

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	5 TH JUDICIAL CIRCUIT
COUNTY OF RICHLAND)	
)	Warrant No.: 2022A4010201630
STATE OF SOUTH CAROLINA)	Indictment No.: 2023-GS-40-09821
)	
vs.)	
)	<u>EMERGENCY</u>
Anthony McDow,)	NOTICE AND MOTION TO REVOKE BOND
Defendant.)	

RICHLAND COUNTY
FILED
2023 MAY 21 PM 1:08

TO: TODD RUTHERFORD, ATTORNEY FOR DEFENDANT:

COMES NOW the State of South Carolina with notice to the Defendant, by and through counsel for Defendant, Todd Rutherford, Esquire, that the State will move before a Circuit Court Judge as soon as may be scheduled by the Clerk of Court, on a Motion to Revoke Bond for the above-named Defendant.

On or about April 19, 2022, Defendant was arrested on the charge of Assault & Battery, 1st Degree, arising from an incident where the Defendant pistol whipped his brother and roommate, Alan McDowell, as witnessed by the victim's two children, who were ages five (5) and (4) years old at the time.

The Honorable Judge Mildred Rita Metts set a \$10,000 cash/surety bond on this charge with the standard condition that the Defendant be of good behavior and not leave the State of South Carolina, and the additional conditions as follows: "No direct or indirect contact with the victim; Must turn in all firearms to RCSD within 24 hours of being released; Allowed 1 RCSD escort to pick up belongings; Do not return to the incident location WHILE THE VICTIM IS LIVING THERE; May not possess any weapons while charges are pending." See attached, **Exhibit A**: *Bail Proceeding Form*, signed by Defendant and Court on April 19, 2022. Defendant was thereafter released from custody.

The day following his release from jail, the Defendant commenced civil proceedings against the victim to have the victim and his children evicted from the incident location. See attached, **Exhibit B**: *Action Summary for Case Number 2022CV4010900554*. Even after the victim and his children were no longer living at the incident location, the Defendant harassed the victim by continuing to file civil suits against the victim, which were all ultimately dismissed. See attached, **Exhibit C**:

Collection of Civil Actions Commended by the Defendant on 5/20/2022, 5/24/2022, 9/27/2023 (appeal denied), 9/27/2023 (appeal denied), and 8/13/2024. This pattern of conduct induced the victim to file his own civil suit against the Defendant for harassment, defamation and physical abuse where the Court found in his favor. See attached, Exhibit D: April 8, 2025 Order in 2023-CP-40-02290.

After the victim prevailed against the Defendant in civil court, photos were shared with the victim of the Defendant with firearms. See attached, Exhibit E: *Recent photo of Defendant with Gun*. The State is informed and believes the Defendant posed for this photo after his arrest and the placement of the bond condition prohibiting him from having firearms recently based upon the noticeable signs of aging visible in this photo as compared to his booking photo at arrest. See attached Exhibit F: *Booking Photo of Defendant from 4/19/2022 Arrest*.

On or about May 19, 2025, the Defendant's wife, [REDACTED] reached out to the victim to inform him that the Defendant had paid \$10,000 to an [REDACTED] to kill the victim after the April 8, 2025 hearing in civil court; however, [REDACTED] did not perform the killing, pocketing the \$10,000, instead. The victim reported all of this to law enforcement. See attached Exhibit G: *Kershaw County Incident Report bearing Case No. P2025-01846 dated 5/20/2025*.

In the days following Ms. [REDACTED]'s initial contact with the victim, she further reported to the victim that the Defendant filed a police report with the Richland County Sheriff's Department (RCSD) on or about May 17, 2025, alleging that Mr. [REDACTED] robbed him of the \$10,000, and that the Defendant intended to flee to Georgia with his wife for safety reasons. This was confirmed by the State, and a copy of the report to RCSD is attached hereto as Exhibit H. The Defendant's wife reported to the victim that she and the Defendant are currently in the Atlanta Georgia area.

