

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

John Trenton Pendarvis,

Plaintiff,

vs.

Mark A. Keel, Hugh E. Weathers, Adam L.
Whitsett, Frank O'Neal, Jason Wells, Glenn
Wood, John Neale, Alden T. Dalton, and Derek
M. Underwood,

Defendants.

C/A No: 2:25-cv-08656-BHH-MHC

COMPLAINT

(42 U.S.C. § 1983 *et seq.*)

(Jury Trial Demanded)

The Plaintiff, by and through his undersigned attorneys and complaining of the Defendants herein, hereby alleges and pleads the following:

PRELIMINARY STATEMENT OF CASE, PARTIES & JURISDICTION

1. Plaintiff John Trenton Pendarvis (Pendarvis) is a citizen and resident of, and the majority of events giving rise to this litigation took place in Dorchester County, South Carolina, within the Charleston Division of the District of South Carolina.
2. Pendarvis alleges violations of his constitutional rights by the defendants in their individual capacities pursuant 42 U.S.C. §§1983 *et seq.*, for the defendants' conduct individually and in concert with others, under color of state law in falsely arresting Pendarvis, maliciously prosecuting him, unlawful taking and destruction of his property, depriving him of due process, conspiring to do the same, then further conspiring to obstruct justice and deny Pendarvis due process through intentional and willful discovery abuse in state court actions violating his right to access to the courts and remedy for legal injury.

3. At all times relevant to this action, all defendants were acting under the color of state law as agents, employees and/or heads of state governmental agencies. These defendants are being sued for their own individual and personal conduct, their conduct in concert and/or conspiring with others and, for those with supervisory capacity, their supervisory conduct over subordinate defendants.
4. Plaintiff is informed and believes that Mark A. Keel (KEEL), Adam L. Whitsett (WHITSETT), Frank O'Neal (ONEAL), Jason Wells (WELLS), Glenn Wood (GWOOD), and John Neale (NEALE), all of whom worked in the Office of the State Law Enforcement Division at times relevant to the complaint, who are collectively referred to as "SLED Defendants" are being sued in their individual capacities under 42 U.S.C. §§1983, *et seq*, for their conduct under the color of state law as the head of, supervisory agent/employees and/or agents/employees for SLED and their efforts to act independently and/or conspire with others to violate the Plaintiff's constitutional rights and/or to cover-up the constitutional violations against the Plaintiff.
5. Plaintiff is informed and believes that Hugh E. Weathers (WEATHERS), Alden T. Dalton (DALTON), and Derek M. Underwood (UNDERWOOD) all of whom work in the Office of the South Carolina Department of Agriculture, who are collectively referred to as "DAG Defendants," are being sued in their individual capacities under 42 U.S.C. §§1983, *et seq*, for their conduct under the color of state law as the head of, supervisory agent/employees and/or agents/employees for DAG and their efforts to act independently and/or conspire with others to violate the Plaintiff's constitutional rights and/or to cover-up the constitutional violations against the Plaintiff.

6. Subject matter jurisdiction is conferred upon the Court by 28 U.S.C.A. §§ 1331, 1367 and 1343.
7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(1), (2) & (3).

NATURE OF ACTION

8. Plaintiff's claims are brought pursuant to 42 U.S.C.A. §§1983, *et seq.*, and the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, for violations of constitutional rights provided by those amendments, rights which were correspondingly protected under the common law, the statutory law, and the Constitution of the State of South Carolina. The Plaintiff's claims would specifically include, but not be limited to, claims under 42 U.S.C. §1983 *et seq.*
9. Beginning in May 2019 and continuing since that time, the Plaintiff's Constitutional rights were well established and well known to the Defendants, including and not limited to, the Plaintiff's right to bodily integrity, right to be free from unreasonable searches and seizures, right to Due Process, right to access to the courts and remedy for legal injury, and all other constitutional established and recognized as arising from the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution.
10. Beginning in May 2019 and continuing since that time, the Defendants had actual and/or constructive knowledge that their conduct posed an unreasonable risk of Constitutional injury to the Plaintiff and their responses with that knowledge were subjectively and objectively unreasonable regarding the offense(s) as alleged herein; and there is a causal link between their actions and the Constitutional injuries suffered by the Plaintiff.

11. Pendarvis is informed and believes that throughout the times complained of in this complaint, all of the Defendants were aware that: a) Pendarvis had these constitutional rights, and b) that at no time had Pendarvis ever waived such rights.
12. Pendarvis is informed and believes that through their conduct documented below the Defendants recklessly, intentionally, and willfully violated his constitutional rights as set forth within the causes of action below.

FACTUAL ALLEGATIONS

13. South Carolina's Hemp Farming Act (HFA) is contained within S.C. Code §46-55-10 *et seq.*
14. In passing the HFA, the South Carolina General Assembly provided statutory safeguards to protect South Carolina farmers, codifying these safeguards via S.C. Code §46-55-40. The HFA provides that the corrective plans are "the sole remedy for negligent violations of this chapter, regulations promulgated pursuant to this chapter, or the state plan. A licensee who violates a provision of this chapter, regulations promulgated pursuant to this chapter, or the state plan shall not be subject to any criminal or civil enforcement action." S.C. Code §46-55-40(A)(3).
15. The SC General Assembly directed WEATHERS and the DAG Defendants to submit the "state plan" referenced in S.C. Code §46-55-40(3) to the United States Department of Agriculture (USDA) within sixty (60) days of the effective date of the act and required that state plan to include "a procedure to comply with the enforcement outlined in this act." See 2019 Act No.14, Section 2(A)(4).
16. South Carolina Governor Henry D. McMaster signed the HFA act and it became effective law on March 28, 2019, requiring WEATHERS and the DAG Defendants to submit a state plan including to the USDA ***no later than May 27, 2019*** (sixty days from March 28, 2019).

17. WEATHERS, DALTON, and UNDERWOOD were all aware of the statutory requirement for DAG to submit a state plan creating the enforcement procedures under the HFA and were all aware that they failed to timely submit the “state plan” as required by the HFA.
18. Pendarvis applied to participate in the DAG Defendants hemp farming program, paying a \$500 Dollar application fee and being issued License #1992 on or about May 1, 2019, a license that authorized Pendarvis to grow and cultivate hemp.
19. To receive that license, the DAG Defendants required Pendarvis to enter into a “Hemp Farming Program Participation Agreement” (HPA). Section VIII of the HPA, titled “Plant Destruction,” purports to be “acknowledgment and consent” by the farmer to the forfeiture and destruction, without compensation of his hemp crop if it is: (i) found to have a measured delta-9 THC content of more than 0.3 percent dry weight; (ii) bears off-label pesticide residues (or believed by DAG to have had pesticides applied off-label; and (iii) grown in an area that is not licensed by DAG. That section then goes on to notwithstanding the previous language, permitted growers may retain hemp testing between 0.3% and 1.0% delta-9 dry weight and “recondition” it by grinding it with stem and stalk.
20. Section VIII of the HPA created by the DAG Defendants is directly contradicted by the plain language of the statute, which specifically directs that for two of the three listed conditions for destruction under VIII, the corrective action plans as required under S. C. Code §46-55-40 ***are the sole remedy*** for negligent violations. There is no language in the HPA explaining the procedure by which DAG will enact enforcement, which is why the HFA required the DAG Defendants to create such procedure via the State Pla. as was required in the HFA. *See* 2019 Act No. 14, SEC.2(A)(4).

