

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

COLBY WILLIAM CROSBY, AS THE
PERSONAL REPRESENTATIVE OF THE
ESTATE OF WILLIAM JERRY CROSBY,

Plaintiff,

v.

THE COLLETON COUNTY SHERIFF'S
OFFICE; SHERIFF GUERRY "BUDDY"
HILL, in his Official Capacity; and JACOB
SCOTT, Individually;

Defendants.

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

) Civil Action No.: _____
)
)

) **SUMMONS**
) (Jury Trial Requested)
)
)

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to Answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer on the subscribers at their office located at 3 Morris Street, Suite A, Post Office Box 21624, Charleston, South Carolina 29413, within thirty days of the service, exclusive of the day of such service; and if you fail to answer the Complaint within this time, the Plaintiff will move for entry of Default Judgment and apply to the Court for the relief sought therein.

McLEOD LAW GROUP, LLC

BY: s/ W. Mullins McLeod, Jr.
W. Mullins McLeod, Jr., Bar No. 14148
Michael Thomas Cooper, Bar No. 100053
P.O. Box 21624
Charleston, SC 29413
843-277-6655
Attorneys for Plaintiffs

September 26, 2022
Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

COLBY WILLIAM CROSBY, AS THE
PERSONAL REPRESENTATIVE OF THE
ESTATE OF WILLIAM JERRY CROSBY,

Plaintiff,

v.

THE COLLETON COUNTY SHERIFF'S
OFFICE; SHERIFF GUERRY "BUDDY"
HILL, in his Official Capacity; and JACOB
SCOTT, Individually;

Defendants.

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

) Civil Action No.: _____
)
)

) **COMPLAINT**
) (Jury Trial Requested)
)
)

Plaintiff, Colby William Crosby (AKA "Cole Crosby"), as the Personal Representative ("PR") of the Estate of William Jerry Crosby, complaining of the above-named Defendants alleges and shows as follows:

JURISDICTION AND VENUE

1. Plaintiff, Colby William Crosby, is the duly appointed Personal Representative of the Estate of William Jerry Crosby (AKA "Estate of Jerry Crosby"). At the time of his death, William Jerry Crosby was a resident of Colleton County, South Carolina. The Estate is opened in the Probate Court of Bamberg County, South Carolina. A copy of the Certificate of Appointment is attached hereto as Exhibit 1 to the Complaint.

2. Upon information and belief, Defendant, The Colleton County Sheriff's Office ("CCSO" or "Defendant CCSO"), is a political subdivision of the State of South Carolina as a constitutional office in the State of South Carolina pursuant to S.C. Const. art. V, 24. CCSO is principally located at 394 Mable T. Willis Boulevard, Walterboro, South Carolina 29488.

3. Upon information and belief, Defendant Sheriff Guerry “Buddy” Hill (“Sheriff” or “Sheriff Hill”) is a constitutional officer in South Carolina and the publicly elected sheriff for Colleton County, South Carolina. In his Official Capacity, Sheriff Hill is The Colleton County Sheriff’s Office and directs all policy, procedure, practice, and custom for the Sheriff’s Office. Sheriff Hill is responsible for all hiring, training, supervision, and retention of sheriff’s deputies within his office.

4. Upon information and belief, Defendant, Jacob Scott, individually, is a resident of Colleton County, South Carolina. During all relevant times herein, Defendant Scott was employed as a sheriff’s officer with the rank of Corporal by Defendant CCSO.

5. All relevant facts and events giving rise to this lawsuit happened in Colleton County, South Carolina.

6. This Court has subject matter jurisdiction over the claims alleged herein, personal jurisdiction over the parties, and venue is proper in Colleton County.

FACTUAL BACKGROUND

7. William Jerry Crosby (“Jerry” or “Jerry Crosby”), Decedent, was born September 10, 1966, in Walterboro, South Carolina to Isaiah Crosby and Annie Ruth Bailey Crosby. Jerry and his wife, Donna Alderman Crosby, had three children: Colby “Cole” William Crosby, Ryan Martin Crosby, and Dondi LaRyn Crosby.