In light of the information set forth in the body of this motion and those Exhibits attached hereto and incorporated herein by reference, the State contends that it has met its *prima facie* burden showing imminent danger to the community and flight by the Defendant and seeks an emergency hearing.


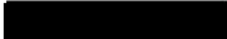
At the Emergency Hearing in this matter the State requests the Court make the following findings based upon the information set forth in the State's Motion and

attached Exhibits, any testimony or statements taken by the Court at the Emergency Hearing and the arguments of counsel:

1. That the defendant has willfully violated the standard conditions of his bond that he be of good behavior and not depart the State of South Carolina;
2. That the Defendant has willfully violated the special conditions of possessing firearms and harassing the victim;
3. That based upon these violations, releasing the Defendant on recognizance poses an unreasonable risk of danger to the community and, specifically, the victim in this case; and,
4. That there are no conditions which can be imposed with surety which will reduce the risk of unreasonable danger to the community.

And, based upon these findings and the applicable case law and the authority of Sections 17-15-10 through 17-15-100 of the Code of Laws of South Carolina (as amended), the State requests an order revoking the Defendant's bond on his April 19, 2022 arrest, as referenced herein, and requiring him to remain in custody until the final disposition of the above charges.

Respectfully Submitted,



Assistant Solicitor
5th Judicial Circuit



Criminal Charging Document No.

BAIL PROCEEDING

FORM II

STATE OF SOUTH CAROLINA
COUNTY OF RichlandIN THE Richland County General Sessions

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

McDow, Anthony

NAME OF DEFENDANT

Offense Charged: Assault / Assault & Battery 1st degree (2022A4010201630)

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- ☐ The release of the defendant on recognizance will not reasonably assure his appearance as required.
- ☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: _____

Nature of Circumstances of Offense; Must Notify Court Immediately of Change of Address; For any charge that carries a suspension of your driver's license, you are required to bring your driver's license to the Court at the time of trial.

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.

2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

☐ The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$ _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits \$ _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

APPEARANCE RECOGNIZANCE WITH SURETY

☐ The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$ _____.

3. That the defendant shall appear at (check one):

☒ the term of COURT OF GENERAL SESSIONS beginning on May 27, 2022 at 2:00 o'clock, P.M.
at Richland County General Sessions - 1701 Main Street/P.O. Box 192/Columbia, SC 29202 / (803) 576-1999
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☐ the session of ☐ MAGISTRATE COURT ☐ MUNICIPAL COURT beginning on _____ at _____ o'clock, _____

at _____
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$10,000.00 (CS) or \$10,000.00 (SB)INITIALS OF DEFENDANT [Signature]

Verify Address

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

SIGNATURE OF JUDGE [Signature]

Milfred Rita Metts

04/18/2022

DATE

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED

SCCA/511A (Revised 3/2012)

Original Copy For The Trial Court - Copy For The Defendant

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

ADDRESS _____
CITY/STATE/ZIP _____ TELEPHONE _____
SOCIAL SECURITY NUMBER _____ DRIVER'S LICENSE OR ID NUMBER _____
SIGNATURE OF DEFENDANT [Signature]
DATE _____
ATTORNEY REPRESENTING ACCUSED (IF KNOWN) _____

SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of: _____
NAME OF PERSON OR ORGANIZATION _____

ADDRESS _____ CITY/STATE _____ ZIP _____ TELEPHONE _____
who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED) _____

DATE _____

b. ☐ Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions: _____

c. ☐ Part-time Release. The defendant will be released from custody from _____ TIME _____ o' clock, _____ AM/PM to _____ TIME _____ o' clock, _____ AM/PM

on _____ DATE(S) _____ on condition that he return to the custody of _____ NAME OF PERSON OR ORGANIZATION

at _____ LOCATION _____ as designated, [Signature]

d. ☐ Other conditions. The defendant will comply with the following other conditions of release: _____