21. Despite WEATHERS having sworn a duty to uphold and protect the Constitutions of the United States and the State of South Carolina, and a statutory duty under the HFA to create and publicize the procedure by which enforcement of the HFA would be conducted, the DAG Defendants failed to create, publicize and/or notice any procedure by which a farmer in their hemp farming program would be noticed of the finding of a violation, could challenge a finding of violation, who would hear such a challenge of a finding of violation and/or how to seek and obtain judicial review of finding of a violation. The DAG Defendants knew or should have known, that such failure posed a likely and unnecessary risk to the due process rights of farmers in the program, guaranteed by the 5th, 8th and 14th Amendments to the United States Constitution and correspondingly protected by Art. I, Sec. 22 of the South Carolina Constitution.
22. After receiving his license, Pendarvis was confronted with weathers conditions so severe that he was unable to plant his hemp crop on the GPS coordinates he had originally designated to DAG. The DAG Defendants publicly acknowledged the problems facing farmers from those severe weather conditions as shown by WEATHERS publicly warning on October 31, 2019 “we may be seeing its effects for a long time.”
23. On July 30, 2019, while Vanessa Elsalah (“Elsalah”), WEATHERS’ Hemp Program Coordinator, conducted a farm visit at Pendarvis’ Dorchester County farm. During that farm visit, Pendarvis informed Elsalah that the GPS coordinates she had on her paperwork were not accurate for some of the hemp crop they had just inspected. Pendarvis is informed and believes he sent the correct coordinates via a text message during or immediately following Elsalah’s visit.

24. On July 31, 2019, at 2:52 p.m., UNDERWOOD sent Pendarvis an email asking Pendarvis to “provide a narrative of your reasoning for not sending in an amendment and planting hemp on 10 acres of non-amended farmland.”
25. Pendarvis replied with an email that same afternoon explaining that weather/soil conditions had prohibited him from using the GPS coordinates originally reported, he had not realized the fields used were not on file (believing he had reported multiple fields) and that he had believed “everything would be finalized during inspection.” Pendarvis pointed out the additional field was within a two-mile radius of the original reported field and that it had not increased acreage. UNDERWOOD told Pendarvis that he would need to submit an official amendment form for review, which Pendarvis did the next day, April 1, 2019.
26. On April 1, 2019, UNDERWOOD replied to Pendarvis’ submission of a completed official amendment form via an email courtesy copied to Elsalah and DALTON, informing Pendarvis his case would be reviewed “with our Attorney to determine if a willful violation of the grower’s agreement is present” and “*once we make a final decision, we will be in touch.*” UNDERWOOD’s reply provided no explanation of the process to determine willful violation, of any process to appeal or review any such determination, or of any process for how a “willful” violation would be handled.
27. Four days later, on August 5, 2019, UNDERWOOD notified WELLS via email that DAG had found Pendarvis “has willfully grown hemp on non-reported or non-listed acreage for 6-8 weeks.” This determination was **not** communicated to Pendarvis (nor would Pendarvis be notified for over three weeks).
28. That first August 5th email was immediately followed by another email from UNDERWOOD, sent to WELLS and ONEAL, courtesy copied to DALTON and Elsalah with the subject

heading “Memo to Enact Enforcement,” importance labeled “high,” and containing the attachment “Memo to SLED 8-5-2019 Pendarvis.pdf” which informed SLED that DAG had decided Pendarvis’ growing location issue was a “willful violation of the Hemp Farming Act” and “request SLED enact enforcement of this violation.”

29. Pendarvis is informed that UNDERWOOD, DALTON and Elsalah “found” him to be in willful violation and did so knowing that DAG was itself in violation of the HFA, having failed to submit a State Plan to the USDA on August 5, 2019.
30. KEEL, his agency and his agents/employees have been vehemently and publicly opposed to cannabis legalization efforts in South Carolina, with ONEAL routinely praised by KEEL for his efforts to fight legalization of cannabis in any form or fashion.
31. That ONEAL has testified under oath that before DAG reported Pendarvis for a willful violation to SLED, KEEL had at least one conversation with WEATHERS about the fact that DAG had failed to submit a State Plan as required by the HFA.
32. On August 8, 2019, via email sent to WELLS and courtesy copied to ONEAL, DALTON, WEATHERS and Elsalah, UNDERWOOD asked the SLED Defendants for “any update” on SLED’s enforcement of DAG’s willful violation finding against Pendarvis.
33. On August 8, 2019, ONEAL responded to UNDERWOOD, DALTON, WEATHERS, Elsalah, and WELLS, replying that “we are having difficulty in what to address with so many gray areas concerning enforcement...We are having to get AG opinions along the way and the last thing we want to do is an action that will be perceived in a negative light by the media or general assembly.”
34. UNDERWOOD replied to that email letting ONEAL, WELLS, DALTON, WEATHERS and Elsalah all know DAG would not approve Pendarvis’ amendment application so there was no

“deadline” to act and for SLED to let DAG know “what we need to do to help” in the enforcement actions being taken against Pendarvis.

35. The South Carolina Attorney General’s (“SCAG”) opinion ONEAL’s August 8th email referenced, was requested on behalf of the SLED Defendants by WHITSETT via an August 6, 2019, email to SCAG Asst. AG David S. Jones (“Jones”), seeking “specific guidance...on the proper procedure in this matter.” In other words, it was sought specifically for Pendarvis alleged violation.
36. WHITSETT’s email was forwarded by Jones to SCAG Solicitor General Robert D. Cook (“Cook”) the morning of August 7, 2019, with Cook promptly replying about how the HFA is an “ultra murky” statute, that gives “no direction whatever to law enforcement.”
37. Jones and Cook traded emails with draft language, noting at one point that “if we want to talk about ***due process, there it is,***” before forwarding a final draft to SCAG admin staff directing the opinion be tagged as “Constitutional law” with the description “***An opinion on the appropriate procedure to pursue enforcement of the Hemp Farming Act with respect to hemp grown in violation of the Act.***”
38. The final opinion signed by Jones and Cook on behalf of SCAG dated August 8, 2019 (“August 8th Op.”) was addressed to WHITSETT and specifically provided the “specific guidance” WHITSETT had requested “on the proper procedure” when enforcing a “willful violation” instructing that “SLED should seek judicial authorization for illegally-grown hemp in order to ensure that the grower receives due process,” that authorization be sought “with notice to the grower and an opportunity for them to be heard in a hearing in an abundance of caution.”
39. The August 8th Op. concluded by pointing out the DAG Defendants “may wish” to promulgate regulations to address some of the “numerous issues” that had been raised by SLED and SCAG

regarding their perceived shortcomings with the HFA as drafted by the SC Legislature, but failed to mention the DAG Defendants were required by law to have already promulgated such regulations via the State Plan submission requirement, but had failed to do so.

40. That August 8th Op. was forwarded by ONEAL to WELLS, GWOOD, UNDERWOOD, and DALTON via August 9, 2019 email, with ONEAL stating “***Please read, as we will be discussing in preparation of Hemp harvest season.***”

41. That ONEAL’s August 9, 2019 email was not produced by KEEL or WEATHERS in the pending Dorchester County Common Pleas Court civil case¹ (“State Case”) until ***April 27, 2023***, when it was produced by WEATHERS, who had previously denied a Rule 36 request for admission (“RFA”) on May 20, 2022 specifically stating “to the extent that this request implies that this Defendant was aware of communications between SLED and the SC Attorney General’s Office, this request is denied.” *See WEATHERS response to RFA#4 in State Case.*

42. On August 15, 2019, after email correspondence with DALTON and WEATHERS, UNDERWOOD sent correspondence to the U.S. Secretary of Agriculture, Hon. Sonny Perdue.

That correspondence stated that:

a. “out of an abundance of caution, and ***to remove any doubt that SCDA has complied with*** the SC Act, [DAG] wishes to submit a ‘placeholder’ State Plan until such time that [DAG] receives additional regulatory guidance regarding State Plan requirements from USDA.”

b. “Section 297B(a)(3)(B) [of the 2018 Farm Bill] provides that a State Plan may include a reference to state law regulating the production of hemp. Accordingly, South Carolina’s State Plan consists of the regulatory frame work set forth in S.C. Code Ann. §46-55-10 *et seq.* Again, this State Plan is submitted as a placeholder...”

¹ *Pendarvis v. L.C. Knight, in his official capacity as Dorchester County Sheriff, et al.*, C/A No. 2021-CP-18-1486.