8. Jerry was devoted to the family business, Wildwood Contractors, where he worked with his father, Isaiah Crosby from a young age. Jerry ultimately became president of the business and brought his two sons into the business just as his father had done for him. Jerry’s work through Wildwood Contractors earned the company recognition and award, including the Engineering and Excellence Award for his work on the renovation of Hutchinson Square in Summerville. Jerry’s

other projects include Joe Riley Waterfront Park, Colonial Lake, the Ace Basin Sports Complex, and the rejuvenation of downtown Walterboro.

9. Seeking to provide products and services needed by the Walterboro-area community, Jerry and his wife opened Forks General Store located at the “fork” of Cottageville Highway and Sidney’s Road, and then Jerry and his lifelong best friend opened Walterboro Rental and Equipment.

10. In 2007, Jerry Crosby was elected by the citizens of Colleton County to serve District 5 on Board of Trustees for the Coastal Electric Cooperative and served as the Board’s Vice Chairperson at the time of his death.

11. On May 1, 2022, Jerry Crosby died at the Colleton Medical Center as a direct and proximate result of the negligence, gross negligence, willful and deliberately indifferent acts and/or omissions as set forth below. The manner of death was deemed a homicide.

12. At all times prior to Jerry’s untimely and wrongful death he had a constitutional right to be free from unnecessary and unreasonable governmental intrusion.

13. At all times prior to Jerry’s untimely and wrongful death he had a constitutional right to privacy and is informed and believes that since at least 1604 “the house of everyone is to him as his castle and fortress as well for defense against injury and violence, as for his repose.”

14. At all times prior to Jerry’s untimely and wrongful death he had a right to sleep in his own bed in peace and without governmental intrusion.

15. At all times relevant hereto Defendants swore under oath to serve their community and to safeguard the lives and property of the citizens for whom they serve. Further, Plaintiff is informed and believes Sheriff Buddy Hill was elected to public office in part on his promise to keep the Walterboro community safe.

16. On Sunday evening May 1, 2022, Jerry Crosby was alone in his own bed within the constitutionally protected confines of his river house located on Perkins Path Rd., Jacksonboro, South Carolina.

17. On the same Sunday evening Defendants maintain Defendant Scott was dispatched to provide a welfare check on Jerry at his river house located on Perkins Path Rd. in Jacksonboro, South Carolina.

18. Plaintiff is informed and believes Defendant Scott had finished a traffic stop on Ace Basin Parkway when he received a call regarding a request for a welfare check.

19. At no time prior to Jerry's untimely and wrongful death did any Defendant make any effort to obtain legal and proper authority to come onto Jerry's private property that Sunday evening.

20. At no time on that Sunday evening did Jerry extend an invitation to Defendants to come onto his private property much less into the sanctity and privacy of his own home located on Perkins Path Road.

21. Despite the foregoing, Defendant Scott came onto Jerry's private property that Sunday night and canvassed the perimeter of Jerry's home including peeking through windows. At all times while Defendant Scott was peeking through Jerry's windows Jerry laid peacefully in the comfort of his own bed.

22. Because Jerry's Boykin was barking at Defendant Scott outside, he requested Animal Control respond to the scene to neutralize the dog before he went inside the house.

23. Neither Defendant Scott nor any other CCSO employee sought the assistance of paramedics, EMS, or any other medical or mental health professional until after Defendant Scott shot Jerry in the chest and he was lying on his own bed dying.

24. After Defendant Scott had been on the property for about twenty minutes, he forced entry into Jerry's home through a sliding door on the second-floor screened porch.

25. Jerry did not give permission for Defendant Scott or any other law enforcement officer to come inside his house. Jerry did not consent to Defendant Scott entering the house.

26. Defendant Scott entered Jerry's home and calls out, "Sheriff's Office."

27. Jerry responds to him asking, "What can I do for you?"

28. Defendant Scott then says, "Where are you at, man? It's the Sheriff's Office. Are you okay?"

29. Jerry tells Defendant Scott, "I'm fine."

30. Despite Jerry informing Defendant Scott he was "fine" Defendant Scott persisted his invasion into the home by refusing to leave despite Jerry's request that he do so.

31. Instead of leaving when told to do so by the property owner, Defendant Scott lures Jerry into the adjacent hallway by instructing him to get out of bed and come into the hallway. Defendant Scott had no lawful authority to request or require Jerry do anything whatsoever.

