

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

Richard Kevin Connolly, Sr.

Plaintiff,

v.

Kershaw County Sheriff's Office, Sheriff Lee
Boan, and Johnathan Goldsmith

Defendants.

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

Case No.:

SUMMONS

TO: DEFENDANTS ABOVE-NAMED

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this matter, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers at his office, Post Office Box 1, Camden, South Carolina 29021, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default may be rendered against you for the relief demanded in the Complaint.

Respectfully Submitted,

PERRY LAW FIRM

s/ Brett Perry

Brett A. Perry

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Camden, South Carolina
November 30, 2021

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

Richard Kevin Connolly, Sr.,

Plaintiff,

v.

Kershaw County Sheriff's Office, Sheriff Lee
Boan and Johnathan Goldsmith,

Defendants.

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Case No.:

COMPLAINT

Plaintiff, complaining of the Defendants above-named, states the following:

PREFACE

This action is brought pursuant to 42 U.S.C. § 1983 for violations of Plaintiff's constitutional right be free from unreasonable searches and seizures under the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution. Plaintiff alleges law enforcement officers Sherriff Lee Boan and Deputy Johnathan Goldsmith, with the Kershaw County Sheriff's Office, as part of a plan, scheme, and practice, unnecessarily and without provocation, harassed and physically assaulted citizens, thereby violating their constitutional rights. Plaintiff alleges Deputy Johnathan Goldsmith, with the Kershaw County Sheriff's Office, without provocation, assaulted and physically abused Plaintiff. Plaintiff further alleges that Sheriff Lee Boan, had knowledge of prior incidents of Deputy Johnathan Goldsmiths use of excessive force, knew or should have known that Deputy Johnathan Goldsmith was a threat to the community, yet acted in disregard of this knowledge and without slight care of the same. Sheriff Lee Boan and Deputy Johnathan Goldsmith are being sued in their individual capacity.

Plaintiff brings state law claims for negligence/gross negligence, negligent hiring, negligent training, negligent supervision, negligent retention, negligence (general), gross negligence, assault, and battery, against Deputy Johnathan Goldsmith, Sheriff Lee Boan and the Kershaw County Sheriff's Office who violated Plaintiff's civil rights.

JURISDICTION AND PARTIES

1. Plaintiff, Richard Kevin Connolly, Sr., is a citizen and resident of the County of Kershaw, State of South Carolina.
2. Kershaw County Sherriff Office is a political subdivision of the State of South Carolina and is being sued under the South Carolina Tort Claims Act [SCTCA].
3. Upon information and belief, Sheriff Lee Boan is a citizen and resident of Kershaw County, State of South Carolina. At all times alleged in the Complaint Sheriff Lee Boan was the elected sheriff of Kershaw County and at all relevant times was acting in the course and scope of his official duties and under color of State law. Sheriff Lee Boan is being sued in his individual capacity for compensatory and punitive damages under Federal law pursuant to 42 U.S.C. § 1983.
4. Upon information and belief, Johnathan Goldsmith is a citizen and resident of Richland County, State of South Carolina. At all times alleged in the Complaint Johnathan Goldsmith was an agent or employee of the Kershaw County Sheriff Office and at all relevant times was acting in the course and scope of his official duties and under color of State law. Johnathan Goldsmith is being sued in his individual capacity for compensatory and punitive damages under Federal law pursuant to 42 U.S.C. § 1983.
5. This suit is brought in Kershaw County, South Carolina where Plaintiff resides and where the tortuous acts committed by Defendants occurred. Additionally, upon information and

belief, almost all the parties to this action and witnesses are residents of Kershaw County, South Carolina, pursuant to 28 U.S.C. §1391 and Local Rule 3.01.

6. The things and matters alleged herein are within the jurisdiction of this Court.

7. Venue is proper as the Defendants are located here in Kershaw County.

FACTUAL ALLEGATIONS

8. On November 30, 2019, Plaintiff was a passenger in an automobile that was stopped at a Traffic Safety Check Point, established and being operated by Trooper Jennifer Myers of the South Carolina Highway Patrol. Several Kershaw County Deputy Sheriffs, including Jonathan Goldsmith, were assisting Trooper Myers with the operation of said Traffic Safety Check Point.

9. After the car that Plaintiff was a passenger in, stopped at the check point, law enforcement officers asked the occupants to exit the vehicle.

10. At some point after exiting the vehicle, the Plaintiff was detained by law enforcement officers and placed in handcuffs.

11. While the Plaintiff was handcuffed and standing outside the car, Deputy Jonathan Goldsmith thought that the Plaintiff was looking at him and Goldsmith then asked the Plaintiff what he was looking at.

12. Subsequently, Deputy Jonathan Goldsmith, without any sort of provocation from the Plaintiff, physically attacked the Plaintiff, throwing him onto one of the vehicles present at the check point, then throwing the Plaintiff onto the ground and striking the Plaintiff repeatedly.

