

STATE OF SOUTH CAROLINA)
)
COUNTY OF LAURENS)
)
CATHERINE EVANS, as Personal)
Representative of the Estate of JARVIS)
JOHNMICHAEL EVANS,)
)
Plaintiff,)
)
v.)
)
DON REYNOLDS, in his official capacity)
as Sheriff of Laurens County,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
FOR THE EIGHTH JUDICIAL CIRCUIT

Case No. 2022-CP-30-_____

SUMMONS
(Jury Trial Demanded)

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, 548 Savannah Highway, Charleston, South Carolina 29407, within thirty (30) days after service hereof, exclusive of the day of such service; and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

THE PEPPER LAW FIRM, PA

Mark A. Peper
Mark A. Peper, Esq.
548 Savannah Highway
Charleston, SC 29407
O: (843) 225-2520
F: (843) 225-2554
mark@peperlawfirm.com

August 15, 2022

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE EIGHTH JUDICIAL CIRCUIT
COUNTY OF LAURENS)	
)	
CATHERINE EVANS, as Personal)	Case No. 2022-CP-30-_____
Representative of the Estate of JARVIS)	
JOHNMICHAEL EVANS,)	
)	
Plaintiff,)	<u>COMPLAINT</u>
)	(Jury Trial Demanded)
v.)	
)	
DON REYNOLDS, in his official capacity)	
as Sheriff of Laurens County,)	
)	
Defendant.)	

Plaintiff, by and through her undersigned attorneys, complaining of Defendant, respectfully submit the following:

JURISDICTION AND VENUE

1. Plaintiff, Catherine Evans (hereinafter “Rev. Evans”), at all times herein was a citizen and resident of Laurens County, State of South Carolina, and is the duly appointed Personal representative of the Estate of Jarvis Johnmichael Evans (hereinafter “Decedent”). Therefore, Plaintiff and Decedent are subject to the general jurisdiction of this Court.
2. Plaintiff brings this action on behalf of the Estate pursuant to S.C. Code Ann. § 15-5-90 and for damages recoverable by statutory beneficiaries of decedent pursuant to S.C. Code Ann. § 15-51-10, *et seq.*
3. Upon information and belief, Sheriff Don Reynolds in His Official Capacity (hereinafter “Sheriff Reynolds”) is sued in his representative capacity for the Office of the Laurens County Sheriff, which is a political subdivision organized under the laws of the State of South Carolina.

He is a statutory defendant for state law claims made pursuant to the South Carolina Tort Claims Act for the acts and omission of its employees acting in the course and scope of their official duties. Sheriff Reynolds is responsible for the policies, practices, supervision, implementation, and conduct of all Laurens County Sheriff's Office (hereinafter "LCSO") personnel, including LCSO deputies working in the R. Eugene Johnson Detention Center (hereinafter "JDC" or "JDC deputies"). He is sued for the acts and omissions of Sgt. Boyd, Deputy Hildebrandt, Deputy Armstrong, Deputy Miller, and others unknown.

4. This court has personal jurisdiction over the parties named above, subject matter jurisdiction over the causes of action set forth below, and venue is proper in Laurens County.

FACTUAL BACKGROUND

5. Decedent, a forty-year-old black male with a life-long history of mental illness, was a resident of Laurens County at the time of the facts giving rise to this action.
6. Defendant, the elected Sheriff of Laurens County, had actual and constructive knowledge of Decedent's mental illness and LCSO Deputies routinely responded to his residence to assist in the transport of Decedent to a facility where he could receive psychiatric evaluations.
7. In December of 2018, LCSO responded to a call from Decedent wherein he was attempting to overdose on Prozac. At the direction of LCSO, Decedent was transported to Laurens County Hospital and involuntary commitment proceedings were initiated in the Laurens County Probate Court.
8. Upon being evaluated by two designated medical examiners appointed by the Laurens County Probate Court, Decedent was found to be suffering the effects of a "severe mental illness, to include paranoia, adjustment disorder, and auditory hallucinations."