32. Defendant Scott continued to violate Jerry's constitutional rights by refusing to leave the home despite repeatedly requests that he do so.

33. After being lured out of his bed Defendant Scott fired his duty weapon multiple times killing Jerry in the privacy of his own home and with complete indifference to Jerry's constitutional rights.

34. After being shot, Jerry stated: "y'all killed me in my own home." Jerry repeated multiple times, "y'all killed me in my own home."

35. Defendant Scott said, "I understand. We needed to talk to you. Just breathe."

36. At Colleton Medical Center, Jerry succumbed to his injuries and passed away to the next life approximately an hour after being shot. Time of death was recorded at 9:23 P.M.

FOR A FIRST CAUSE OF ACTION
Fourth Amendment Violation Pursuant to 42 U.S.C. § 1983
(Unlawful Entry)
As to Defendant Jacob Scott

37. Plaintiff realleges each and every paragraph above and incorporates them by reference as if set forth herein verbatim.

38. Defendant Scott was on duty as a patrol officer with the CCSO, took the call on his department-issued radio, and responded to Jerry Crosby's home using his department-issues patrol car. Defendant Scott was wearing his department-issued uniform and armed with his department-issued handgun.

39. Defendant Scott's actions in this matter were under the guise of the authority entrusted to him as a law enforcement officer by the Constitution and Statutes of the State of South Carolina.

40. At all times herein, Defendant Scott was acting under the color of state law and a state actor.

41. Defendant Scott went onto Jerry Crosby's property and into his home without consent, without a warrant, and without any other lawful authority.

42. Defendant Scott was not there to investigate any criminal activity, make an arrest, or otherwise enforce the criminal code of South Carolina. There was no suspicion or allegation that Jerry Crosby did anything unlawful whatsoever.

43. Defendant Scott was merely and solely there to check on Jerry's welfare.

44. There was no court order or other valid basis for Defendant Scott to require Jerry to do anything whatsoever.

45. When Defendant Scott entered Jerry's house, Defendant Scott possessed no more authority or power than any other person even though Defendant Scott is a sworn law enforcement officer.

46. No recognized exigency existed under the conditions then and there prevailing wherein an individual allegedly messaged his wife that he had contemplated hurting himself a week prior and there was no evidence of an emergency. As further indication no exigency existed, Defendant Scott did not request EMS to assist or respond at any time before shooting Jerry in the chest.

47. Defendant Scott entered Jerry's house without legal justification and in violation of Jerry's recognized and protected Fourth Amendment rights.

48. Separately, and additionally, Defendant Scott illegally remained in Jerry's house when Jerry told him to get out of the house. Jerry said that he was fine, he was in no emergent medical distress, and he repeatedly instructed Defendant to leave. Defendant Scott did not have any legal authority to remain in the house and doing so was in violation of Jerry's Fourth Amendment rights.

49. Defendant Scott's conduct deprived Jerry Crosby of his rights protected under the Fourth Amendment of the Constitution of the United States guaranteeing citizens the right "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

50. The very core of the Fourth Amendment's guarantee is the right of a person to retreat into his or her home and "there be free from unreasonable governmental intrusion." *Florida v. Jardines*, 569 U.S. 1, 6, 133 S.Ct. 1409 (2013).

51. The "recognition that police officers perform many civic tasks in modern society was just that – a recognition that these tasks exist, and not an open-ended license to perform them

anywhere.” *Caniglia v. Strom*, 141 S.Ct. 1596, 1599-1600 (2021) (holding there is no general “community caretaking” exception to the Fourth Amendment’s warrant requirement).

52. Defendant Scott conducted an unlawful and unreasonable entry into Jerry’s house, and Defendant Scott’s actions were not objectively reasonable under the facts and circumstances then and there prevailing.

53. As a direct and proximate result of Defendant Scott’s unreasonable entry (unreasonable search), Plaintiff suffered damages as set forth in Plaintiff’s Complaint.

FOR A SECOND CAUSE OF ACTION
Fourth Amendment Violation Pursuant to 42 U.S.C. § 1983
(Excessive Force)
As to Defendant Jacob Scott

54. Plaintiff realleges each and every paragraph above and incorporates them by reference as if set forth herein verbatim.

