

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John J. Mello,

Plaintiff,

vs.

The Greenville County Sheriff's Office, The  
Greenville County Solicitor's Office and  
Vannessa H. Kormylo,

Defendants.

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

CIVIL ACTION NO.: 2024-CP-23-06135

**AMENDED SUMMONS**  
**(JURY TRIAL REQUESTED)**

**TO: THE ABOVE-NAMED DEFENDANTS:**

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 said complaint upon the subscriber, at his office at 229 Magnolia Street, Spartanburg, SC 29306, within thirty (30) days after the service thereof, exclusive of the day of such service, and if you fail to answer the complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the complaint.

*s/Monier Abusaft*

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Attorney for the Plaintiff

October 21, 2024

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

John J. Mello,

Plaintiff,

vs.

The Greenville County Sheriff's Office, The  
Greenville County Solicitor's Office and  
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Defendants.

IN THE COURT OF COMMON PLEAS  
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**AMENDED COMPLAINT**  
**(JURY TRIAL REQUESTED)**

**TO: THE ABOVE-NAMED DEFENDANTS:**

The Plaintiff would respectfully show unto the Court that:

**PARTIES AND JURISDICTION**

1. The Plaintiff John J. Mello is a resident and citizen of the County of Greenville, State of South Carolina.
2. Defendant Greenville County Sheriff's Office (hereinafter "Defendant GCSO") is a governmental agency in South Carolina, organized and existing under the privilege of the laws of the State of South Carolina, and operating and conducting business in Greenville County, South Carolina. At all times relevant herein, acted by and through its employees, officers, and agents.
3. Defendant Greenville County Solicitors Office is a governmental agency in South Carolina, organized and existing under the privilege of the laws of the State of South Carolina, and operating and conducting business in Greenville County, South Carolina. The Greenville County Solicitor's Office is the legal entity responsible

- for prosecuting criminal matters within Greenville County and at all times relevant herein acted through its agents, employees, and prosecutors.
4. Defendant Vanessa H. Kormylo, upon information and belief, is a resident and citizen of the County of Greenville, State of South Carolina.
  5. Upon information and belief, the incident that is the subject matter of this Complaint took place in Greenville County, South Carolina, therefore jurisdiction and venue are proper before this Court.

### FACTS

6. Plaintiff and Christina Parcell, who were never married, are the parents of one minor child A.M. born in 2012.
7. In October 2015, the plaintiff filed for custody of his daughter. On January 4, 2016 Plaintiff was granted sole custody of the minor child in the Pickens County Family Court. **(See Exhibit A).**
8. Later in 2016, Ms. Parcell filed for visitation, and on August 10, 2016, a visitation Order was granted with a visitation schedule with the minor child and Ms. Parcell, however sole custody remained with the Plaintiff. **(See Exhibit B)**
9. In 2017, Plaintiff filed to revoke Ms. Parcell's visitation due to suspicions of sexual inappropriateness and/or abuse while the minor child was with Ms. Parcell and her then-boyfriend Bradley Post.
10. From 2017 to 2019, Plaintiff continued to try to remove his daughter from having visitations with the mother due to continued allegations of sexual inappropriateness and abuse. He contacted law enforcement and the Department of Social Services

- regarding his fears for his daughter's safety, but was unsuccessful in retaining any help.
11. On January 28, 2019, Plaintiff and Ms. Parcell agreed on Ms. Parcell's visitation schedule. The Plaintiff was again granted full and exclusive custody of the minor. The agreement was made into a final order in Greenville County Family Court and filed on February 4, 2019. However, Plaintiff continued to suspect that his daughter was in danger while visiting with her mother. **(See Exhibit C)**
  12. On or about October 4, 2020, the Plaintiff, who is also a citizen of Italy, moved back to Italy with his daughter due to continued concerns of sexual abuse of his daughter. At the time of the move, Plaintiff had full and exclusive custody of the minor child.
  13. On or about October 30, 2020, Ms. Parcell filed a Rule to Show cause alleging the Plaintiff was not following the visitation order from the February 4, 2019 Family Court Order. At the hearing that was held on or about Decembr 16, 2020, without the Plaintiff being present, Ms. Vanessa Kormylo was appointed Guardian ad Litem for the minor child and Plaintiff was found in contempt of the visitation order.
  14. On or about April 14, 2021, the minor child was ordered to returned to the US by the Italian Central Authority pending resoulution of the US family court matter. **(See Exhibit D)**. This order was eventually overtuned. **(See Exhibit E)**.
  15. On or about April 19, 2021, an Indictment was issued for Plaintiff on the charges of Custodial Interference and signed by Assistant Solicitor Ryan Holloway of the Greenville County Solicitor's Office and supervised by Greenville County Solicitor W. Walter Wilkins.

