

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

Shaun Hayward Prescott

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,  
THE CAMDEN LAW FIRM, PA

s/ Deborah Butcher

Robert J. Butcher

Deborah J. Butcher

507 Walnut Street

Camden, South Carolina 29020

P.O. Box 610

Camden, South Carolina 29020

Telephone: (803) 432-7599

Facsimile: (803) 432-7499

Email: [dbutcher@camdensc-law.com](mailto:dbutcher@camdensc-law.com)

Email: [rbutcher@camdensc-law.com](mailto:rbutcher@camdensc-law.com)

PERRY LAW FIRM  
s/ Brett A. Perry  
Brett A. Perry  
P.O. Box 1  
Camden S.C. 29021  
803-360-7032  
brett@perrylawfirm.us

Attorneys for the Plaintiff

Camden, South Carolina  
February 27, 2022

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

Shaun Hayward Prescott

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Kershaw County Sheriff's Office, Sheriff Lee  
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**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, Shaun Hayward Prescott, 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 or about the evening of February 28, 2020, the Plaintiff was operating a motor vehicle that belonged to his girlfriend and was headed to their residence.

9. As the Plaintiff was approaching a vehicle, that was being operated by Deputy Johnathan Goldsmith, the Plaintiff allegedly had his high beam lights on and failed to dim them.

10. As the Plaintiff turned into his driveway, Deputy Johnathan Goldsmith initiated a traffic stop on his vehicle.

11. Once in his driveway, the Plaintiff remained inside his vehicle, as Deputy Goldsmith approached and engaged him in conversation.

12. Notwithstanding the fact that the Plaintiff was obviously not impaired or under the influence of any substance, Deputy Goldsmith accused the Plaintiff of driving under the influence and attempted and asked him to perform field sobriety tests.

13. The Plaintiff exercised his rights under both the United States Constitution and the South Carolina Constitution and refused to engage in field sobriety tests, and Deputy Goldsmith thereafter attempted to unlawfully arrest the Plaintiff for Driving Under the Influence.

14. During the course of this unlawful arrest, the Plaintiff lawfully resisted Deputy Johnathan Goldsmith's efforts to detain him and when physically attacked by Deputy Goldsmith, the Plaintiff attempted to defend himself.

15. After severely beating and illegally arresting the Plaintiff, Deputy Johnathan Goldsmith and others under his direction, illegally searched the Plaintiff's girlfriend's vehicle and illegally seized a pistol that belonged to her, which was located under the driver's seat, and of which the Plaintiff had been unaware.

16. Once the Plaintiff had been transported to the Kershaw County Detention Center, knowing that he wasn't under the influence of any substance, he voluntarily submitted to a blood alcohol test, which confirmed that his blood alcohol level was in fact, not at an unlawful level, and the Plaintiff was never charged with Driving Under the Influence.

17. Inasmuch as the Plaintiff was in fact not under the influence of any substance, which was the original reason given by Deputy Goldsmith for detaining and arresting the Plaintiff, Deputy Goldsmith only charged the Plaintiff with Resisting Arrest and Unlawfully Carrying a Pistol, both of which were unsupported by the facts, both of which were charged without probable cause and both of which were ultimately dismissed by the Kershaw County Solicitor's Office for lack of prosecutorial merit.

18. Before being elected Kershaw County Sheriff, Sheriff Lee Boan was Captain of operations at the Camden Police Department and Goldsmith worked as a patrol officer under his command.

19. Upon his hiring at the City of Camden Police Department, Goldsmith disclosed to the City that he received non-judicial punishment in 2010 or 2011 for assaulting another soldier while deployed to Afghanistan with the United States Army where he received 40 days of extra duty and was fined.

20. During mid-June 2018, Goldsmith was identified for Use of Force re-training by his supervisors due to two incidents earlier in the month where he failed to de-escalate the situation and used force unnecessarily.

21. The next month, on July 31, 2018, Lee Boan conducted a Use of Force Board for the City of Camden. The board reported that during the first six months of 2018, Johnathan Goldsmith was responsible for 13 of 32 uses of force, which were reviewed by the Camden Police Department Use of Force review Board.

22. Lee Boan and the Use of Force Review Board found Goldsmith's uses of force numerous and excessive. Lee Boan signed the board's report recommending that Goldsmith once again, undergo de-escalation training, in order to attempt to address these unnecessary and illegal behaviors.

23. The board's recommended that Johnathan Goldsmith receive de-escalation training was an attempt to reduce the number of use of force incidents by Johnathan Goldsmith.

24. Rather than attend the de-escalation training to address his excessive and unnecessary uses of force, Goldsmith chose to quit working at the Camden Police Department and he obtained employment at the Fairfield County Sheriff's Office.

25. Only a few months later, after Lee Boan was elected Sheriff for Kershaw County, he hired Johnathan Goldsmith to work as a Deputy Sheriff with the Kershaw County Sheriff's Office.

26. Sheriff Lee Boan hired Goldsmith to serve as a Kershaw County Deputy, knowing that Goldsmith:

- a. demonstrated a lack of self-control;

- b. demonstrated an inability to de-escalate situations while contacting the public;
- c. resorted to violence when other options were available;
- d. provoked conflicts with the public
- e. was required to be retrained for use of force and de-escalation techniques due to incidents in June 2018
- f. and a month later, was required to under undergoing de-escalation training by the Use of Force Board to address his proclivity to unnecessarily and illegally use excessive force when dealing with the public.

27. Sheriff Lee Boan hired Goldsmith to serve as a Kershaw County Deputy, either with actual knowledge that Goldsmith had not attended the de-escalation training, that Boan had previously mandated, or without having confirmed that Goldsmith had in fact, not engaged in said training.