43. That despite UNDERWOOD's representations to the contrary in his August 15, 2019 correspondence on behalf of WEATHERS to the USDA, the DAG Defendants had **not** complied with "the SC Act," having failed to even submit their "placeholder" State plan until **80 days** past the May 27, 2019 statutory deadline imposed under the HFA; which was **10 days** after UNDERWOOD had noticed SLED that the Plaintiff was in willful violation of the HFA.
44. That DAG did not submit an actual State Plan for approval by the USDA until DALTON did so via email to the USDA on February 6, 2020, cc'ing UNDERWOOD, who in turn forwarded that email to an internal DAG email list of "SCDA – Hemp Staff" proclaiming "State plan is submitted!!!!!"
45. That neither WEATHERS nor DALTON (who executed Rule 33 verifications for WEATHERS in the State Case), identified or produced the "placeholder" State Plan or the emails and correspondence submitting such to the USDA in the State Case until **October 24, 2024**.
46. The regulations suggested by the August 8th AG Opinion were covered within the "state plan." The "state plan" which was ultimately submitted and approved **after** the actions taken by the SLED Defendants to arrest and destroy Pendarvis' hemp crop, contains an entire section on "Enforcement." The State Plan's Enforcement section details "Adjudicatory Proceedings" in which "the Commissioner shall notify the Permittee of the alleged violation as well as an opportunity to respond therein, by certified mail, prior to any scheduled hearing date" (*see* State Plan, Sec.17(1(b)); "no penalty shall be assessed, nor may any permit be suspended or revoked by the Commissioner prior to the holding on an adjudicatory hearing" (Sec.17(1(d)); requiring the adjudicatory hearing to be conducted pursuant to the S.C. Administrative Procedures Act (Sec.17(1(e)); and providing an appeals process (Sec.17(2)).

47. The DAG Defendants announced the SC State Plan was approved by the USDA on April 2, 2020. In a press release announcing this news, WEATHERS' Communications Director, Eva Moore, specifically noted: "The State Plan, authorized by the South Carolina General Assembly and the 2018 federal Farm Bill, **will end an era of regulatory flux** for South Carolina's hemp industry, bringing the state's three-year-old Hemp Farming Program **into line with other states and establishing more permanent regulations.**" As such, Pendarvis is informed and believes all the DAG defendants knew that DAG had failed to timely submit a State Plan and follow the due process safeguards that plan provided in regards to the Pendarvis, regardless of whether or not the plan had been approved by the USDA.
48. On August 28, 2019, UNDERWOOD emailed WELLS and ONEAL, cc'ing DALTON and Elsalah, stating "I need some direction as to when I can inform him that SCDA has rejected his amendment request and that he is willfully violation the agreement and law."
49. On August 28, 2019, UNDERWOOD emailed WEATHERS and DALTON the "Trent Pendarvis Amendment Rejection Letter" stating "Boss, this is going to Trent tomorrow (**per SLED**) to allow for enforcement. Today Trent told John and SLED agent he had even more areas that he failed to amend and report to SCDA. **I wonder** how many other locations **or what other crop he is growing without our knowledge.**" (emphasis added).
50. That the entire portion of the email quoted in the paragraph 49 above was improperly redacted when produced by WEATHERS in the State Case and was not produced without redaction until it was produced at an **August 14, 2024** hearing, after DALTON had admitted during her first deposition on **July 12, 2024** that DAG had improperly redacted emails. Plaintiff had originally raised the issue of improperly redacted DAG emails over two years before that deposition, officially challenging the redactions via a motion to compel filed June 13, 2022.

51. That after the unredacted August 28, 2019 email was produced, Plaintiff reconvened a second deposition of UNDERWOOD on **June 9, 2025**. During that second deposition, UNDERWOOD was examined about his responses during his first deposition to questions about whether he believed the Plaintiff was trying to grow marijuana, which evaded actually answering the question. UNDERWOOD maintained his original evasive response. When confronted with the unredacted email, UNDERWOOD attempted to explain he was referring to location. When asked if he was referring to location, why had he felt the need to insert “or what other crop” into the email, UNDERWOOD responded “Oh – I – I – I don’t know.”
52. On August 29, 2019, UNDERWOOD sent Pendarvis an email that was “the official response” of DAG, courtesy copied to DALTON and Elsalah, wherein DAG finally notified Pendarvis he was being found in willful violation of the HFA for growing hemp on acreage not on record with DAG; that his amendment applications addressing the location violation “will not be processed”; and that DAG had notified SLED. Nowhere in that “official response” was there any notification or explanation about any process by which Pendarvis could challenge that finding or seek judicial review of the finding, nor was there any notification about what, if any, enforcement action was or would be taken against Pendarvis.
53. Pendarvis called UNDERWOOD several times during the following weekend, asking UNDERWOOD what that “official response” meant. UNDERWOOD relayed those communications to WELLS via a written statement wherein he described that Pendarvis “seemed confused and asked what he needed to do.”
54. Despite the above, UNDERWOOD and DALTON, along with other DAG employees, began emailing Pendarvis in attempts to obtain evidence to be used against Pendarvis by SLED, threatening Pendarvis’ ability to participate in the hemp program if he did not cooperate.

55. During the same time as DAG's campaign to obtain evidence for SLED, SLED was seeking judicial authorization to seize and destroy Pendarvis' hemp crops. Specifically, NEALE, ONEAL, WELLS and WHITSETT all took part in trying to get the Chief Administrative Judge for Dorchester County, Hon. Diane S. Goodstein to sign a proposed *ex parte* "Hemp/Marijuana Seizure Order and Order of Destruction." In trying to get Judge Goodstein to sign their proposed order, these SLED Defendants intentionally provided a different AG opinion, other than the August 8th AG Opinion, with the opinion provided notably missing the due process safeguards of notice and a hearing.
56. Judge Goodstein refused to authorize the SLED Defendants conduct in an *ex parte* manner, instead offering the SLED Defendants the opportunity to have a hearing on the matter. The SLED Defendants refused Judge Goodstein's offer.
57. After Judge Goodstein refused to allow the SLED Defendant to seize and destroy Pendarvis' hemp crop without notice to him and a hearing, the SLED Defendants, the DAG Defendants and the South Carolina Attorney General's Office conspired to find a way to seize and destroy Pendarvis' hemp crop without judicial authorization. Specifically, emails dated September 17, 2019 show UNDERWOOD directing his assistant, with copies to WELLS, Elsalah and DALTON, to send additional information to WELLS.
58. Specifically, Pendarvis is informed and believes the SLED and DAG Defendants concocted their scheme to seize and destroy Plaintiff's hemp crop without judicial authorization at a DAG-SLED "Cooperative Workshop" on September 17, 2019. Both the SLED Defendants and DAG Defendants withheld the existence of this workshop in the State Case until it came out during depositions on **July 10, 2024**, leading WEATHERS to supplement discovery that

same day with a 73-page PowerPoint presentation that had been prepared by UNDERWOOD and DALTON and used during that workshop.

59. That the 73-page PowerPoint presentation that had been withheld by the SLED and DAG Defendants in the State Case until **July 10, 2024**, specifically noted:

- a. That DAG's SC State Plan submission "draft is in the work", that they needed to discuss "grey areas", and that DAG wanted "SLED input";
- b. Falsely claimed that DAG submitted a State Plan within 60 days of the effective date of the HFA to comply with state law;
- c. Discussed "New Attorney Generals Opinion" but only discussed the July 10, 2019 AG Opinion, not the August 8, 2019 AG Opinion;
- d. Discussed DAG and SLED "Teamwork and Future Plans" for Enforcement, specifically listing: Determine Intent; Office Hearings; Rule or law violation; Procedures for hearings, rulings, judgments, enforcement, and destructions.

60. On September 18, 2019, WELLS sent an email titled "Plan for Destruction of Hemp Field in Dorchester Co – Trent Pendarvis" to ONEAL, NEALE, WHITSETT and GWOOD, that discusses communications with "my contact" at the South Carolina Forestry Commission ("Forestry") about equipment for destroying the hemp and further detailing how they will show up Pendarvis' farm and then contact him to inform him about "the arrest warrant and the plants for destruction."