16. Neither Officer Matthew P. Anderson, Officer Robert Perry of the Greenville County Sheriff's Office, nor any member of the Greenville Solicitor's Office informed the grand jury that Plaintiff was the minor child's sole custodial parent.
17. On July 21, 2021, an arrest warrant was sought by Greenville County Sheriff's office specifically officers Anderson and Perry.
18. Defendant Vanesa Kormylo instigated the arrest of the Plaintiff by consistently reaching out to Greenville County Sheriff Officers requesting the arrest of the Plaintiff, despite knowing or should have known that Plaintiff's actions did not violate any custodial orders.
19. An arrest warrant was issued for Plaintiff's arrest even though officers Anderson and Perry were aware that Plaintiff was the minor child's sole custodial parent.
20. Officers Anderson and Perry never made the judge issuing the warrant for Plaintiff's arrest aware that he was the custodial parent of the minor child. Mr. Mello was still in Italy at the time the arrest warrant was issued.
21. On October 13, 2021, Christina Parcell was killed.
22. During the investigation of Ms. Parcell's death, photos and other proof substantiated Plaintiff's claims that the minor child was being sexually exploited by her mother and her mother's boyfriend Brandly Post.
23. In October of 2021, Bradley Post was arrested for sexual exploitation of a minor and child pornography relating to his and Ms. Parcell's abuse of the minor child.
24. On October 20, 2021, the Plaintiff returned to the United States in order to retrieve the minor child after the death of her mother.

25. On or about November 3, 2021, Zachary Hughes was charged with Murder of Ms. Parcell and his phone was seized in connection with the murder for further investigation.
26. Zachary Hughes's phone was locked with military grade encryption, and it would take the Greenville Sheriff's Office over nine months to unlock it.
27. On October 21, 2021 Plaintiff was arrested for Custodial Interference by Charlotte Police after returning to the states due to the arrest warrant initiated by the Greenville County Sheriff's Office.
28. When the warrant was sought by the Greenville Sheriff's Office, the magistrate was not informed that Plaintiff was the sole custodial parent of the minor child.
29. On October 21, 2021, Plaintiff was wrongfully arrested by officers of the Greenville County Sheriff's Office on charges of custodial interference. This arrest was based on the false premise that Plaintiff violated a custodial order, even though Plaintiff was fully compliant with all existing Family Court Orders regarding Custody. (**See Exhibits A-D**).
30. Officers Anderson and Perry, Solicitor W. Walter Wilkins, and Assistant Solicitor Ryan Holloway, became obsessed with Plaintiff and the idea that he murdered Ms. Parcell.
31. Officers Anderson and Perry in conjunction with the Greenville Solicitor's Office began to use the arrest for custodial interference—even though Plaintiff was the custodial parent of the minor child—to prevent Plaintiff from returning to Italy.
32. Officers Anderson and Perry in conjunction with the Greenville Solicitor's Office prevented Plaintiff from returning to Italy in the hopes that once Zachary Hughes

- phone was unlocked, they would have evidence implicating Plaintiff in Ms. Parcell's murder.
33. Zachary Hughes's phone was eventually unlocked yielding no evidence that Plaintiff was involved in the death of Ms. Parcell.
  34. On September 26, 2022, Defendants were made aware that Plaintiff could not be guilty of custodial interference because Ms. Parcell's was not a custodial parent.
  35. Greenville Resident General Session Judge Kinlaw signed an order stating that "Ms. Parcell does not meet the definition or is otherwise exempt from the definition of "legal custodian" as contemplated in S.C. Code § 16-17-495(A)(1)."
  36. Nonetheless, Defendant's did not terminate the prosecution of Defendant; instead, attempting to appeal Judge Kinlaw's order.
  37. After 8 months of additional delay, the South Carolina Attorney General's (the agency who appeals on behalf of the State of South Carolina law enforcement) Office refused to continue the appeal.
  38. Nonetheless, Defendant's did not terminate the prosecution of Defendant; instead, proceeding to trial in front of a different General Sessions Judge.
  39. On April 16, 2024, Plaintiff was exonerated of all charges by direct verdict stemming from his October 20, 2021, arrest.
  40. An order for the destruction of his criminal records stemming from the October 21, 2021, arrest was entered on or about August 19, 2024.