No Direct or Indirect contact with the Victim; Must turn in all firearms to RCSD within 24 hours of being released; Allowed 1x RCSD Escort to pick up belongings; Do Not Return to the Incident Location WHILE THE VICTIM IS LIVING THERE; MUST HAVE A VERIFI

May not possess any weapons while charges are pending
APPEARANCE RECOGNIZANCE WITH SURETY

On the 19 day of April, 2022, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ 10,000, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

NAME OF SURETY BONDSMAN COMPANY _____ TELEPHONE _____

ADDRESS OF SURETY BONDSMAN _____
ATTORNEY IN-FACT
ABC BONDING CO., INC.
E-mail abcbondcompany@aol.com

NAME OF IN-FACT SURETY www.abcbonding.com
1525 Taylor St., Columbia, SC 29201

ADDRESS OF IN-FACT SURETY (803) 834-5219 • (803) 783-0000
Fax: (803) 834-5219 • Cell (803) 309-3757
111 John Mark Dial Dr., Columbia, SC 29203

SIGNATURE OF SURETY BONDSMAN [Signature]

SIGNATURE OF JUDGE [Signature]

DATE _____

Mildred Rita Melts

STATE OF SOUTH CAROLINA

County of Richland

State of South Carolina

IN THE SUMMARY COURT

DISCHARGE

vs.

Anthony Mcdow

DEFENDANT(S)

DISCHARGE

By Mildred Rita Metts, Judge in and for the County and state aforesaid,

To the Sheriff and Keeper of the Common Jail in the said County:

The Defendant, Anthony Mcdow, having been committed to your custody for the charge of:

Case number	Charge	Trial Court	Bond Type	Amount
2022A4010201630	Assault / Assault & Battery 1st degree	Richland County General Sessions	Cash Bond	\$10,000.00
			Surety Bond	\$10,000.00

2022 APR 19 PM 5:19

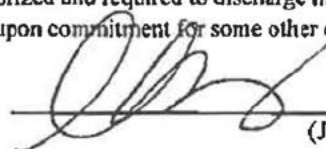
Verify Address

has posted bond of type

Surety Bond in the amount of \$10,000.00 by **Abe Bonding Company/Kyler Williams/Runner at 1525 Taylor Street, Columbia, SC, 29201**

and having given bond as required by the Court, you are hereby authorized and required to discharge the said Defendant from your custody. Provided that said Defendant is not held by you upon commitment for some other offense.

GIVEN UNDER MY HAND AND SEAL THIS DAY April 19, 2022

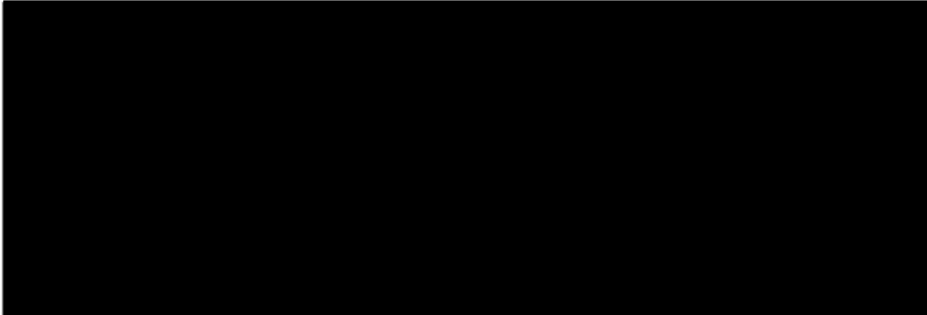

Mildred Rita Metts (Seal)
(Judge)

Richland County, SC

VERIFICATION OF ALTERNATE ADDRESS

Richland County Bond Court
201 John Mark Dial Drive
Columbia, SC 29209
(803) 576-3282

The address in which Anthony McDow will reside until
(Defendant's Name)
His/her case is resolved, shall be:



City, State Zip Code

Signature of person providing address:

A handwritten signature in black ink, appearing to read "Anthony McDow", written over a horizontal line.

