses, wage loss, and loss of enjoyment of life.

25. That Plaintiffs are informed and believe that they are entitled to actual damages in an amount which would adequately compensate them for their injuries and damages.

**FOR A THIRD CAUSE OF ACTION
AS TO DEFENDANT NORTH AUGUSTA DEPT. OF PUBLIC SAFETY
Malicious Prosecution**

26. That Plaintiffs incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as though the same were fully set forth herein at length.

27. Defendant, by and through their agents, employees and/or servants, arrested Plaintiff J.F. or had Plaintiff J.F., arrested and did restrain Plaintiff J.F., without means of escape and restrained him by charging Plaintiff with Disorderly Conduct, Simple Assault, and Resisting Arrest.

28. The restraint of Plaintiff J.F., by Defendants was unlawful and without probable cause or legal authority, and Defendants knew or should have known such, and such restraint against the Plaintiff's will was done without the Plaintiff's consent.

29. Subsequently after attempting to encourage Plaintiff J.F., to plead guilty to

the charges he was wrongfully accused of the 2nd Circuit Solicitor's Office dismissed the charges against Plaintiff J.F.

30. As a direct and proximate result cause, Plaintiff J.F., sustained actual damages and is entitled to Judgment against Defendant for damages as to be determined by the triers of fact in this case.

**FOR A FOURTH CAUSE OF ACTION
AS TO DEFENDANT NORTH AUGUSTA DEPT. OF PUBLIC SAFETY
False Imprisonment**

31. That Plaintiffs incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as though the same were fully set forth herein at length.

32. That Defendant, through its officers, agents, and/or employees, did maliciously detain Plaintiff J.F., without probable cause to detain Plaintiff J.F.

33. That Defendant later dismissed the case because there was no probable cause.

34. That Plaintiffs bring this cause of action for false imprisonment in that Defendant had no probable cause to detain Plaintiff J.F., since the arrest was invalid and the case was dismissed for that reason.

35. That as a direct and proximate result, Plaintiff J.F., was falsely imprisoned, detained, humiliated, suffered mental anguish, emotional distress, unlawful confinement, and damage to the Plaintiffs' reputation.

36. That as a direct and proximate result of Defendant's gross negligence and/or recklessness, Plaintiffs have and will likely, in the future, be caused to incur medical expenses.

37. That Plaintiffs are informed and believe that they are entitled to actual damages in an amount that would adequately compensate them for their injuries and damages.

**FOR A FIFTH CAUSE OF ACTION
AS TO DEFENDANT NORTH AUGUSTA DEPT. OF PUBLIC SAFETY
Slander**

38. That Plaintiffs incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as though the same were fully set forth herein at length.

39. The Plaintiffs bring this cause of action for slander in that Defendant, through its officers, agents, and/or employees did accuse Plaintiff J.F., of a crime of moral turpitude.

40. That the Plaintiffs' reputation has been slandered and the accusations are false and baseless.

41. The Plaintiffs brings this cause of action for slander as the Defendant is liable *per se* for the acts of its employees because those employees asserted that Plaintiff J.F., committed a crime and that Defendant's officers, agents, and/or employees had no probable cause to so state in front of witnesses and to detain her.

42. The Plaintiffs ask for damages for emotional distress, attorney's fees, and damages to their reputation including all of which have been alleged above.

43. That Plaintiffs are informed and believe that they are entitled to actual damages in an amount that would adequately compensate them for their injuries and damages.

WHEREFORE, the Plaintiffs pray that they will be granted a judgment against the Defendant as follows:

- a. Actual damages on all causes of action;

- b. Incidental damages on all causes of action;
- c. Consequential damages on all causes of action;
- d. For the costs and expenses of this action; and
- e. For such other and further relief as the court may deem just and proper.

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