41. Defendant Greenville County Solicitor's Office, upon review of the matter and charges, continued to prosecute against the Plaintiff, failing to present exculpatory evidence to the grand jury showing that Plaintiff was the sole custodial parent at the time of his arrest.
42. The charges were initiated by the Greenville County Sheriff's Office without probable cause, and with malice and were based on false, misleading or insufficient information.
43. Defendants knew or should have known that there was no legitimate basis to arrest or prosecute the Plaintiff, yet they proceeded with the prosecution anyway.
44. As a result of the malicious prosecution, Plaintiff was subjected to arrest, detention, bail conditions and other consequences causing Plaintiff to suffer great emotional distress, humiliation and financial loss.
45. The actions of Defendants were intentional, willful, and in reckless disregard of Plaintiff's rights and were carried out with malice and an intent to harm Plaintiff.
46. As a direct and proximate result of the Defendants' gross negligent, reckless, and unlawful conduct, described above, Plaintiff suffered damages including, but not limited to pain and suffering, emotional damage and any such additional damages as may be revealed during the trial of this matter.

**FOR A FIRST CAUSE OF ACTION**  
**(Malicious Prosecution)**

47. The Plaintiff reasserts and realleges each and every allegation set forth above, and restated verbatim.
48. At all times relevant to the acts and omissions herein alleged, Defendants Greenville County Sheriff's Officers are law enforcement officers and were acting

- under the color of law and in the course and scope of their employment with the GCSO.
49. At all times relevant to the acts and omissions herein alleged, Defendant Greenville County Solicitor's Office acted through its agents and prosecutors and were acting under the color of law and in the course and scope of their employment with the Greenville County Solicitor's Office.
50. At all times relevant herein, Plaintiff had a constitutionally afforded right against unlawful arrests based on no objective probable cause that Plaintiff committed any crime. At the time of the arrest, which was after the death of Ms. Parcell, Plaintiff was the sole custodial parent of the minor child. In fact, Plaintiff is the sole custodial parent and has been starting in 2016 until present day.
51. Defendants initiated or continued a criminal prosecution against Plaintiff.
52. The prosecution was initiated or continued without probable cause.
53. Plaintiff was exonerated of all charges on or about April 24, 2024.
54. As a direct and proximate result of Defendants' malicious prosecution, Plaintiff has suffered and continues to suffer significant damages, including but not limited to emotional distress, mental anguish, loss of income and other expenses.

**FOR A SECOND CAUSE OF ACTION**  
**(Abuse of Process)**

55. Plaintiff realleges the foregoing paragraphs as though fully repeated herein.
32. Defendants used legal process against Plaintiff for an improper purpose, beyond its intended scope, and to Plaintiff's detriment.
33. The Process was used not to accomplish justice, but to harass, harm, or otherwise damage Plaintiff.

34. As a result of the abuse of process, Plaintiff suffered injury, including emotional distress, financial loss and reputation harm.

**FOR A THIRD CAUSE OF ACTION**  
**(Malicious Injury to Property)**

35. Plaintiff realleges the foregoing paragraphs as though fully repeated herein.
36. Defendants intentionally and maliciously caused damage to Plaintiff's property that stemmed from the wrongful arrest.
37. As a result of Defendants' conduct, Plaintiff suffered damages to his personal property and was forced to incur cost.

**FOR A FOURTH CAUSE OF ACTION**  
**(Barratry)**

38. Plaintiff realleges the foregoing paragraphs as though fully repeated herein.
39. Defendants, through its officers and agents, willfully and unlawfully engaged in the frequent instigation of a baseless or groundless legal action against Plaintiff, for malicious purposes.
40. This barratry by Defendants was conducted with the intention to harass, vex, and cause harm to the Plaintiff through the misuse of legal proceedings.
41. As a result, Plaintiff has suffered damages, including emotional distress, financial loss and reputational harm.

**FOR A FIFTH CAUSE OF ACTION**  
**(Civil Conspiracy -Defendants Greenville County Sheriff's Office and Vanessa Kormylo)**

42. Plaintiff realleges the foregoing paragraphs as though fully repeated herein.

43. Defendants acting individually and in concert with one another, engaged in a conspiracy to violate Plaintiff's rights by engaging in unlawful conduct, including but not limited, to malicious prosecution and abuse of process.
44. As a direct and proximate result of the conspiracy and the wrongful acts committed by the Defendants, the Plaintiff has suffered substantial damages, including but not limited to emotional distress, loss of liberty, reputational harm and financial loss.
45. Defendants actions were willful, malicious an in reckless regard for the Plaintiff's constitutional and legal rights, justifying an award of punitive damages in addition to compensatory damages.

**WHEREFORE**, the Plaintiff prays:

- a) For judgment against the Defendant for actual damages and pain and suffering to be determined by a jury;
- b) For judgment against the Defendant, for punitive damages in an amount to be determined by the jury;
- c) For the cost of this action; and
- d) For such other relief as the Court may deem just and proper.

*s/Monier Abusaft*  
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October 21, 2024