61. That same day, ONEAL forwarded that "Plan for Destruction" email to KEEL stating "Chief, I'll call you about this shortly." ONEAL has testified under oath that he is sure he called KEEL and that he is sure KEEL signed off on the "plan."

62. At 7:20 am on September 19, 2029, WHITSETT emailed Cook asking for a phone call that morning because he had a hemp update KEEL wanted him to discuss. Soon after, WHITSETT forwarded Cook the "plan" email WELLS had sent the day before and then forwarded the HPA Pendarvis had signed to Jones and Cook, along with allegations that 2 of 6 samples "from this

illegal field were above the .3 allowable threshold” (an alleged violation that DAG never made any finding about, nor was Pendarvis ever noticed about).

63. In less than two hours, Jones and Cook “amended” their August 8th AG Opinion to agree with the SLED Defendants new argument that Pendarvis had “consented” to the seizure and destruction of his hemp crop in the HPA and no judicial authorization was necessary.

64. That “amended” AG opinion issued directly to the SLED Defendants via email at 10:11 am on September 19, 2019, was not processed by the AG’s office through normal procedures and was never publicly published. Its existence was unknown until it was discovered in the State Case.

65. Sometime that same morning of September 19, 2019, as WHITSETT was getting that extraordinary amended AG opinion, NEALE obtained Arrest Warrant 2019A1810300867 for a “Miscellaneous/General Sessions Misdemeanor Offense where no punishment provided by statute” from Dorchester County Magistrate Judge Ryan D. Templeton. The warrant was prepared by NEALE with assistance/review from GWOOD.

66. Notably absent from the warrant or its accompanying probable cause affidavit is any notice that the SLED defendants were going to seize and destroy Pendarvis’ hemp crop upon serving the requested arrest warrant **or** that the SLED defendants had previously attempted to obtain judicial authorization for seizure and destruction from the Circuit Court and that judicial authorization had been denied. WHITSETT has verified under oath such information was **not** relayed to Magistrate Judge Templeton.

67. On September 19, 2019, at approximately 11:45 a.m., numerous Defendants showed up at Pendarvis’ farm in Dorchester County. Pendarvis is informed and believes that specific individual defendants present at his Dorchester County farm that day were ONEAL, NEALE,

and GWOOD. DAG employee John Stokes (“Stokes”) was present on behalf of the DAG Defendants.

68. Interactions between Pendarvis and some of the defendants at his Dorchester County farm on September 19, 2019, are memorialized via a body-worn camera (BWC) video, which shows Pendarvis **refusing to consent to the destruction of his hemp crop** and instead requesting that he be allowed to call his attorney, such communications being made directly to/in the presence of NEALE, ONEAL and GWOOD
69. Plaintiff is informed and believes that ONEAL and GWOOD intentionally cut off GWOOD’s BWC mic so as to willfully and intentionally fail to preserve video evidence, conduct which violates SLED Policy 13.43 “Body Worn Cameras.”
70. All told, Pendarvis requested due process **before** his hemp crop was destroyed at least seven (7) times, with the BWC videos showing these requests being made in full view and hearing of ONEAL, NEALE, GWOOD, and Stokes. Those requests by Pendarvis included specific requests to contact his lawyer **before** his hemp crop was destroyed.
71. Pendarvis’ was arrested and handcuffed by ONEAL, NEALE and GWOOD, then transported by a DCSO deputy sheriff to the Dorchester County Detention Center where he was booked.
72. While Pendarvis was being transported to the detention center, the on-scene SLED Defendants proceeded to completely destroy his Dorchester County hemp crop by bushhogging Pendarvis’ fields with SC Forestry equipment. Plaintiff is informed and believes ONEAL, NEALE, and GWOOD personally took part in the destruction of his hemp crop, physically taking possession of and destroying hemp plants.
73. That email communications show the DAG Defendants coordination with the SLED Defendants conduct which include withholding notice of the willful violation from Pendarvis

at SLED's request, coordinating communications from DAG to Pendarvis with SLED, seeking evidence from Pendarvis at SLED's request, and coordinating public statements before the arrest/seizure.

74. That following the arrest of Pendarvis and destruction of his hemp crop, KEEL personally and through his agents/employees, monitored public media reports about the arrest of Pendarvis and the seizure/destruction of his hemp crop, and actively responded to media in efforts to control the narrative of such media coverage. That at no time did the SLED Defendants disclose the emailed "amended" AG opinion, the unusual nature by which it was generated, that Judge Goodstein had refused to judicially authorize the seizure and destruction of Pendarvis' field or that the DAG Defendants had failed to comply with the HFA and create a state plan.

75. That KEEL initially withheld information and materials in the State Case about NEALE, ONEAL, WELLS and WHITSETT's unsuccessful attempts to get the judicial authorization that the August 8th Op. had specifically recommended, denying specific Rule 36 requests for admission on that issue, forcing the Court to deem such requests as "admitted" via Court order dated ***December 27, 2023***.

76. Via discovery that WEATHERS refused to produce in the State Case until ***May 2, 2025***, after being compelled to do so by Court Order dated April 15, 2025, Plaintiff is informed and believes that WEATHERS (thru UNDERWOOD and DALTON) has allowed hemp program participants to engage in Corrective Action Plans (CAPs) for the exact same "location" issue for which the Plaintiff was found to be in willful violation. Specifically:

- a. R.S. received a Notice of hearing on 12/13/21 for alleged violations including "Failure to have Growing Locations approved and filed with SCDA prior to cultivation..."; an office hearing was held on 1/31/22; DAG found the violations as "negligent"; and R.S. was allowed a CAP to "submit acreage amendment for location" by 2/10/2022 or the violation would be deemed "willful";

- b. M.A. received a “Statement of Facts” on 8/19/22 for alleged violation of “Failure to have Growing Locations approved and filed with SCDA prior to cultivation...”; DAG found the violations “negligent” and M.A. was allowed a CAP to “submit acreage amendment for location” by 2/10/2022 or the violation would be deemed “willful”;
- c. D.D. received a “Statement of Facts” on 2/6/23 for alleged violation of “Failure to file Acreage Amendment...”; DAG found the violations “negligent” and D.D. was allowed a CAP to “submit acreage amendment for location” by 8/24/22 or the violation would be deemed “willful.”

77. That following the arrest of Pendarvis and destruction of his hemp crop, the DAG Defendants actively pushed the continuation of criminal prosecution of the Plaintiff. Specifically, but not limited to: DALTON upon being contacted by First Circuit Solicitor’s Office’s Senior Litigation Counsel David Osborne (“Osborne”), withholding from the First Circuit Solicitor’s Office information that DAG had failed to comply with the HFA and submit enforcements regulations via a State Plan or that since the arrest of Pendarvis and destruction of his hemp crop, DAG had actually had similar violations by hemp program participants that they allowed to be cured via corrective action plans (as described in paragraph 74 above). This despite that fact that Osborne specifically contacted DALTON to inquire as to whether or not Pendarvis had received any kind of benefit from not following proper procedure in submitting his acreage addendum. These communications were never identified or produced by WEATHERS in the State Case and Plaintiff only discovered them when they were produced by KEEL on **January 17, 2024** (after Pendarvis had subpoenaed the First Circuit Solicitor’s Office for such communications).

78. That following the arrest of Pendarvis and destruction of his hemp crop, the SLED defendants actively pushed the continuation of criminal prosecution of the Plaintiff. Specifically, but not limited to: SLED Defendants affirmatively trying to talk the First Circuit Solicitor’s out of dismissing the criminal charges against Pendarvis. Plaintiff is informed as late as **July 29,**

2022, during a remote meeting WHITSETT, ONEAL, NEALE and WELLS had requested to try to convince Osborne not to dismiss the criminal charges against Pendarvis, those SLED Defendants argued for continued prosecution of Pendarvis. Specifically, First Circuit Solicitor Raymond Haupt sent Osborne an email during that meeting stating “There is no proof or any evidence found in the investigation that shows anything [ONEAL] just said.” Neither that remote meeting, nor those arguments to talk the Solicitor’s Office out of dismissing the criminal charges, were ever disclosed by KEEL (or WHITSETT who executed Rule 33 verifications) in the State Case until they were produced by KEEL on **January 17, 2024** (after Pendarvis had subpoenaed the First Circuit Solicitor’s Office for such communications).