55. Defendant Scott shot Jerry Crosby in his own home, in his bedroom.

56. The only reason Defendant Scott was at the house was to do a welfare check on Jerry and make sure that he is alive. Defendant Scott had no other basis. As such, Defendant Scott had no more authority than any other person would have had at that time.

57. “Where a seizure’s sole justification is preventing harm to the subject of the seizure, the government has little interest in using force to effect that seizure. Rather, using force likely to harm the subject is manifestly contrary to the government’s interest in initiating that seizure.” *Estate of Armstrong v. Village of Pinehurst*, 810 F.3d 982 (4th Cir. 2016).

58. There was no valid, legal authority for Defendant Scott to seize Jerry on the night he was killed. As such there was no governmental interest in seizing Jerry. To the degree there was any governmental interest in confirming Jerry was alive, that interest was fulfilled and extinguished as soon as Jerry informed Defendant Scott that he was fine and did not need any help.

59. When Jerry instructed Defendant Scott leave his house, invoking recognized property rights and the guarantees of the Fourth Amendment, Defendant Scott illegally refused to leave. In disregarding Jerry's right to quiet enjoyment of his property, Defendant Scott was trespassing. Jerry Crosby was then authorized to use whatever force is reasonable and necessary to eject the trespasser from his home.

60. Defendant Scott ignored Jerry's repeated instructions to leave the house. In response to those requests, Defendant Scott informed Jerry that he was not leaving and that he would remain in the house and in the doorway of Jerry's bedroom. In addition, Defendant Scott attempted to seize Jerry by instructing him to come with the officer outside of the house.

61. In response to Defendant Scott's willful and intentional violation of Jerry's rights, including the right to eject trespassers, Jerry was forced to resort to the only reasonable action therefrom and armed himself to be able to eject the trespasser under threat of force.

62. Instead of complying with Jerry's requests, Defendant Scott illegally remained in the house, unreasonably escalating the situation, and creating the need for Jerry to resort to threats of force to get Defendant Scott to respect and recognize Jerry's protected property rights.

63. In doing so, Defendant Scott unreasonably and illegally created the circumstances and willfully brought about the difficulty.

64. Defendant Scott's use of force under the circumstances then and there prevailing was unjustified, unlawful, and unreasonable.

65. Defendant Scott's use of force violated Jerry Crosby's Fourth Amendment right to be free from unreasonable seizure.

66. As a direct and proximate result of Defendant Scott's violation of Jerry's constitutional right, he suffered significant and catastrophic injury that ultimately led to Jerry's death.

FOR A THIRD CAUSE OF ACTION
Negligence, Gross Negligence, Recklessness
Pursuant to SCTCA
As to Defendant CCSO and Defendant Hill

67. Plaintiff realleges each and every paragraph above and incorporates them by reference as if set forth herein verbatim.

68. At all times relevant herein, Defendant Scott was employed as a sheriff's deputy by the Colleton County Sheriff's Office and Sheriff Buddy Hill. As he is the elected Sheriff for Colleton County, Defendant Hill, in his official capacity, is the Colleton County Sheriff's Office.

69. As an employee, Defendant Scott was an agent of Defendant CCSO and Defendant Hill, and these Defendants are responsible for the acts and/or omissions of Defendant Scott as alleged herein.

70. Upon information and belief, Defendant Scott was a trained law enforcement officer certified by the State of South Carolina and hired by Defendant CCSO.

71. During all relevant times herein, Defendant Scott, as an agent of Defendant CCSO and Defendant Hill, owed a duty to the public, in general, and to Jerry Crosby, in particular, to use due care in fulfilling his duties as a sheriff's deputy. Among Defendant Scott's duties is to ensure his conduct conformed to generally accepted police standards and the policies and procedures of CCSO.

72. On May 1, 2022, Defendant Scott failed to use due care and was negligent, grossly negligent, reckless, and/or willful in creating the difficulty with Jerry Crosby. Accordingly, Defendant Scott was negligent in failing to follow proper protocol and procedure for the situation,

failing to observe valid property rights, failing to leave when instructed, failing to acknowledge the welfare check had been completed, failing to obtain EMS or medical response prior to the shooting, failing to use the appropriate force for the situation, and by drawing and discharging his handgun in violation of proper procedure and protocol.