28. After having hired Goldsmith to serve as a Kershaw County Deputy, Sheriff Lee Boan did not require him to attend the very training that he had previously mandated Goldsmith attend, in order to continue serving as a Camden Police Office.

29. At the time of Goldsmith's hiring, the Kershaw County Sheriff's Office had in place a Field Training Program, which required all newly hired Deputies to undergo and successfully complete a course of training, designed to educate the newly hired Deputy as to the Kershaw County Sheriff's Office's policies and to inculcate with them, the culture and ethos of the Kershaw County Sheriff's Office, to include its policies and attitude as it relates to using force when dealing with the public.



30. During the course of engaging in the aforementioned field training program, a training log is kept for the deputy in training. That training log is utilized to document the training imparted to the deputy and the deputy's response to that training. The training log is lengthy, comprehensive and designed to ensure that newly hired Deputies fully understand and are following all Kershaw County Sheriff's Office policies. It is also utilized to address issues where a newly hired Deputy may need remedial training. This training log is supposed to be fully filled out and check off by both the trainee and his Field Training Officer on a daily basis. The log is also a means of allowing the Kershaw County Sheriff's Office Command Staff, to ensure that each newly hired Deputy is being properly trained and that each newly hired Deputy fully understands and is following all policies.

31. Johnathan Goldsmith never engaged in a Field Training Program after having been hired by the Kershaw County Sheriff's Office, and his Field Training Log has absolutely no entries entered into it whatsoever.

32. While working as a Deputy Sheriff for the Kershaw County Sheriff's Office, and before attacking the Plaintiff, Deputy Johnathan Goldsmith was involved in numerous incidents of excessive and unnecessary use of force, and upon information and belief, Sheriff Lee Boan was fully aware of the same.

33. On November 30, 2019, Johnathan Goldsmith, without any provocation, attacked Richard Kevin Connolly, Sr., who was handcuffed, at a traffic checkpoint. Deputy Goldsmith's supervisor complained to the Sheriff about Johnathan Goldsmith's misconduct and Sheriff Lee Boan failed to address the illegal and unconstitutional use of force.

34. Prior to the incident complained of here, other supervisors at Kershaw County Sheriff's Office complained of Johnathan Goldsmith's use of excessive force to Sheriff Lee Boan.

35. 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 Boan's explicit knowledge and consent.

36. Not only did Sheriff Lee Boan know of the threat of unlawful and unnecessary violence posed to the public in general and the Plaintiff in particular, by hiring and retaining Goldsmith as a Kershaw County Deputy, Sheriff Lee Boan openly condoned and endorsed this behavior, as evidenced by a music video that he made and retaining on his personal iPad, known as "Goldsmith's Greatest Hits". This video is set to the song "Here Comes The BOOM!" by the rap artist Nelly, and begins with depictions of extremely violent football tackles and ends with video of Johnathan Goldsmith physically attacking a citizen, in an extremely violent and completely unnecessary manner, when he was working as a Camden City Police Officer.

37. Upon information and belief, Sheriff Lee Boan obtained the Goldsmith use of force video, for his own personal entertainment, in violation of Camden Police Departmental policies. It is further alleged that this video had no legitimate use for training or any other purpose, other than for Sheriff Lee Boan's personal entertainment, which clearly shows his

attitude toward unnecessary, illegal and excessive uses of force against the public by law enforcement officers.

38. During the course of his interaction with the Plaintiff, Deputy Johnathan Goldsmith acted in violation of generally accepted law enforcement practices and standards, by detain and arresting the Plaintiff without probable cause and by unnecessarily and illegally using excessive force to do so.

39. By hiring Johnathan Goldsmith to serve as a Kershaw County Deputy, with full knowledge of his prior history of excessive uses of force, by not requiring Goldsmith to complete a documented field training program, by not requiring Goldsmith the receive necessary de-escalation training, by retaining Goldsmith after it was obvious to any reasonable person that notwithstanding any efforts to remedy the unreasonable threat posed to the public in general and the Plaintiff in particular by Goldsmith's proclivity to use excessive force, and by openly and tacitly approving of Goldsmith's conduct, Sheriff Lee Boan acted in violation of generally accepted law enforcement practices and standards.

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

41. 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.

42. 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, 4<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> Amendment violations**

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

44. 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.

45. 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, ratifying the conduct and endangering the public and Plaintiff.

46. 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.

47. 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.

48. 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**

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

50. 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 seizures 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.

51. 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.

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

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

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

54. Defendant Deputy Johnathan Goldsmith unlawfully and without just provocation, assaulted and battered Plaintiff, thereby placing Plaintiff in reasonable fear of bodily harm.

55. Defendant Deputy Johnathan Goldsmith unlawfully detained, arrested and charged the Plaintiff with criminal offenses.

56. 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.

57. 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,

THE CAMDEN LAW FIRM, PA

s/ Deborah Butcher

Robert J. Butcher

Deborah J. Butcher

507 Walnut Street

Camden, South Carolina 29020

P.O. Box 610

Camden, South Carolina 29020

Telephone: (803) 432-7599

Facsimile: (803) 432-7499

Email: [dbutcher@camdensc-law.com](mailto:dbutcher@camdensc-law.com)

Email: [rbutcher@camdensc-law.com](mailto:rbutcher@camdensc-law.com)

PERRY LAW FIRM

s/ Brett Perry

Brett A. Perry

P.O. Box 1

Camden S.C. 29021

803-360-7032

[brett@perrylawfirm.us](mailto:brett@perrylawfirm.us)

Attorneys for the Plaintiff

Camden, South Carolina  
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