Relationship: Self

Date: 4-19-2022



Richland County Fifth Judicial Circuit Central Index



[Richland County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

Anthony J Mcdow vs Alan Troy Mcdowell

Case Number:	2022CV4010900554	Court Agency:	Pontiac Magistrate	Filed Date:	04/20/2022
Case Type:	Civil	Case Sub Type:	Rule to Vacate \$40	File Type:	
Status:	Disposed	Assigned Judge:	Thomas, Kela Evans		
Disposition:	Find for Plaintiff	Disposition Date:	05/18/2022	Disposition Judge:	Thomas, Kela Evans
Original Source Doc:		Original Case #:			
Judgment Number:	2022CV4010900554	Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Mcdow, Anthony J	Civil Court Contempt Hearing	Event		08/04/2022-10:00	08/01/2022-12:00	
Mcdow, Anthony J	Archived Court Summons	Filing		07/19/2022-00:00		
Mcdowell, Alan Troy	Civil Court	Event		05/18/2022-10:00	05/18/2022-12:00	
Mcdow, Anthony J	RTV \$40.00	Action		05/10/2022-15:04	05/18/2022-15:04	
Mcdowell, Alan Troy	Archived Court Summons	Filing		04/27/2022-00:00	05/18/2022-00:00	
Mcdow, Anthony J	RTV Documents	Filing		04/20/2022-15:06	05/18/2022-15:06	
Mcdow, Anthony J	Archived RTV	Filing		04/20/2022-00:00	05/18/2022-00:00	



Richland County Fifth Judicial Circuit Central Index



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Switch View

Anthony James Mcdow vs Alan Troy Mcdowell

Case Number:	2022CV4010900724	Court Agency:	Pontiac Magistrate	Filed Date:	05/20/2022
Case Type:	Civil	Case Sub Type:	Summons & Complaint	File Type:	
Status:	Non Service	Assigned Judge:	Thomas, Kela Evans		
Disposition:	Non Service	Disposition Date:	06/06/2022	Disposition Judge:	Thomas, Kela Evans
Original Source Doc:		Original Case #:		Restore Reason:	Reopened Case
Judgment Number:	2022CV4010900724	Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Mcdow, Anthony James	Summons & Complaint	Action		07/19/2022-14:53	06/01/2022-14:53	
Mcdow, Anthony James	Writ of Ejectment with Document	Filing		06/01/2022-08:51	06/06/2022-08:51	
Mcdow, Anthony James	Writ Document Printed	Filing		06/01/2022-00:00	06/06/2022-00:00	
Mcdow, Anthony James	Archived Document	Filing		06/01/2022-00:00	06/06/2022-00:00	
Mcdow, Anthony James	Summons & Complaint Documents	Filing		05/20/2022-15:00	06/01/2022-15:00	
Mcdow, Anthony James	Archived Summons S/C C/D	Filing		05/20/2022-00:00	06/01/2022-00:00	