9. As a result, Decedent was involuntarily committed and transported by Defendant to the Medical University of South Carolina's Institute of Psychiatry (hereinafter "MUSC IOP"), where he remained for approximately fifteen (15) days.
10. Similarly, in January of 2021, Defendant LCSO responded to Decedent's home after Decedent called 911 to report that people were trying to poison him. Upon LCSO's arrival, Decedent was yelling and evading contact with LCSO deputies. Once LCSO successfully detained Decedent, he was transported to Spartanburg Medical Center for psychiatric evaluation.
11. In the instant action, on the evening of July 29, 2021, Decedent once again called 911 to report that he was "afraid for his life because there were people with guns in the house." On the 911 call, Decedent's mother, Rev. Evans, spoke to the operator and informed them that her son was mentally ill and possibly on drugs.
12. LCSO Deputy Athens arrived on scene and found Decedent to be "sweating profusely (sic), acting irate, and was edgy with his movements."
13. The Decedent informed Deputy Athens that "my mom got a hit out on me" and began running around the yard while on the phone with 911 operator, who described the Decedent as "flippin' out."
14. Rev. Evans informed Deputy Athens that Decedent suffered from mental illness his entire life and had recently been hospitalized at MUSC IOP and Spartanburg Hospital.
15. Rev. Evans informed Deputy Athens that he'd left the house earlier to go to the gas station, and that she believed Decedent had "taken some drugs laced with something."
16. She further requested that Decedent be taken to the hospital, just as LCSO had done each of the last two times they responded to Decedent's home.

17. Deputy Athens secured the Decedent in handcuffs and placed him in the back of his vehicle.
18. Prior to leaving, Deputy Athens assured Rev. Evans that he was taking Decedent to the hospital.
19. Deputy Athens informed his supervisor, Sgt. Boyd, that he was transporting the Decedent to the hospital to be evaluated due to his history of being admitted at MUSC IOP, his mental health issues, and his suspected drug use.
20. Upon information and belief, Sgt. Boyd objected and instructed Deputy Athens to return to the home of the Decedent and await his arrival.
21. Upon arriving, Sgt. Boyd instructed Deputy Athens to turn off his body-worn camera which he promptly did, and Sgt. Boyd purposely never turned his on.
22. The outcome of that purposely unrecorded conversation between Deputy Athens and Sgt. Boyd was that the Decedent would not be taken to the hospital as required by LCSO Policies and Procedures, and instead would be charged with misdemeanor breach of peace and misdemeanor resisting arrest and taken directly to the JDC.
23. At the time LCSO took custody of Decedent, he was suffering the effects of a severe mental illness and acute drug ingestion.
24. Despite the obvious need for medical attention, Deputy Athens and Sgt. Boyd purposely refused to comply with South Carolina state law and LCSO policies, both of which required Decedent to be cleared medically before being confined at the JDC.
25. Instead of taking Decedent to the hospital, JDC detention deputies were informed by dispatch that Deputy Athens was in route with “a combative”.
26. Upon arrival at the JDC, Decedent, while still handcuffed, got out of the car without incident.