79. Plaintiff is informed and believes that the SLED Defendants continued to lobby against the charges having been dropped even after that July 29, 2022 remote meeting, as evidenced by emails obtained via subpoena response by the First Circuit Solicitor’s Office received **January 26, 2024**. Within those responses, are **October 20-21, 2022 emails** showing Osborne having to explain to First Circuit Solicitor David Pascoe, why he dismissed the criminal charges against Pendarvis. Of note, those emails support that the SLED Defendants had been arguing for the continued prosecution of Plaintiff due to THC levels (an issued that DAG never found Plaintiff as having violated, let alone such violation being willful) and on “hypotheticals: he could have been growing MJ.” The SLED Defendants have never disclosed any such communications with the Solicitor’s Office.

80. Since the arrest and destruction of Pendarvis’ hemp crop, the SLED and DAG Defendants have actively and willfully withheld information and discovery from Pendarvis in both the criminal prosecution and the two pending State Court civil actions in Marion and Dorchester County.

They have refused to produce relevant discovery and provided false/misleading responses, resulting in unnecessary and prejudicial delay to Pendarvis due process rights.

FOR A FIRST CAUSE OF ACTION
VIOLATION OF FEDERAL CIVIL RIGHTS 42 U.S.C. § 1983
**(VIOLATION OF 4TH AND 14TH AMENDMENTS RIGHTS BY DEFENDANTS KEEL,
NEALE, WELLS, ONEAL, WHITSETT, AND GWOOD)**

81. That at all times complained of in this complaint, these Defendants were acting under the color or pretense of South Carolina State law, customs, practices, usage, and/or policy.
82. That at all times complained of in this complaint, these Defendants were well aware of Pendarvis' constitutional right under the Fourth Amendment to be secure in his person and effects against unreasonable searches and seizures, with that right not to be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.
83. That at all times complained of in this complaint, these Defendants were well aware that the Fourteenth Amendment protected Pendarvis' Fourth Amendment rights from being violated by state actors/conduct such as these Defendants.
84. That these Defendants worked to obtain and execute arrest warrant 2019A1810300867 for the offense of Unlawful Cultivation of Hemp (CDR Code 354); That said warrant was obtained by Defendant NEALE and Defendant GWOOD when they presented inaccurate and incomplete information to the Magistrate and when they specifically mislead the Magistrate by omitting and failing to advise the Magistrate that the Chief Administrative Judge for the Circuit had previously refused to approve their actions.
85. That Defendants KEEL, WHITSETT, ONEAL and WELLS were responsible for reviewing and supervising NEALE and GWOOD in their efforts to obtain the warrant against Pendarvis and their efforts to execute said warrant.

86. That these Defendants knowingly acted to intentionally deprive Pendarvis of due process protections afforded him under the law.

87. Defendant NEALE violated Pendarvis' Fourth Amendment rights by personally obtaining the warrant, formulating the plan to wrongfully search and seize Pendarvis and his effects, and then actively executing that plan and participating in the unreasonable search and seizure of Pendarvis and his effects, through the displaying and deploying of force to execute the warrant, taking Pendarvis into custody and seizing his effects; That Defendant NEALE knowingly and intentionally presented incomplete and misleading information to the Magistrate all to the detriment of Pendarvis.

88. Defendant WELLS violated Pendarvis' Fourth Amendment rights by formulating the plan to search and seize Pendarvis and his effects, and then actively executing that plan and participating in the unreasonable search and seizure of Pendarvis and his effects, through the displaying and deploying of force to execute the warrant, taking Pendarvis into custody and seizing his effects; That this Defendant did participate in the wrongful seizure of Pendarvis and his hemp crop.

89. Defendant ONEAL violated Pendarvis' Fourth Amendment rights by formulating the plan to search and seize Pendarvis and his effects, and then actively executing that plan and participating in the unreasonable search and seizure of Pendarvis and his effects, through the displaying and deploying of force to execute the warrant, taking Pendarvis into custody and seizing his effects That this Defendant did participate in the wrongful seizure of Pendarvis and his hemp crop.

90. Defendant WHITSETT violated Pendarvis' Fourth Amendment rights by formulating the plan to search and seize Pendarvis and his effects; That Defendant WHITSETT participated in this

endeavor by assisting in the formulation of a plan that ignored the opinions of the SC Attorney General's Office by working to provide incomplete, inaccurate and misleading information to the Magistrate's Judge and in failing to follow the directives of the Chief Administrative Judge for the Circuit.

91. Defendant KEEL violated Pendarvis' Fourth Amendment rights by approving the plan to search and seize Pendarvis and his effects; That Defendant KEEL participated in this endeavor by approving a plan that ignored the opinions of the SC Attorney General's Office by working to provide incomplete, inaccurate and misleading information to the Magistrate's Judge and in failing to follow the directives of the Chief Administrative Judge for the Circuit.

92. Defendant GWOOD violated Pendarvis' Fourth Amendment rights by formulating the plan to search and seize Pendarvis and his effects, and then actively executing that plan and participating in the unreasonable search and seizure of Pendarvis and his effects, through the displaying and deploying of force to execute the warrant, taking Pendarvis into custody and seizing his effects. That Defendant GWOOD assisted Defendant NEALE in preparing and reviewing the warrant which they knew had been presented with misleading, inaccurate and incomplete information and was a part of the plan to wrongfully seize Pendarvis and his hemp crop.

93. As a direct and proximate result of these Defendants conduct, Pendarvis suffered deprivations of his rights secured by the Fourth and Fourteenth Amendments to the United States Constitution.

94. At all times relevant to this action, these Defendants knew or should have known of the wrongfulness of their conduct and the risk of substantial harm to the Plaintiff; These Defendants knowingly engaged in a plan to provide incomplete, inaccurate, misleading

information while seeking a warrant, in seizing a lawful hemp crop without judicial authority, and in wrongfully seizing Pendarvis himself.

95. The Plaintiff was harmed and suffered injury in violation of the Plaintiff's constitutional rights through the acts and omissions of these Defendants.

FOR A SECOND CAUSE OF ACTION
VIOLATION OF FEDERAL CIVIL RIGHTS 42 U.S.C. § 1983
(VIOLATION OF 5TH, 8TH AND 14TH AMENDMENTS RIGHTS BY DEFENDANTS
WEATHERS, DALTON, UNDERWOOD, ONEAL, WELLS, GWOOD, NEALE,
UNDERWOOD, WHITSETT, AND KEEL)

96. That at all times complained of in this complaint, these Defendants were acting under the color or pretense of South Carolina State law, customs, practices, usage, and/or policy.

97. That at all times complained of in this complaint, these Defendants were well aware of Pendarvis' constitutional right under the Fifth Amendment to not be deprived of his life, liberty or property, without due process of law.

98. That at all times complained of in this complaint, these Defendants were well aware of Pendarvis' constitutional right under the Eighth Amendment to not be subjected to excessive fines.

99. That at all times complained of in this complaint, these Defendants were well aware that the Fourteenth Amendment protected Pendarvis' Fifth and Eighth Amendment rights from being violated by state actors/conduct such as these Defendants.

100. Defendant WEATHERS, DALTON, and UNDERWOOD violated Pendarvis' Fifth and Eighth Amendment rights by participating in finding Pendarvis "willfully" violated of the South Carolina Hemp Farming Act (HFA) when these Defendants knew or should have known that there was an inadequate process for making such a finding; That these Defendants knew they were denying Pendarvis his due process rights under the Fifth Amendment; That these

Defendants knew that this erroneous finding was going to be used to not only arrest Pendarvis, but to also seize and destroy Pendarvis' property without any due process; That these Defendants knew the practical effect of their actions would be the destruction of property with significant monetary value, thus violating Pendarvis' Eighth Amendment right against excessive fines.