Richland County Fifth Judicial Circuit Central Index



[Richland County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

Anthony Mcdow vs Alan Mcdowell Sr

Case Number:	2022OR4010100208	Court Agency:	Central Court	Filed Date:	05/24/2022
Case Type:	Orders	Case Sub Type:	Restraining Order	File Type:	
Status:	Dismissed	Assigned Judge:	Scott, Michael David		
Disposition:	Dismissed without Prejudice	Disposition Date:	07/20/2022	Disposition Judge:	Ward, Tobias Gavin Jr.
Original Source Doc:		Original Case #:			
Judgment Number:	2022OR4010100208	Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Mcdow, Anthony	Restraining Order Filing Fees	Filing		07/20/2022-11:05	07/20/2022-11:05	
Mcdow, Anthony	Restraining Order Court	Event		07/20/2022-09:15	07/20/2022-09:16	
Mcdow, Anthony	Restraining Order Court	Event		06/20/2022-09:15	06/20/2022-15:00	
Mcdow, Anthony	Archived Restraining Order Summons	Filing		06/20/2022-00:00	07/20/2022-00:00	
Mcdow, Anthony	Restraining Order	Order		05/24/2022-16:20	07/20/2022-16:20	
Mcdow, Anthony	Restraining Order Complaint	Filing		05/24/2022-16:20	07/20/2022-16:20	
Mcdow, Anthony	Archived Court Summons	Filing		05/24/2022-00:00	07/20/2022-00:00	

COUNTY OF KERSHAW

ORDER OF
DISPOSITIONAnthony James McDow
[REDACTED]
[REDACTED]

PLAINTIFF(S)

Vs

Alan Troy McDowell
[REDACTED]
[REDACTED]

DEFENDANT(S)

IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

- ☐ Settled
- ☐ Dismissed
- ☐ Default Judgment
- ☐ Find for the Plaintiff for Summons and Complaint (Transcript of Judgment will be issued ten (10) days from the court date.)
- ☐ Find for the Plaintiff for Claim and Delivery (Pick Up Order issued the day of court.)
- ☒ Find for Defendant
- ☐ Transferred to another Court

This matter came before the Court on September 27, 2023 for a bench trial on the Summons and Complaint filed by the Plaintiff. The Defendant filed an Answer. Both parties were given the opportunity to be heard, call witnesses and present evidence. Several exhibits were admitted into evidence.

Based on the testimony and evidence presented, the Court finds that the Plaintiff has failed to meet his burden of proof to establish an entitlement to the relief sought. Therefore, the Court finds for the Defendant.

IT SO ORDERED
Carrie H. Tanner

Magistrate, Kershaw County Summary Court

Kershaw County Magistrate Court
1121 Broad Street
Camden, SC 29020
Phone: (803) 425-7226
Fax: (803) 425-6044

October 17, 2023

ORDER OF
DISPOSITIONAnthony James McDow
[REDACTED]

PLAINTIFF(S)

Vs

Alan Troy McDowell
[REDACTED]

DEFENDANT(S)


IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

- ☐ Settled
- ☐ Dismissed
- ☐ Default Judgment
- ☐ Find for the Plaintiff for Summons and Complaint (Transcript of Judgment will be issued ten (10) days from the court date.)
- ☐ Find for the Plaintiff for Claim and Delivery (Pick Up Order issued the day of court.)
- ☒ Find for Defendant
- ☐ Transferred to another Court

This matter came before the Court on September 27, 2023 for a bench trial on the Affidavit and Complaint for Claim & Delivery filed by the Plaintiff. Both parties were given the opportunity to be heard, call witnesses and present evidence. Several exhibits were admitted into evidence.

Based on the testimony and evidence presented, the Court finds that the Plaintiff has failed to meet his burden of proof to establish an entitlement to the relief sought. Therefore, the Court finds for the Defendant.

IT SO ORDERED


Carrie H. Tanner
Magistrate, Kershaw County Summary Court

Kershaw County Magistrate Court
1121 Broad Street
Camden, SC 29020
Phone: (803) 425-7226
Fax: (803) 425-6044

October 18, 2023

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)
)
Anthony James McDow,)
)
Appellant,)
)
vs.)
)
Alan Troy McDowell,)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No. 2023-CP-28-00815

ORDER

This matter came before the Court upon Anthony James McDow's appeal of the Kershaw County Civil Magistrate's September 27, 2023 Order in favor of Respondent. The Honorable Carrie H. Tanner issued a judgment following a hearing in which all interested parties were present. Specifically, Judge Tanner found that the Plaintiff failed to meet his burden of proof. Appellant filed this appeal with the Kershaw County Court of Common Pleas on November 9, 2023.