27. With both hands, Deputy Hildebrandt proceeded to grab, lift, and carry the Decedent by his neck into the JDC booking area, in direct violation of LCSO policies prohibiting all forms of chokeholds.
28. Upon information and belief, Laurens County contracted with Southern Health Partners, Inc. (hereinafter, "Southern Health") to provide medical care to all JDC inmates.
29. Upon information and belief, a Southern Health employee is required to be present at the JDC from 7am – 11pm and be on-call thereafter, so to provide JDC inmates and JDC deputies immediate access to medical care, support, and clearance 24 hours a day.
30. Upon information and belief, Decedent arrived at the JDC at 10:56pm.
31. Despite the obvious need for medical attention, multiple JDC Deputies purposely refused to comply with South Carolina state law and LCSO policies, both of which require them to have the Decedent cleared medically before being booked into the JDC.
32. Deputy Hildebrandt continued to squeeze Decedent's neck and smash his face into the glass window in the booking area.
33. Following this use of force, and in direct violation of LCSO policies, JDC deputies refused to contact and request appropriate medical intervention from Southern Health.
34. Decedent complained of being unable to breathe and began screaming to his mother for help while JDC deputies placed leg restraints on Decedent.
35. Following this use of force, and in direct violation of LCSO policies, JDC deputies refused to contact and request appropriate medical intervention from Southern Health.
36. After several unsuccessful attempts to remove and replace Deputy Athens's handcuffs, JDC deputies became frustrated with their inability to do so.

37. Despite Deputy Armstrong's demand to "just tase this mother fucker...please just tase this mother fucker", JDC deputies violently forced Decedent into the prone position on the ground and used a knee to apply pressure to his head, neck and back until JDC Deputies were finally able to successfully perform the routine task of switching out Deputy Athens's handcuffs for JDC handcuffs.
38. Following this additional use of force, and in direct violation of LCSO policies, JDC deputies refused to contact and request appropriate medical intervention from Southern Health.
39. At no time did Decedent ever attempt to spit on JDC deputies.
40. As a form of punishment, however, JDC deputies placed a spit mask over Decedent's head.
41. Following this additional use of force, and in direct violation of LCSO policies, JDC deputies refused to contact and request appropriate medical intervention from Southern Health.
42. JDC deputies lifted Decedent, who was already restrained behind the back by handcuffs, leg restraints and a spit mask, off the ground and into an emergency restraint chair ("ERC") to punish the Decedent.
43. Following this additional use of force, and in direct violation of LCSO policies, JDC deputies refused to contact and request appropriate medical intervention from Southern Health.
44. While being forcefully strapped into the ERC, the Decedent asks, "why are y'all doing this to me", to which Deputy Armstrong responded, "well, maybe we wouldn't have to if you didn't come in here acting like a complete fucking retard...you dumb piece of shit."
45. Deputy Armstrong, who had not received any training on the ERC, tried to secure the chest straps and lap band of the ERC on the Decedent while other JDC deputies strapped Decedent's arms and legs to the ERC.

46. Within a minute of forcefully placing Decedent into the ERC, JDC deputies had successfully secured the strap on both of Decedent's arms, his right leg, his lap, and his chest.
47. As a result of not being trained, or in the alternative, not receiving proper training, JDC deputies had difficulty in securing Decedent's left leg into the ERC.
48. As an improper means of pain compliance, JDC deputies forcefully pulled the ERC chest straps as tight as possible on Decedent while JDC deputies continued their attempt to secure Decedent's left leg into the ERC.
49. Simultaneously, as an additional improper means of pain compliance, Deputy Armstrong kept "pulling and pulling the lap belt as tight as he possibly could" on Decedent while JDC deputies continued their attempt to secure Decedent's left leg into the ERC.
50. While JDC deputies attempted to secure Decedent's left leg in the ERC, Deputy Armstrong lifted his fist at Decedent and said, "If you move, I will fucking deck you."
51. Deputy Miller handed his LSCSO issued TASER weapon to Deputy Armstrong, who pressed it against Decedent's leg in drive-stun mode and yelled, "If you move your leg, I will tase you. Don't you fucking move, or I will fucking tase you...you piece of shit."
52. Deputy Armstrong then handed the TASER to Deputy Miller, who continued to press it against Decedent's right leg in drive-stun mode.
53. With the TASER still pressed against Decedent's right leg, JDC deputies were finally able to restrain the Decedent's left leg.
54. Despite being fully restrained in the ERC chair, Decedent attempted to move his upper legs from side to side, which frustrated JDC deputies.