13. Trooper Myers, immediately attempted, and was eventually, able to get Deputy Goldsmith off of the Plaintiff and caused Goldsmith to cease his battery of the Plaintiff.

14. Trooper Myers immediately addressed her concern with Deputy Goldsmith's actions, by discussing it with Deputy Sheriff Brian Morris, who was at the time, a "Road Supervisor" with the Kershaw County Sheriff's Office. Trooper Myers thereafter, addressed the matter by raising her concerns regarding Deputy Goldsmith's behavior with her own chain of command.

15. At all times during this exchange Plaintiff was respectful and cooperative and never did anything sufficient to provoke such behavior from Deputy Goldsmith.

16. Before being elected Kershaw County Sheriff, Sheriff Lee Boan was Captain at the Camden Police Department, where Goldsmith worked as a patrol officer.

17. Upon information and belief, while Sheriff Lee Boan was serving as Captain and essentially second in command at the Camden Police Department, Goldsmith engaged in numerous serious incidents of excessive and inappropriate uses of force, such that the Camden Police Department required Goldsmith to undertake additional remedial training, to address these problematic and illegal behaviors. But rather than attend the training to address his excessive use of force, Goldsmith chose to quit the police department and seek employment with another law enforcement agency.

18. When Sheriff Lee Boan was elected Sheriff for Kershaw County, he hired Jonathan Goldsmith to come to work as a Deputy Sheriff with the Kershaw County Sheriff's Office, with full knowledge of his prior history of unnecessary and unjustified physical abuse of citizens. Having previously stated in writing, that Goldsmith needed to attend remedial training due to his excessive uses of force, in order to remain a police officer with the City of Camden, Sheriff Lee Boan hired Goldsmith to serve as a Kershaw County Deputy, knowing that he had not attended the aforementioned training. After having hired Goldsmith, Sheriff Lee Boan did

not require him to attend the very training that he had previously mandated Goldsmith to attend. Sheriff Lee Boan retained Goldsmith and allowed him to continue working with the public for the Kershaw County Sheriff's Office, without doing anything to address his known proclivity to use excessive force. Furthermore, although he was fully aware of Goldsmith's penchant for the use of excessive force, Sheriff Boan did nothing to insure that Goldsmith would not present a continued threat of harm to the people of Kershaw County while working as a Deputy for the Kershaw County Sheriff's Office.

19. While working as a Deputy Sheriff for the Kershaw County Sheriff's Office, and before attacking the Plaintiff, Deputy Jonathan Goldsmith was involved in numerous incidents of excessive use of force, to include at least one incident for which he was formally written up.

20. Notwithstanding the fact that Sheriff Lee Boan was aware of Deputy Goldsmith's proclivity to use excessive force, not only did he fail to require Goldsmith to receive remedial training to address the issue, but Sheriff Boan encouraged Goldsmith to continue acting in such a manner by having him named Deputy of the Year in 2019, and by sending him to the South Carolina Law Enforcement Academy to be trained as a Use Of Force Instructor, thereby placing Goldsmith in a position to encourage new and younger deputies to engage in the same sort of heavy handed, and torturous behavior that he had engaged in for years, all with Sheriff's Boan's explicit knowledge and consent.

21. Deputy Johnathan Goldsmith acted in violation of generally accepted law enforcement practices and standards.

22. Sheriff Lee Boan acted in violation of generally accepted law enforcement practices and standards.

23. Deputy Johnathan Goldsmith's conduct was plainly incompetent, cruel, and vicious and he knowingly violated clearly established laws by attacking the Plaintiff.

24. Because of Deputy Johnathan Goldsmith's actions, Plaintiff suffered physical injury, suffered mental injury, incurred medical expenses, and will incur additional expenses for medical and mental health treatment in the future.

25. Deputy Johnathan Goldsmith violated Plaintiff's constitutional rights for no other reason than his supercilious, officious, and intrusive attitude, wanting to throw his weight and apparent authority around as an excuse to brutally assault Plaintiff without any legal authority to do so.

**FOR A FIRST CAUSE OF ACTION
42 USC 1983, 4th, 5th, and 14th Amendment violations**

26. Plaintiff incorporates by reference all previous paragraphs above as if repeated herein.

27. The acts and omissions of Defendants by physically harming and beating, torturing the Plaintiff, or allowing the same, without articulable suspicion, probable cause, legal authority to do so and without legal justification, no reasonable basis or probable cause to believe a crime had been committed violated the Plaintiff's Fourth and Fourteenth Amendment Rights.

28. Further, Sherriff Lee Boan is liable for the actions of Deputy Johnathan Goldsmith, as he was aware that Deputy Johnathan Goldsmith had a history of physically attacking, threatening, and intimidating other citizens in the community in Camden and in Kershaw County. Sherriff Lee Boan had the opportunity to prevent further unconstitutional acts of Deputy Johnathan Goldsmith, yet he chose not to do so, endangering the public and Plaintiff.