A hearing was held on the appeal on May 30, 2024 with the Honorable Daniel Coble presiding. Both parties appeared *pro se* and were sworn in. During the hearing, Appellant argued that the Magistrate Judge erred by consolidating this case and a companion case into one trial, and failed to consider all of the evidence.

Upon reviewing the Magistrate Judge's findings, applicable legal authority, and oral arguments, this Court finds that there was no error of law in the Magistrate Judge's Order, and that judgment is hereby **AFFIRMED**.

**ATTEST True, Correct & Certified
Copy of Original**

Grant C. Healy

Clerk of Court

Kershaw County

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)
)
Anthony James McDow,)
)
Appellant,)
)
vs.)
)
Alan Troy McDowell,)
)
Respondent.)
)
_____)

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No. 2023-CP-28-00833

ORDER

This matter came before the Court upon Anthony James McDow's appeal of the Kershaw County Civil Magistrate's April 26, 2023 Order in favor of Respondent. The Honorable Carrie H. Tanner issued a judgment following a hearing in which Appellant failed to appear. Specifically, Judge Tanner issued a Pick Up Order for a list of items to be retrieved if found in the possession of the Appellant. Appellant filed this appeal with the Kershaw County Court of Common Pleas on November 16, 2023.

A hearing was held on the appeal on May 30, 2024 with the Honorable Daniel Coble presiding. Both parties appeared *pro se* and were sworn in. During the hearing, Appellant argued that the Magistrate Judge erred by consolidating this case and a companion case into one trial, and failed to consider all of the evidence.

Upon reviewing the Magistrate Judge's findings, applicable legal authority, and oral arguments, this Court finds that there was no error of law in the Magistrate Judge's Order, and that judgment is hereby **AFFIRMED**.

ATTEST True, Correct & Certified
Copy of Original

Janet C. Hasty

Clerk of Court

Kershaw County

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

2024CV4010901027
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT
JUDICIAL DISMISSAL

☒ With Prejudice
☐ Without Prejudice

Anthony McDow
[REDACTED]

PLAINTIFF(S)

Vs

Alan Troy McDowell
[REDACTED]

DEFENDANT(S)

It is Ordered that Civil Case Number 2024CV4010901027:

Anthony McDow

vs Alan Troy McDowell

Shall reflect a disposition of Judicial Dismissal based upon the following:

- ☐ Plaintiff's failure to prove case by preponderance of evidence
- ☐ Plaintiff's request to dismiss case
- ☐ Plaintiff and Defendant failed to appear for Court
- ☐ Plaintiff's failure to appear in Court
- ☒ Other: Same Complaint was filed with another Magistrate Court. There was no new complaint.


JUDGE

Pontiac Magistrate
2500 Decker Blvd
Columbia, SC 29206
Phone: (803) 576-2520
Fax: (803) 576-2522

August 13, 2024

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Alan Troy McDowell,

Plaintiff,

v.

Anthony J. McDow,

Defendant.

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2023-CP-40-02290



**ORDER DENYING DEFENDANT'S
MOTION TO SET ASIDE ENTRY OF
DEFAULT, GRANTING PLAINTIFF'S
MOTION TO DISMISS DEFENDANT'S
COUNTERCLAIMS AND STRIKE
DEFENDANT'S ANSWER, AND
GRANTING PLAINTIFF'S MOTION
FOR A DAMAGES HEARING**

This matter came before the Court on April 8, 2025, for a hearing on the following motions:

(1) Defendant's Motion to Set Aside Entry of Default or, in the Alternative, to Enlarge Time to File Answer; (2) Plaintiff's Motion to Dismiss Defendant's Counterclaims and Strike Defendant's Answer; and (3) Plaintiff's Motion for a Damages Hearing. Plaintiff Alan McDowell (hereinafter "Plaintiff") appeared through counsel, Kyle Brady. Defendant Anthony J. McDow (hereinafter "Defendant") appeared through counsel, Charles Blackburn.