55. In response, Deputy Miller punished the Decedent by using the TASER to drive-stun the right leg of Decedent, causing immediate pain and discomfort.
56. Following this additional use of force, and in direct violation of LCSO policies, JDC deputies refused to contact and request appropriate medical intervention from Southern Health.
57. Seconds later, and despite being fully restrained, Deputy Miller punished the Decedent by using the TASER to drive-stun the right leg of Decedent a second time, causing immediate pain and discomfort.
58. Following this additional use of force, and in direct violation of LCSO policies, JDC deputies refused to contact and request appropriate medical intervention from Southern Health.
59. Seconds later, and despite being fully restrained, Deputy Miller punished the Decedent by using the TASER to drive-stun the right leg of Decedent for the third time in less than 20 seconds, causing immediate pain and discomfort.
60. Following this additional use of force, and in direct violation of LCSO policies, JDC deputies refused to contact and request appropriate medical intervention from Southern Health.
61. JDC deputies wheeled the Decedent into Holding Cell 2 so he could be “monitored” via video while fully restrained in the ERC with a spit mask over his face and suffering the effects of three TASER cycles.
62. After placement and movement of an inmate in an ERC, LCSO policies require JDC deputies to immediately notify and consult with Southern Health, so that medical staff can make a documented medical assessment of the inmate.

63. In direct violation of LCSO policies, JDC deputies refused to contact and request appropriate medical intervention from Southern Health. As a result, no medical assessment was performed on Decedent.
64. Upon locking Decedent in the cell, Decedent “continued to yell and thrash around to the point he moved the restraint chair around the toilet and toward the wall. He was sweating profusely, his veins could be seen in his arms, and he was making statements that did not make sense.”
65. In direct violation of LCSO policies, JDC deputies refused to contact and request appropriate medical intervention from Southern Health.
66. LCSO policies require JDC deputies to visually observe inmates restrained in the ERC every fifteen (15) minutes, at a minimum.
67. When the Decedent was first placed in the holding cell at approximately 11:30pm, JDC deputies noted his condition as “yelling, thrashing.”
68. Despite the maximum fifteen (15) minutes mandated by JDC policies, JDC deputies visually observed the Decedent twenty (20) minutes after being placed in the holding cell, and once again noted his condition as “yelling, thrashing.”
69. Despite the maximum fifteen (15) minutes mandated by JDC policies, an additional twenty-five (25) minutes elapsed before the next observation of Decedent, which once again noted his condition as “yelling, thrashing.”
70. Despite the maximum fifteen (15) minutes mandated by JDC policies, an additional twenty-five (25) minutes elapsed before the next observation of Decedent was performed, which curiously, noted his condition as “*alive*, yelling.”

71. An indeterminate amount of time later, while a JDC deputy happened to walk by the holding cell, he noticed Decedent was “unresponsive with his head laid back in the restraint chair.”
72. For the first time since the Decedent arrived at the JDC, JDC deputies finally contacted medical staff and requested medical intervention.
73. Laurens County Emergency Medical Services (“EMS”) responded to the JDC and transported the Decedent to the hospital where he pronounced dead at 2:59am on July 30, 2021.
74. An autopsy was requested by the Laurens County Coroner and performed less than seven (7) hours later, and a mere two (2) hours after Rev. Evans was finally notified of her son’s death.
75. The report listed “Accident” as Decedent’s manner of death.

FOR A FIRST CAUSE OF ACTION
(Gross Negligence / Negligent Hiring, Retention, and Supervision)

76. Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
77. Upon information and belief, LCSO deputies were incompetent in the performance of their respective jobs and responsibilities within the course and scope of their employment with LCSO.
78. Defendant Sheriff Reynolds knew or should have reasonably known, of the incompetence and/or negligent dispositions on behalf of the LCSO deputies.
79. Defendant Sheriff Reynolds knew, or reasonably should have known, of facts that would have led reasonable and prudent sheriffs, sheriff’s offices/departments, and/or law enforcement agencies to further investigate its deputies’ competence and/or negligent dispositions through the hiring process and during the training and/or supervision process.