29. By the actions and omissions described above, Sherriff Lee Boan and Deputy Johnathan Goldsmith, in their individual capacity and acting under the color of law, deprived

Plaintiff of the clearly established and well settled constitutional rights protected by the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution:

- a. The right to be free from unreasonable searches and seizures as secured by the Fourth and Fourteenth Amendments;
- b. The right to be free from excessive and/or unreasonable force in the course of a seizure as secured by the Fourth and Fourteenth Amendments;
- c. The right to be free from the use of unlawful force as secured by the Fourth and Fourteenth Amendments;
- d. The right to be free from reckless, deliberately indifferent, and conscience shocking searches and seizures and/or excessive force as secured by the Fourteenth Amendment;
- e. The right to be free from injury, detention or arrest without substantive and procedural due process and from state created/enhanced danger as secured by the Fifth and Fourteenth Amendment.
- f. And other such particulars as may be learned through discovery.

30. As a direct and proximate result of the above-described actions of Defendants Sheriff Lee Boan and Deputy Johnathan Goldsmith, while acting at all times under the color of law, Plaintiff suffered physical harm, emotional harm, alteration of his lifestyle, humiliation, apprehension, anxiety, stress, depression, embarrassment, shame, fear, and a loss of enjoyment of life. Plaintiff has suffered expenses and will continue to have expenses in the future. Defendants are sued in their individual capacities.

31. Plaintiff asks the Court to award damages, punitive damages, and attorney's fees and costs.

FOR A SECOND CAUSE OF ACTION
Negligence and Gross Negligence State Tort Claims Act

32. Plaintiff incorporates by reference all previous paragraphs above as if repeated herein.

33. Defendant Kershaw County Sheriff's Office, its employees, agents, and contractors departed from the duties of care required by law enforcement officers and the agencies that hire train and employ these officers and were thereby negligent careless, grossly negligent, and reckless and acted in violation of the duties owed to Plaintiff in that they committed one or more of the following acts or omissions, any and all of which were a departure from the prevailing duties of care:

- a. Failing to ensure the safety, security, freedom, and well-being of Plaintiff;
- b. Failing to appreciate the conditions that existed on the day in question through their employees and/or agents;
- c. Failing to adhere to proper law enforcement procedure through their employees and/or agents including, but not limited to, failing to ensure there was sufficient cause to detain and/or arrest citizens, namely Plaintiff;
- d. Failing to intervene and prevent other officers, employees, and/or agents from unlawfully detaining, assaulting, and/or arresting Plaintiff unlawfully;
- e. Failing to properly hire, train, and supervise their officers and/or agents;
- f. Failing to release from employment officers that would place the public at risk;
- g. Failing to have in place proper and adequate policies, procedures, and protocols for law enforcement to perform investigations, searches, and

seizers pursuant to the law and proper police procedure, training of officers, or if such policies procedures, and protocols were in place, in failing to use due care or even slight care to enforce them.

34. As a direct and proximate result of the negligence, gross negligence, reckless disregard for the truth, and departure from the standards of care owed by Defendant Kershaw Sheriff Office, its employees, agents, and contractors, Plaintiff suffered physical harm, emotional harm, alteration of his lifestyle, humiliation, apprehension, anxiety, stress, depression, embarrassment, shame, fear, and a loss of enjoyment of life. for which Plaintiff is entitled to recover in an amount to be determined by a jury at the trial in this action.

35. Plaintiff asks the Court to award damages and costs.

**FOR A THIRD CAUSE OF ACTION
MALICIOUS AND INTENTIONAL TORTS**

36. Plaintiff incorporates by reference all previous paragraphs above as if repeated herein.

37. Defendant Deputy Johnathan Goldsmith assaulted and battered Plaintiff.

- a. Defendant Deputy Johnathan Goldsmith's conduct placed Plaintiff in reasonable fear of bodily harm.
- b. Defendant Deputy Johnathan Goldsmith unlawfully touched and struck Plaintiff.

38. As a direct and proximate result of the intentional and malicious acts by Defendants Deputy Johnathan Goldsmith and Sheriff Lee Boan, Plaintiff suffered physical harm, emotional harm, alteration of his lifestyle, humiliation, apprehension, anxiety, stress, depression, embarrassment, shame, fear, and a loss of enjoyment of life. for which Plaintiff is entitled to recover in an amount to be determined by a jury at the trial in this action and punitive damages.

39. Plaintiff seeks damages and punitive damages.

WHEREFORE, Plaintiff respectfully prays for the following relief:

- A. For judgment against Defendants for actual, compensatory and punitive damages, and future damages to be determined by the Court and a jury;
- B. For attorney's fees and costs where applicable;
- C. For the costs and disbursements in the pursuit of this action; and
- D. For such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

PERRY LAW FIRM

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Camden, South Carolina
November 30, 2021