73. The negligent, grossly negligent, and reckless acts and omissions of Defendants' agent were in violation of the common laws and statutes of the State of South Carolina, as well as the duties and obligations owed to Jerry Crosby on the night of the incident.

74. As a direct and proximate result of Defendants negligence described herein, Jerry suffered conscious pain, physical harm, and injury. Jerry also suffered mental distress and emotional anguish. Defendants' acts were the direct and proximate cause of Jerry's death.

FOR A FOURTH CAUSE OF ACTION

Battery

Pursuant to SCTCA and Common Law

As to all Defendants

75. Plaintiff realleges each and every paragraph above and incorporates them by reference as if set forth herein verbatim.

76. At all relevant times herein, Defendant Scott was an agent of Defendant CCSO and Defendant Hill. Defendant Scott was acting within the course and scope of his employment as a sheriff's deputy.

77. Defendant Scott shot Jerry three times in the course and scope of that employment. The shooting was a willful and excessive use of force against Jerry Crosby.

78. Defendant Scott's shooting of Jerry was not consensual and constituted a harmful and offensive touching, a battery.

79. As a direct and proximate result of the battery, Plaintiff is entitled to recover actual damages and punitive damages from Defendant Scott or actual damages from Defendant CCSO and Defendant Hill.

FOR A FIFTH CAUSE OF ACTION
Negligent Hiring, Negligent Supervision, Negligent Training, Negligent Retention
Pursuant to SCTCA and Common Law
As to Defendant CCSO and Defendant Hill

80. Plaintiff realleges each and every paragraph above and incorporates them by reference as if set forth herein verbatim.

81. Upon information and belief, Defendant CCSO and Defendant Hill owed statutory and common law duties to the public at large, and to Jerry Crosby, in particular, to refrain from negligently hiring, supervising, training, or retaining employees, including Defendant Scott.

82. Defendant CCSO and Defendant Hill knew or should have known that Defendant Scott presented an unreasonable risk of harm to the public and to Jerry Crosby.

83. Upon information and belief, Defendant Scott was previously employed by the Beaufort County Sheriff's Office as a sheriff's deputy.

84. Upon information and belief, on March 8, 2019, during the employment with BCSO, Defendant Scott was arrested, probable cause found, and was charged with Criminal Domestic Violence, Second Degree. Those charges were filed in the Beaufort County Circuit Court, Court of General Sessions on or about March 11, 2019. Domestic Violence, Second Degree includes when a person causes harm or threatens to cause harm to a person's own household member and moderate bodily injury results or the act is accomplished by means likely to result in moderate bodily injury. S.C. Code Ann. § 16-25-20 (A) & (C).

85. Upon information and belief, the criminal charge against Defendant Scott was later dismissed. Regardless of the dismissal, Defendant Scott's arrest establishes a law enforcement

agency had probable cause to believe that Defendant Scott, a sworn law enforcement officer, violated the laws of the State of South Carolina regarding Domestic Violence. That is, Defendant Scott either caused harm or threatened to cause harm to a member of his own household.

86. Upon information and belief, the United States Government has, through legislation, established policy recognizing that individuals who commit crimes of domestic violence present an unreasonable risk of future harm. This recognition is established in the Gun Ban For Individuals Convicted of a Misdemeanor Crime of Domestic Violence. 18 U.S.C. § 922(g)(9) (“The Lautenberg Amendment”). This amendment modified the 1968 Gun Control Act.

87. The Lautenberg Amendment passed with almost unanimous support. The law represents Congress’ recognition that “anyone who attempts or threatens violence against a loved one has demonstrated that he or she poses an unacceptable risk and should be prohibited from possessing firearms.” *Congressional Record*, p. S11878, September 30, 1996.

88. The Lautenberg Amendment removed an earlier exception provided to military and police from the prior law. Under the Amendment a law enforcement officer falling within the prohibition cannot not lawfully possess a handgun, even while on duty.

89. The policy of the State of South Carolina follows that of the United States Government in recognizing the unreasonable risk of harm posed by persons convicted of Domestic Violence.