101. That Defendants WEATHERS, DALTON, and UNDERWOOD communicated with each other to develop a plan to deny Pendarvis due process and by actively misleading Pendarvis as to what steps that he needed to take in order to be in compliance with the HFA.

102. That Defendants UNDERWOOD, DALTON, ONEAL, WELLS, GWOOD and NEALE developed and participated in a plan to wrongfully find that Pendarvis had willfully violated the HFA; That these Defendants knew that they were developing a plan that afforded no due process to Pendarvis to challenge this finding; That these Defendants acted together to mislabel the violation in such a manner that they knew Pendarvis would be unable to exercise due process and challenge; That these Defendants knew there was no clear process afforded Pendarvis by virtue of DAG's own failure to comply with the HFA and that this lack of process specifically left Pendarvis confused and unsure of how he may seek due process.

103. That Defendants ONEAL, WELLS, GWOOD, and NEALE wrongfully participated in a plan to mislabel the actions of Pendarvis as willful to find that the actions of Pendarvis were not negligent and to implement a plan that would prevent Pendarvis from exercising due process to challenge while knowing that this plan would result in the wrongful arrest and seizure of his hemp crop; that these Defendants violated Pendarvis' Fifth and Eighth Amendment rights by participating in the arrest of Pendarvis and the seizure and destruction of his property without due process in violation of Pendarvis' Fifth Amendment rights and in

the destruction of Pendarvis' property with significant monetary value, also violated Pendarvis' Eighth Amendment right against excessive fines.

104. That these Defendants recognized that any enforcement action against Pendarvis without affording his due process was improper and thus entered into a plan to attempt to obtain cover from the Attorney General in order to proceed against Pendarvis; that these Defendants knew that the DAG Defendants had failed to create and submit a state plan to the USDA as required by The HFA; that these Defendants decided to engage the assistance of the South Carolina Attorney General's Office and withhold the DAG Defendants failure to comply with the law from the AG; that the effort by these Defendants was an attempt to wrongfully obtain legal cover in an effort to overcome the denial of Pendarvis' Fifth Amendment due process rights; that these Defendants knew that the purpose of their wrongful acts was to seize and destroy Pendarvis' property with significant monetary value, thus violating Pendarvis' Eighth Amendment right against excessive fines.

105. That Defendants WHITSETT and KEEL planned to circumvent the usual process for obtaining an opinion of the AG all in a last minute effort to provide legal cover to the actions of Defendants herein; that said plan was designed to overcome the denial of Pendarvis' Fifth Amendment due process rights these defendants knew they were engaging in; that these Defendants knew that this plan would result in the wrongful seizure and destruction of Pendarvis' property with significant monetary value, thus violating Pendarvis' Eighth Amendment right against excessive fines.

106. As a direct and proximate result of these Defendants conduct in carrying out their plan to violate the rights of Pendarvis, Pendarvis suffered deprivations of his rights secured by the Fifth, Eighth and Fourteenth Amendments to the United States Constitution.

107. At all times relevant to this action, these Defendants knew or should have known of the wrongfulness of their conduct and the risk of substantial harm to the Plaintiff; that these Defendants knew that their acts and omissions directed at a South Carolina farmer engaged in growing a lawful crop were in violation of the HFA and would lead to his rights being transgressed; that these Defendants acted in concert to fail to follow the law, to make erroneous findings, to manufacture findings and present inaccurate, misleading, and incomplete information to the Magistrate Court, the Circuit Court, and the South Carolina Attorney General's Office.

108. The Plaintiff was harmed and suffered injury in violation of the Plaintiff's constitutional rights through the acts and omissions of these Defendants.

FOR A THIRD CAUSE OF ACTION
VIOLATION OF FEDERAL CIVIL RIGHTS 42 U.S.C. § 1983
(VIOLATION OF 4th AND 14TH AMENDMENTS AGAINST DEFENDANTS
WEATHERS, DALTON, UNDERWOOD, KEEL, WHITSETT, ONEAL, WELLS,
GWOOD AND NEALE)

109. That at all times complained of in this complaint, these Defendants were acting under the color or pretense of South Carolina State law, customs, practices, usage, and/or policy.

110. That at all times complained of in this complaint, these Defendants were well aware of Pendarvis' constitutional right under the Fourth Amendment to not be deprived of his life, liberty or property, without due process of law, which includes the right to be free from malicious prosecution.

111. That at all times complained of in this complaint, these Defendants were well aware that the Fourteenth Amendment protected Pendarvis' Fourth Amendment rights from being violated by state actors/conduct such as these Defendants.

112. That these Defendants initiated or caused to be continued a criminal action against Pendarvis; that these Defendants participated in a plan to use incomplete, inaccurate, misleading information to obtain a warrant for the arrest of Pendarvis; that based on the plan to avoid providing full and complete and accurate information to the Court, these Defendants wrongfully obtained arrest warrant 2019A1810300867 on September 19, 2019.
113. That these Defendants failed to present the Office of the First Circuit Solicitor with relevant and material information in this case; that this plan to provide incomplete information to the Prosecutor of the Solicitor's Office handling the case prevented Pendarvis from receiving full discovery that he was entitled to under the Rules of Criminal Procedure and Brady v. Maryland; that the failure to provide all the evidence to the Solicitor and Pendarvis prolonged the attempt to prosecute the charge against Pendarvis.
114. That the criminal action against Pendarvis was ended in his favor; that once all of the information that these Defendants withheld and failed to disclose was presented to the Solicitor the charge was dismissed.
115. That the dismissal of these criminal charges did not occur until **August 5, 2022** due in part to the efforts by WEATHERS, UNDERWOOD and DALTON to hide DAG's own failure to comply with HFA and how they were handling similar violations to those found against Pendarvis after his arrest and the destruction of his hemp crop.
116. That the dismissal of these criminal charges did not occur until **August 5, 2022** due in part to the efforts by KEEL, WHITSETT, ONEAL, WELLS, GWOOD and NEALE to hide their efforts to deny and circumvent Pendarvis' due process rights; argue violations for which there had been no finding and referral by DAG to the Solicitor's Office; and push wholly unsupported allegations of other criminal activity for which these Defendants had no evidence.

117. That at no time was there probable cause to initiate and/or to continue the criminal action against Pendarvis; that the acts and omissions of these Defendants in concealing and failing to produce all of the relevant and material information, and in promoting false and unsupported allegations, wrongfully prolonged the criminal prosecution of Pendarvis.
118. That these Defendants acted maliciously in developing a plan to present incomplete, inaccurate, and misleading information to the Magistrate's Court of the State of South Carolina, the Circuit Court of the State of South Carolina, the South Carolina Attorney General's Office, and the Solicitor's Office of the First Judicial Circuit.
119. That Pendarvis suffered a deprivation of his liberty when the acts of these Defendants resulted in his wrongful seizure and arrest, as well as the continuation and prolonged prosecution of the criminal charges as a consequence of these Defendants' conduct.
120. Defendant WEATHERS, DALTON, and UNDERWOOD participated in a plan to provide inaccurate, incomplete, and misleading information to SLED, the Courts of this State, the South Carolina Attorney General's Office and the Solicitor of the First Judicial Circuit and in so doing violated Pendarvis' Fourth Amendment right to be free from malicious prosecution; that these Defendants' participation in this plan which resulted in a finding that Pendarvis had allegedly violated the HFA in a willful manner; that the actions of these Defendants had the result of denying Pendarvis his due process rights; that these Defendants knew or should have known that their wrongful failure to follow the provisions of the HFA and create this wrongful finding would result in injury and damage to Plaintiff. That these Defendants further violated Pendarvis' Fourth Amendment right to be free from malicious prosecution by participating in the gathering of evidence/information to further the criminal process and/or withholding

evidence/information from being produced to the Courts, the Solicitor, the Attorney General and Pendarvis.