80. Defendant Sheriff Reynolds knew or reasonably should have known that the incompetence and/or negligent dispositions of their deputies would likely lead to and/or was substantially certain to lead to injuries to detainees at the JDC, including the injuries sustained by the Decedent.
81. Defendant Sheriff Reynolds knew or should have known that his failure to investigate his Deputies' competence and/or negligent dispositions was likely and/or substantially certain to lead to injuries to detainees at the JDC, including the injuries sustained by the Decedent.
82. Defendant Sheriff Reynolds was negligent in hiring, retaining, and supervising of its deputies in that he knew or should have known of their propensity to act negligently and/or recklessly.
83. As a direct and proximate result of Defendant Sheriff Reynolds's negligent hiring, retention, and supervision of his deputies, the Decedent was forced to and did endure and suffer extreme physical, mental, and emotional pain and suffering, death, and pecuniary loss, including medical expenses, funeral and burial expenses, and lost earnings and/or benefits.
84. As a direct and proximate result of Defendant Sheriff Reynolds's negligent hiring, retention, and supervision of his deputies, Plaintiff and the next of kin of Decedent, suffered and will continue to suffer mental anguish, emotional pain and suffering, loss of society, companionship, comfort, protection, care, attention, advice, counsel, services, guidance, loss of enjoyment of life, and pecuniary loss, including medical expenses, funeral and burial expenses, and lost earnings/income and/or benefits.

FOR A SECOND CAUSE OF ACTION
(Wrongful Death Pursuant to S.C. Code Ann. § 15-51-10 *et. seq.*)

85. Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.

86. Jarvis Johnmichael Evans suffered catastrophic injuries, which resulted in his untimely death, as a direct and proximate result of negligence and gross negligence of Sheriff Reynolds.

87. As a result, Decedent's statutory beneficiaries have suffered economic loss and have lost the aid, comfort, support, society, and companionship of the Decedent, and have suffered severe and extreme emotional distress, anxiety, grief and sorrow.

88. The Plaintiff is entitled to recover wrongful death damages on behalf of the statutory beneficiaries in an amount to be determined by a jury at the trial of this action.

FOR A THIRD CAUSE OF ACTION
(Survival Claim Pursuant to S.C. Code Ann. § 15-5-90 *et. seq.*)

89. Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.

90. Jarvis Johnmichael Evans suffered pre-death fear, anxiety, emotion distress, and conscious pain and suffering as a direct and proximate result of the negligence and gross negligence of Sheriff Reynolds.

91. Plaintiff is entitled to recover survival damages in an amount to be determined by a jury at the trial of this action.

WHEREFORE, Plaintiff prays for judgment against Defendant Sheriff Reynolds, in his capacity as Laurens County Sheriff, and for:

- a. A trial by jury;
- b. That the jury be instructed on the definition of "occurrence" and provided with a verdict form that allows for the finding of multiple "occurrences;"
- c. That judgment be rendered against Defendant for all damages recoverable under South Carolina law in an amount to be determined by a jury; and

d. For all such other relief which the Court deems appropriate.

Respectfully submitted, this 15 day of August 2022 in Laurens, South Carolina.

THE PEPPER LAW FIRM, PA

Mark A. Peper

Mark A. Peper, Esq.
Brenna D. Wiles, Esq.
548 Savannah Highway
Charleston, SC 29407
O: (843) 225-2520
F: (843) 225-2554
mark@peperlawfirm.com

HENDERSON LAW GROUP
Rosalyn Henderson-Myers, Esq.
P.O. Box 3341
Spartanburg, SC 29304
O: (864) 345-2221
rhmyers@hendersonlawgroupsc.com

COUNSEL FOR PLAINTIFF