90. Chapter 25 of Title 16 in the South Carolina Code is dedicated to Domestic Violence. Amended in 2015, S.C. Code Ann. 15-25-30, titled “Firearms and ammunition prohibitions; penalties” makes it illegal for a person to possess a firearm if he or she has been convicted of certain Domestic Violence offenses, including Domestic Violence, Second Degree, when the person causes moderate bodily injury to a member of his or her own household.

91. Defendant CCSO and Defendant Hill knew or should have known that Defendant Scott's arrest for Domestic Violence established he posed an unreasonable risk and should be prohibit from possessing a firearm, even in the course of employment as a police officer.

92. Despite the knowledge that he posed an unreasonable risk of harm, Defendant Scott was hired and issued a handgun by Defendant CCSO and Defendant Hill.

93. Upon information and belief, Defendant CCSO and Defendant Hill negligently, grossly negligently, recklessly, and/or willfully failed to train its deputies and employees, including Defendant Scott, regarding the generally accepted standards of policing regarding the Fourth Amendment, home entry, use of force, welfare checks, and/or the limitations on police authority.

94. Upon information and belief, Defendant CCSO and Defendant Hill negligently, grossly negligently, recklessly, and/or willfully failed to supervise its deputies and employees, including Defendant Scott, to ensure compliance and respect for generally accepted standards of policing regarding the Fourth Amendment, home entry, use of force, welfare checks, and/or the limitations on police authority.

95. Upon information and belief, Defendant CCSO and Defendant Hill negligently, grossly negligently, recklessly, and/or willfully retained and employed its deputies and employees, including Defendant Scott, despite known (or should have known) violations and deviations from generally accepted standards of policing regarding the Fourth Amendment, home entry, use of force, welfare checks, and/or the limitations on police authority.

96. As a direct and proximate result of these Defendants' negligent hiring, training, retention, and/or supervision of Defendant Scott, Plaintiff was shot and killed. Plaintiff suffered injuries and damages as set forth herein and as will be decided by a jury in this matter.

FOR A SIXTH CAUSE OF ACTION
Municipal Liability, Official Capacity Liability, and *Monell* Liability
Pursuant to 42 U.S.C. § 1983
As to Defendant CCSO and Defendant Hill, in his Official Capacity

97. Plaintiff realleges each and every paragraph above and incorporates them by reference as if set forth herein verbatim.

98. At all times relevant hereto Defendant CCSO and Defendant Hill, in his Official Capacity, acted under the color of state law.

99. Jerry Crosby was deprived of rights, privileges and immunities safeguarded by the Fourth Amendment of the Bill of Rights, particularly his rights to be free from an unreasonable search and seizure by Defendant CCSO and Defendant Hill.

100. Upon information and belief, these Defendants failed to properly respond to prior complaints, instances of improper police conduct, and/or a known risk of unreasonable harm or violation of protected constitutional rights, specifically with respect to Defendant Scott.

101. Upon information and belief, these Defendants demonstrated a custom and policy of deliberate indifference to or tacit authorization of Defendant Scott's unlawful conduct, violations of constitutional rights, and/or excessive force.

102. Upon information and belief, this custom and policy was the moving force behind the deprivation of Jerry Crosby's constitutional rights as set forth herein.

103. Upon information and belief, these Defendants had actual knowledge and/or constructive knowledge, prior to hiring Defendant Scott, that Defendant Scott had a well-documented history of violence and/or excessive force that violated the civil rights of individuals while he was employed as a law enforcement officer.

104. Despite their knowledge of the pattern of Defendant Scotts' unlawful use of force and/or violence, these Defendants acted with reckless and deliberate indifference to Jerry Crosby's

civil rights in hiring and retaining Defendant Scott. The deprivation of Jerry's civil rights was a plainly obvious consequence of these Defendants' decision to hire and retain Defendant Scott as a sheriff's deputy for the Colleton County Sheriff's Office.

105. As the head policy makers for the Colleton County Sheriff's Office, these Defendants acted with reckless and deliberate indifference to Jerry Crosby's civil rights, in that, as a matter of policy and custom, they failed to adequately discipline, train, investigate, supervise, or otherwise direct the sheriff's deputies, and Defendant Scott specifically, concerning the civil rights of the citizens they are sworn to protect and serve.