121. Defendants KEEL, WHITTSET, ONEAL, WELLS, NEALE and GWOOD violated Pendarvis' Fourth Amendment right to be free from malicious prosecution by participating in initiating/continuing criminal process against Pendarvis and participating in the withholding evidence/information from being produced to the Courts, the Solicitor, the Attorney General and Pendarvis; that these Defendants knew of information and materials that were relevant to exonerate Pendarvis and failed to disclose and/or actively withheld information and materials from the Courts, the Solicitor, the Attorney General and Pendarvis.

122. At all times relevant to this action from the time of initiation of the plan to arrest Pendarvis through the time the charges were ultimately ended in his favor, these Defendants knew or should have known of the wrongfulness of their conduct and the risk of substantial harm to the Plaintiff; that the acts and omissions of these Defendants (a) in concealing or failing to provide materials and information to the Courts, the Solicitor, the Attorney General and Pendarvis; (b) in failing to follow the provisions of the HFA; and (c) in wrongfully attempting to prosecute/urge the continuation of prosecution a farmer engaged in the production of a lawful crop caused injury and damages to Plaintiff.

123. The Plaintiff was harmed and suffered injury in violation of the Plaintiff's constitutional rights through the acts and omissions of these defendants.

FOR A FOURTH CAUSE OF ACTION
VIOLATION OF FEDERAL CIVIL RIGHTS 42 U.S.C. § 1983
**(VIOLATIONS OF PLAINTIFF'S FIRST AMENDMENT RIGHTS BY KEEL,
WHITSETT, ONEAL, WEATHERS, UNDERWOOD AND DALTON)**

124. That at all times complained of in this complaint, KEEL, WHITSETT, ONEAL, WEATHERS, UNDERWOOD and DALTON were acting under the color or pretense of South Carolina State law, customs, practices, usage, and/or policy.

125. During the time period in question, KEEL, WHITSETT, ONEAL, WEATHERS, UNDERWOOD and DALTON were well aware of Plaintiff's constitutional rights under the First Amendment to access to the courts and remedy for legal injury.

126. During the time period in question, KEEL, WHITSETT, ONEAL, WEATHERS, UNDERWOOD and DALTON were well aware that the Fourteenth Amendment protected Plaintiff's First Amendment rights from being violated by state actors/conduct such as these Defendants.

127. During the time period in question, KEEL, WHITSETT, ONEAL, WEATHERS, UNDERWOOD and DALTON knew or should have known, that the Plaintiff was asserting his First Amendment right to access to the courts and right to remedy for legal injury. That knowledge would have arisen, at a minimum, through the service of, and subsequent responses to, the summons and complaint and discovery requests in C/A No. 2019-CP-33-00675 in the Marion County Court of Common Pleas.

128. During the time period in question, KEEL, WHITSETT, ONEAL, WEATHERS, UNDERWOOD and DALTON were well aware that the Fourteenth Amendment protected Plaintiff's First Amendment rights from being violated by state actors/conduct such as these Defendants.

129. During the time period in question, KEEL, WHITSETT, ONEAL, WEATHERS, UNDERWOOD and DALTON knew or should have known, that the Plaintiff was asserting his First Amendment right to access to the courts and right to remedy for legal injury. That knowledge would have arisen, at a minimum, through the service of, and subsequent responses to, the summons and complaint and discovery requests in C/A No. 2019-CP-33-00675 in the Marion County Court of Common Pleas.

130. During the time period in question, KEEL, WHITSETT, ONEAL, WEATHERS, UNDERWOOD and DALTON either actively participated in, or failed to act and allowed others to, violate Plaintiff's First Amendment rights through the willful and intentional denial of facts known to be true and/or willful and intentional misstatement of facts in responding to the allegations of the Plaintiff's state court action and/or failures to fully and properly respond to Plaintiff's discovery requests in that state court action.

131. As a direct and proximate result of KEEL, WHITSETT, ONEAL, WEATHERS, UNDERWOOD and DALTON conduct as described above, the Plaintiff suffered deprivations of his rights secured by the First and Fourteenth Amendments to the United States Constitution.

132. At all times relevant to this action, KEEL, WHITSETT, ONEAL, WEATHERS, UNDERWOOD and DALTON knew or should have known of the wrongfulness of their conduct and the risk of substantial harm to the Plaintiff and violation of his constitutional rights.

133. The Plaintiff was harmed and suffered injury, harm and damages due to these Defendants' violation of his constitutional rights.

FOR A FIFTH CAUSE OF ACTION
VIOLATION OF FEDERAL CIVIL RIGHTS 42 U.S.C. § 1983
(BYSTANDER LIABILITY FOR FAILURE TO PROTECT THE PLAINTIFF FROM
CONSTITUTIONAL VIOLATIONS OF PLAINTIFF'S FIRST, FOURTH, FIFTH,
EIGHTH AND FOURTEENTH AMENDMENT RIGHTS BY DEFENDANTS KEEL,
WHITSETT, WEATHERS AND DALTON)

134. That at all times complained of in this complaint, these Defendants were acting under the color or pretense of South Carolina State law, customs, practices, usage, and/or policy.
135. During the time period in question, Defendants KEEL, WHITSETT, WEATHERS and DALTON were well aware of Plaintiff's constitutional rights under the First Amendment to access to the courts and remedy for legal injury.
136. During the time period in question, these Defendants were well aware of Pendarvis' constitutional right under the Fourth Amendment to not be deprived of his life, liberty or property, without due process of law, which includes the right to be free from malicious prosecution.
137. During the time period in question, these Defendants were well aware of Pendarvis' constitutional right under the Fifth Amendment to not be deprived of his life, liberty or property, without due process of law.
138. During the time period in question, these Defendants were well aware of Pendarvis' constitutional right under the Eighth Amendment to not be subjected to excessive fines.
139. During the time period in question, these Defendants were well aware that the Fourteenth Amendment protected Pendarvis' First, Fourth, Fifth and Eighth Amendment rights from being violated by state actors/conduct such as these Defendants.
140. During the time period in question, these Defendants were well aware that state actors may be liable for constitutionally violative conduct of another if they know that a fellow state actor

is violating an individual's constitutional rights; have a reasonable opportunity to prevent the harm; and chose not to act.

141. Pendarvis was harmed and suffered injury in violation of his First, Fourth, Fifth, Eighth and Fourteenth Amendments rights through the acts and omissions of these defendants, as described herein, who were at all times acting under the color or pretense of South Carolina State law, customs, practices, usage and/or policy.

142. Defendants KEEL and WHITSETT violated Pendarvis' Fourth, Fifth and Eighth amendment rights when they knew or should have known, that the basis for Pendarvis' arrest and/or the seizure/taking of Pendarvis' hemp crop and/or the criminal process instituted/continued against Pendarvis was wrongful. Specifically, these Defendants knew or should have known that Pendarvis' had been/was being denied due process on the basis of failing to adhere to directions from both the Chief Administrative Judge for the Circuit and the S.C. Attorney General; that both the Chief Administrative Judge for the Circuit and the S. C. Attorney General had advised/instructed/suggested Pendarvis' constitutional right be protected by virtue of a hearing before a judge and these Defendants and/or agents/employees they supervised specifically pursued a course of conduct to deny Pendarvis those protections; that these Defendants knew information was being withheld and/or false/misleading information was being provided to the Courts, the Solicitor and the Plaintiff in his state court actions which were infringing upon the Plaintiff's rights to access the courts for legal remedy in violation of his First Amendment rights.

