

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Jamel Floyd,

Plaintiff,

vs.

L.C. Knight in his capacity as Sheriff of the
Dorchester County Sheriff's Department
and Brandon Smith in his individual
capacity,

Defendants.

IN THE COURT OF COMMON PLEAS

FOR THE 1ST JUDICIAL CIRCUIT

CASE NO.: 2021-CP-18-

SUMMONS

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in the above-entitled action, a copy of which is served upon you, and to serve a copy of your Answer upon the attorney at their office located at 50 Folly Road, South Carolina 29407 within thirty (30) days after the date of such service, exclusive of the day of service; and if you fail to answer the Complaint within that time, judgment by default will be rendered against you for the relief demanded in the Complaint.

CRANTFORD MEEHAN

s/Jerry Meehan

Jerry A. Meehan, Jr.

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ATTORNEY FOR PLAINTIFF

September 8, 2021

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**COMPLAINT
(Jury Trial Demanded)**

The Plaintiff, complaining of the Defendants above-names, would respectfully show unto this Court:

1. Plaintiff, Jamel Floyd, is a resident and citizen of Dorchester County, South Carolina.
2. Defendant, L.C. Knight in his capacity as Sheriff of the Dorchester County Sheriff's Department, (hereinafter "Knight"), had responsibility for the management and operation for their deputies pursuant to the South Carolina Tort Claims Act which makes the employing entity liable for the torts of its employees (S.C. Code § 15-78-70). Plaintiff alleges the Dorchester County Sheriff's Department as the State of South Carolina, is liable for the acts and omissions of Deputy Brandon Smith (hereinafter "Smith") during the unlawful arrest and assault of Plaintiff. Plaintiff alleges Smith is similarly liable for his violation of 42 U.S.C § 1983 as against Plaintiff and was acting within the course and scope of his official duties as an

agent and employee of the Dorchester County Sheriff's Department in relation to this Claim. L.C. Knight in his capacity as Sheriff of Dorchester County Sheriff's Department and Smith are hereby collectively referred to as "Department".

3. That Smith was at all relevant times acting under the color of state law and in the course and scope of his duties as agent for the Department. Smith is sued in his individual capacity for compensatory, punitive damages, and attorney's fees under Federal law.
4. That the Department is a political subdivision of the State of South Carolina and/or some other type of entity that is responsible for the actions of its agents and employees and that Department were agents and/or employees of the Department at all times mentioned herein was acting within the scope and course of his employment.
5. Upon information and belief, agents and/or employees of Department had the right and/or power to direct and control the manner in which its employees and/or agents executed their duties.
6. The grossly negligent acts, omissions of liability of the Department includes their agents, principals, employees and/or servants, both directly and vicariously, pursuant to principals of non-delegable duty, corporate liability, apparent authority, agency, ostensible agency, and/or *respondent superior*.
7. The acts giving rise to this action were committed, either in whole or in part, in Dorchester County, South Carolina, and, therefore, venue is appropriate in this court, pursuant to S.C. Code Ann. §15-78-100. Plaintiff further invokes this Court's concurrent jurisdiction to hear claims arising under the Fourth and Fourteenth

Amendments of the United States Constitution and brought pursuant to 42 U.S.C §§ 1983 & 1988 against Defendants.

8. Department and Smith are jointly and severally liable for all damages alleged herein since their negligent, grossly negligent, reckless and wanton acts and omissions singularly or in combination, are the direct and proximate cause Plaintiff's damage, injuries and losses.
9. On or about April 16, 2021, in Dorchester County, South Carolina, Plaintiff was lawfully walking on English Road in Flower Town Village.
10. While Plaintiff was walking in Flower Town Village he was approached by Defendant's Deputy, Brandon Smith.
11. Defendants knew Plaintiff's mental history prior to their engagement with him on April 16, 2021.
12. Defendant Smith approached Plaintiff and instructed him to get in his patrol car.
13. Plaintiff refused Smith's advances for him to get in his car and informed Smith he was simply walking home. Smith then told Plaintiff he had "three seconds" to comply and get in his car.
14. Plaintiff refused and Smith began to yell expletives at Plaintiff and move closer to Plaintiff.
15. Smith then grabbed Plaintiff around the neck area and slammed him on the ground. Smith continued to hold Plaintiff on the ground for a brief period of time.
16. After Defendant Smith committed the assault and battery, he then told Plaintiff he could go home.
17. Plaintiff suffered damages as a result of the Defendants actions.

FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT BRANDON SMITH

(Violation of 42 U.S.C §1983)

18. All other allegations contained herein, to the extent that they are not inconsistent with the following, are incorporated by reference.
19. Upon initiation of Smith's investigation and at all relevant times, Smith acted under the color of state law where he was employed by the Department as a law enforcement officer tasked with various duties to include responding to calls and arrest of persons pursuant to a proper finding of probable cause.
20. Smith did not possess sufficient cause to arrest Plaintiff and/or failed to properly investigate the matter under the circumstances such that any cause to arrest Plaintiff would have been negated by additional investigation as required by law and, otherwise, lacked probable cause.
21. Smith's acts and omissions constituted a seizing and confinement of Plaintiff proximately causing a violation of Plaintiff's Fourth and Fourteenth Amendment Rights protecting against such unlawful seizure and excessive force as well as violation of his substantive and due process rights.
22. Plaintiff's claims actual damages for his wrongful arrest, excessive force, confinement, in an amount to exceed \$25,000.00 to include an award for punitive damages and attorney's fees pursuant to 42 U.S.C. § 1983.

FOR A SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS

(Gross Negligence and Recklessness)

23. All other allegations contained herein, to the extent that they are not inconsistent with the following, are incorporated by reference.
24. Department owed a duty to Plaintiff not to infringe upon his constitutional right as

provided above, not to unlawfully detain, arrest, use excessive force, incarcerate and/or otherwise deprive him of his liberty without sufficient cause.

25. Department owed a duty to Plaintiff to properly investigate the Incident and/or disclose the video evidence to the Solicitors Office for Prosecution of Defendant Smith for Assault and Battery of Plaintiff.

26. Department failed in their duties when they caused Plaintiff to be unlawfully detained, arrested, assaulted, and otherwise deprived of his right liberty without sufficient cause.

27. Department were grossly negligent, willful, wanton, and reckless in causing injury to Plaintiff.

28. Department's failures were the proximate cause for Plaintiff's above-listed injuries and damages.

29. As a result of Department's gross negligence, willfulness, wantonness, and recklessness as noted above, Plaintiff is entitled to an award for actual, compensatory and punitive damages.

FOR A THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS
(False Imprisonment)

30. All other allegations contained herein, to the extent that they are not inconsistent with the following, are incorporated by reference.

31. Department falsely imprisoned Plaintiff in that Department restrained Plaintiff after Defendant Smith assaulted Plaintiff. The Department's restraint was intentional and the restraint was unlawful.

32. As a result of the false imprisonment Plaintiff is entitled to an award for actual, compensatory, and punitive damages.

FOR A FOURTH CAUSE OF ACTION AGAINST ALL DEFENDANTS

(Intentional Infliction of Emotional Distress as by Defendants)

33. All other allegations contained herein, to the extent that they are not inconsistent with the following, are incorporated by reference.
34. Defendants intentionally or recklessly inflicted severe emotional distress on the Plaintiff or were certain, or substantially certain, such distress would result from their conduct.
35. The conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.
36. Defendants' actions caused the Plaintiff emotional distress.
37. The emotional distress suffered by Plaintiff was so severe that no reasonable person could be expected to endure it.
38. As a result of said intentional infliction of emotional distress Plaintiffs are entitled to an award for actual, compensatory, and punitive damages.

FOR A FIFTH CAUSE OF ACTION AGAINST ALL DEFENDANTS

(Defamation/Defamation Per Se as by Defendants)

39. All other allegations contained herein, to the extent that they are not inconsistent with the following, are incorporated by reference.
40. Defendants made false and defamatory statements concerning Plaintiff.
41. The statements were unprivileged publications to a third party with actual or implied malice.
42. Defendants were at fault in publishing the statements.
43. Plaintiffs are entitled to an award for general presumed damages pursuant to a *per*

se analysis and punitive damages.

44. As a direct and proximate result of Defendants' actions and inactions, Plaintiff suffered mental anguish, emotional trauma, nervousness, embarrassment, humiliation and damage to his reputation, loss of employment, and standing in the community and other damages as set forth above.

45. The conduct of Defendants, as set forth in the causes of action stated above, was a proximate cause of Plaintiff's damages, which damages include humiliation, embarrassment, mental anguish and suffering, inconvenience, lost time, pain and suffering, wounded feelings and incurred the unnecessary costs and expense of attorney's fees in defending the charge against him.

WHEREFORE, Plaintiff requests appropriate judgment against all Defendants for actual, compensatory and punitive damages, costs, attorney's fees, and such other and further relief as the Court deems just and proper, in an amount to be determined by the triers of facts.

CRANTFORD MEEHAN

s/Jerry Meehan
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September 8, 2021