106. As a direct result of Defendants' deliberate indifference, Defendant Scott had no fear of internal consequences for employing excessive force or unlawfully entering the home of a citizen, Jerry Crosby, and Defendant Scott violated Jerry's Fourth Amendment rights as set forth herein. These Defendants, as a matter of custom, caused, encouraged, condoned, and allowed Defendant Scott to engage in unlawful conduct and use excessive force without fear of consequence for his actions, thereby serving as the moving force behind Defendant Scott's use of excessive force and violation of Jerry's protected Fourth Amendment right to be free from unreasonable governmental intrusion into his home and privacy.

107. As a direct and proximate result of these Defendants' deliberate indifference to the violations of civil rights, Jerry Crosby was subjected to unreasonable entry into his home, the unlawful use of excessive force, and was shot and killed by Defendant Scott.

108. As a result of these Defendants' deliberate indifference to the violation of Jerry Crosby's civil rights, Plaintiff is entitled to recover actual and punitive damages from Defendants as determined by a jury.

FOR A SEVENTH CAUSE OF ACTION
Survival
Pursuant to SCTCA, Statutory Law, and Common Law
As to all Defendants

109. Plaintiff realleges each and every paragraph above and incorporates them by reference as if set forth herein verbatim.

110. As a direct and proximate result of the above referenced acts and omissions, Jerry Crosby sustained serious injuries that ultimately caused his wrongful death.

111. Pursuant to South Carolina Survival Act, Plaintiff is entitled to bring all of the causes of action set forth within the Complaint as the duly appointed Personal Representative of the Estate of William Jerry Crosby.

112. Before Jerry succumbed to his injuries, he survived for approximately an hour after the shooting. During this time, Jerry was awake and conscious. He suffered conscious pain and suffering, personal injuries, trauma, and the physical effects of the three gunshot wounds.

113. After being shot, Jerry said, “y’all killed me in my own house!” He repeated this multiple times while lying on his bed, bleeding and in tremendous pain.

114. Pursuant to South Carolina law, the Estate is entitled to any and all damages that would have been awardable to Jerry if he had survived his injuries, including all actual and punitive damages.

115. As such, Plaintiff seeks actual and punitive damages and such other and further relief as this Honorable Court and the jury deem as just and proper.

FOR AN EIGHTH CAUSE OF ACTION
Wrongful Death
Pursuant to SCTCA, Statutory Law, and Common Law
As to all Defendants

116. Plaintiff realleges each and every paragraph above and incorporates them by reference as if set forth herein verbatim.

117. Jerry Crosby suffered conscious pain and suffering, personal injuries, and trauma before his death.

118. Pursuant to the South Carolina Wrongful Death Act, Plaintiff, as the Personal Representative of the Estate of William Jerry Crosby, and on behalf of his heirs and survivors, is entitled to all damages authorized by the Wrongful Death Act.

119. As a direct and proximate result of the acts and omissions set forth within the Complaint, Jerry's beneficiaries, as represented by the Personal Representative of the Estate of William Jerry Crosby, have suffered and will continue to suffer injuries from the wrongful death, including one or more of the following elements of damages:

- a. Pecuniary Loss;
- b. Conscious Pain and Suffering;
- c. Mental Shock and Suffering;
- d. Wounded Feelings;
- e. Grief;
- f. Sorrow;
- g. Loss of Companionship;
- h. Deprivation of Use and Comfort of Society.

120. Due to the illegal acts and omissions by Defendants set forth herein, Plaintiff is entitled to compensation for funeral expenses and other compensatory damages and is entitled to punitive damages in an amount to be determined by a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for the following relief:

- a. Judgement against Defendants jointly and severally for actual damages, special damages, and consequential damages;
- b. Judgement against Defendant Scott, individually, for punitive damages;
- c. Costs and fees of this action awardable under statute and/or civil procedure;
- d. Reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988;
- e. All such other and further relief as this Honorable Court or the jury deem proper and just.

Respectfully submitted,

McLEOD LAW GROUP, LLC

BY: s/ W. Mullins McLeod, Jr.
W. Mullins McLeod, Jr., Bar No. 14148
Michael Thomas Cooper, Bar No. 100053
P.O. Box 21624
Charleston, SC 29413
843-277-6655
Attorneys for Plaintiffs

September 26, 2022
Charleston, South Carolina