143. Defendants WEATHERS and DALTON violated Pendarvis' Fourth, Fifth and Eighth amendment rights when they knew or should have known, that the basis for Pendarvis' arrest and/or the seizure/taking of Pendarvis' hemp crop and/or the criminal process

instituted/continued against Pendarvis was wrongful. Specifically, WEATHERS and DALTON knew or should have known that Pendarvis' had been/was being denied due process on the basis of knowing DAG's finding of a willful violation was being denied due process when they wrongfully and intentionally manipulated the process to result in a finding of the willful violation; that these Defendants knew that the willful violation findings was in violation of South Carolina law in that they knew DAG had failed to timely create and submit a state plan which would have protected the Plaintiff's Fourth, Fifth and Eighth Amendment rights; that these Defendants knew information was being withheld and/or false/misleading information was being provided to the Courts, the Solicitor and the Plaintiff in his state court actions which were infringing upon the Plaintiff's rights to access the courts for legal remedy in violation of his First Amendment rights.

144. At all times relevant to this action, these Defendants knew or should have known of the wrongfulness of their conduct and the risk of substantial harm to the Plaintiff.

145. The Plaintiff was harmed and suffered injury in violation of the Plaintiff's constitutional rights through the acts and omissions of these Defendants.

FOR A SIXTH CAUSE OF ACTION
VIOLATION OF FEDERAL CIVIL RIGHTS 42 U.S.C. § 1983
(SUPERVISOR LIABILITY FOR CONSTITUTIONAL VIOLATIONS OF PLAINTIFF'S
FIRST, FOURTH, FIFTH, EIGHTH AND FOURTEENTH AMENDMENT RIGHTS BY
DEFENDANTS KEEL AND WEATHERS)

146. That at all times complained of in this complaint, these Defendants were acting under the color or pretense of South Carolina State law, customs, practices, usage, and/or policy.

147. During the times in question, these Defendants were well aware of Plaintiff's constitutional rights under the First Amendment to access to the courts and remedy for legal injury.

148. During the times in question, these Defendants were well aware of Pendarvis' constitutional right under the Fourth Amendment to not be deprived of his life, liberty or property, without due process of law, which includes the right to be free from malicious prosecution.

149. During the times in question, these Defendants were well aware of Pendarvis' constitutional right under the Fifth Amendment to not be deprived of his life, liberty or property, without due process of law.

150. During the times in question, these Defendants were well aware of Pendarvis' constitutional right under the Eighth Amendment to not be subjected to excessive fines.

151. During the times in question, these Defendants were well aware that the Fourteenth Amendment protected Pendarvis' First, Fourth, Fifth and Eighth Amendment rights from being violated by state actors/conduct such as these Defendants.

152. During the times in question, these Defendants were well aware that of their duty to adequately train and/or supervise their subordinates to the rights of persons in similar situations to the Plaintiff.

153. That Pendarvis was harmed and suffered injury in violation of his First, Fourth, Fifth, Eighth and Fourteenth Amendments rights through the acts and omissions of the DAG and SLED defendants, as described herein, who were at all times acting as subordinates of these Defendants under the color or pretense of South Carolina State law, customs, practices, usage and/or policy.

154. Defendant KEEL had a duty to supervise WHITSETT, ONEAL, WELLS, GWOOD, and NEALE, which included not allowing them to formulate a plan designed to arrest and destroy a person's property in violation of his constitutional rights, especially with knowledge that the

law being used to justify your subordinates' actions was "unclear," and to ensure that his office, in keeping with its duty of candor to the court and duty to protect the constitutional rights of citizens like the Plaintiff, disclose when information was being withheld and/or inaccurately being presented to the Court, the Solicitor and the Plaintiff.

155. Defendant WEATHERS had a duty to supervise DALTON and UNDERWOOD which included the duty to not allow them to participate in the violations of a person's constitutional rights through a process which they knew was unclear by reason of his own office's failure to comply with the HFA, and to ensure that his office, in keeping with its duty of candor to the court and duty to protect the constitutional rights of citizens like the Plaintiff, disclose when information was being withheld and/or inaccurately being presented to the Court, the Solicitor and the Plaintiff.

156. That Defendants KEEL and WEATHERS improperly supervised the SLED and DAG Defendants of their respective agencies and directed them to participate in wrongful conduct that harmed Pendarvis as described herein;

157. That Defendants KEEL and WEATHERS failed to adhere to norms and policies for the conduct of their offices which resulted in violations of the rights of Pendarvis.

158. At all times relevant to this action, these Defendants knew or should have known of the wrongfulness of their conduct and the risk of substantial harm to the Plaintiff.

159. The Plaintiff was harmed and suffered injury in violation of the Plaintiff's constitutional rights through the acts and omissions of these supervisory Defendants.

FOR A SEVENTH CAUSE OF ACTION
VIOLATION OF FEDERAL CIVIL RIGHTS 42 U.S.C. § 1983
(CONSPIRACY TO VIOLATE DUE PROCESS RIGHTS – 1ST, 4TH, 5TH, 8TH, AND 14TH
AMENDMENTS, OBSTRUCT JUSTICE & DENYING THE PLAINTIFF RIGHTS AND
PRIVILEGES AGAINST ALL DEFENDANTS)

160. That at all times complained of in this complaint, the Defendants were all acting under the color or pretense of South Carolina State law, customs, practices, usage, and/or policy.

161. During the times in question, the Defendants were well aware of Pendarvis' constitutional rights, including his rights to:

- a. due process of law;
- b. to be free from unnecessary and unwarranted force;
- c. to be free from false arrest and/or imprisonment;
- d. to be free from the deprivation of property without due process of law;
- e. to be free from the deprivation of liberty without due process of law;
- and,
- f. to the fair, efficient and speedy administration of justice through the criminal and civil justice system.

162. As described herein, the Defendants conducted themselves repeatedly in violation of the Plaintiff's constitutional rights, specifically seeking to deny him due process and obstruct justice; that these Defendants participated in plans that involved the use of inaccurate, incomplete, and misleading information; that these Defendants engaged in plans that violated the norms and policies of their respective agencies as described herein; and that these Defendants wrongfully engaged in plans to provide cover for wrongful acts.

163. That the acts and omissions by these Defendants violated Pendarvis' constitutional rights, denied Pendarvis due process, and obstructed justice.
164. As a direct and proximate result of these Defendants' acts and omissions, the Plaintiff suffered deprivations of his rights secured by the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution.
165. At all times relevant to this action, these Defendants knew or should have known of the wrongfulness of their conduct and the risk of substantial harm to the Plaintiff, but they repeatedly violated the Plaintiff's constitutional rights despite that knowledge.
166. That these Defendants had notice and knowledge that the Plaintiff was being denied his due process rights prior to the instigation of the civil cases filed by the Plaintiff in Common Pleas Court in both Dorchester County and Marion County.
167. That despite having the notice and knowledge that the Plaintiff's constitutional rights were being violated, the Defendants conspired to impede, hinder, obstruct and/or defeat the due course of justice with the intent to deny the Plaintiff the equal protection of the law. These Defendants conspired to deny facts they knew to be true in an effort to shield themselves and others from civil liability for the violation of the Plaintiff's civil rights. Specifically, the Plaintiff's First Amendment right to access the courts and seek legal remedy.
168. Plaintiff was harmed and suffered injury because of these Defendants' violation of the Plaintiff's constitutional rights and that harm has been exacerbated by the conduct of these Defendants in conspiring to impede, hinder, obstruct and/or defeat the due course of justice with the intent to deny the Plaintiff the equal protection of the law.

PRAYER

WHEREFORE, Plaintiff prays that the Court entered judgment against the Defendants and award him:

- i. Actual and consequential damages to compensate the Plaintiff for his out-of-pocket expenses, pain, suffering, mental anguish, humiliation, and the indignity he has suffered because of the Defendants' conduct and the violation of his civil rights;
- ii. Punitive damages;
- iii. Attorneys' fees and costs recoverable under 42 U.S.C. § 1988; and
- iv. Such further relief as is allowed by law and that the Court deems just and proper.

REQUEST FOR TRIAL BY JURY

The Plaintiff, John Trenton Pendarvis, hereby demands a trial by jury on all claims.

Respectfully submitted by:

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ATTORNEYS FOR PLAINTIFF

Florence, SC
July 28, 2025