After consideration of the arguments presented by counsel and review of the filings and evidence submitted, the Court hereby DENIES Defendant's Motion to Set Aside Entry of Default or Enlarge Time to File Answer; GRANTS Plaintiff's Motion to Dismiss Defendant's Counterclaims and Strike Defendant's Answer; and GRANTS Plaintiff's Motion for a Damages Hearing. The Court's findings and supporting factual background are set forth below.

FACTS

On April 18, 2022, Defendant initiated an escalating confrontation with Plaintiff while Plaintiff was feeding his young children. The altercation culminated in Defendant retrieving and loading a semi-automatic handgun, striking Plaintiff on the head with the firearm, and discharging the weapon. Plaintiff fled the residence as Defendant pursued him while continuing to brandish

the firearm. Law enforcement responded to the scene, and Defendant was arrested.

Following his release, Defendant engaged in a pattern of harassment directed toward Plaintiff, including unauthorized visits to the residence, disconnection of utilities, suspected tampering with Plaintiff's vehicle, and the spread of false accusations. Plaintiff claims ongoing physical, emotional, and financial harm as a result.

Plaintiff filed this action *pro se* on May 4, 2023. Plaintiff attempted service by certified mail on May 11, 2023, but Defendant refused service. On May 21, 2024, Defendant was personally served by a deputy with the Richland County Sheriff's Department. The Deputy executed an Affidavit of Service attesting that he personally handed the Summons and Complaint to Defendant at his residence. No responsive pleading was filed within thirty days of service. Plaintiff filed an Affidavit of Default on June 27, 2024.

On August 13, 2024, Defendant filed a motion to dismiss the Complaint pursuant to Rule 3(a)(2), SCRCF, asserting that Plaintiff failed to effect service within 120 days of filing. On December 2, 2024, the Court denied Defendant's motion, finding that Plaintiff had effected personal service within the time permitted under Rule 3(a), SCRCF. In its formal order, entered on December 3, 2024, this Court found that Defendant was properly served on May 21, 2024, and that the statute of limitations remained open until April 18, 2025.

On December 3, 2024, Defendant filed an Answer and Counterclaims. Defendant's counterclaims asserted that Plaintiff had damaged his property and stolen items from the residence following the April 18, 2022 incident. Those same claims had previously been litigated in Kershaw County Summary Court, where final judgment was entered in favor of Plaintiff following a bench trial held on September 27, 2023. The judgment was affirmed on appeal by the Kershaw County Court of Common Pleas on June 6, 2024. On June 4, 2024, Defendant filed a duplicative action in Pontiac Magistrate's Court which was dismissed with prejudice on August 13, 2024, with the court

noting that the same complaint had already been filed and resolved in another magistrate court.

On March 3, 2025, Plaintiff filed a memorandum in opposition to Defendant's forthcoming motion to set aside the entry of default. On April 4, 2025, Defendant filed a memorandum in support of his motion to set aside, asserting via affidavit for the first time that a tenant had been served instead of him. At no prior point, including in his August 13, 2024, Motion to Dismiss, did Defendant dispute personal service. In fact, the earlier motion expressly stated that Plaintiff had served Defendant on June 13, 2024 (sic), confirming his awareness of service.

DISCUSSION

The Court heard three motions on April 8, 2025: (1) Defendant's Motion to Set Aside Entry of Default or Enlarge Time to Answer; (2) Plaintiff's Motion to Strike Defendant's Answer and Dismiss Counterclaims; and (3) Plaintiff's Motion for a Damages Hearing. Each are discussed in turn below.

I. Defendant's Motion to Set Aside Entry of Default or Enlarge Time to Answer:

The standard for setting aside an entry of default under Rule 55(c), SCRCP, is "good cause." SCRCP Rule 55(c). "This standard requires a party seeking relief from an entry of default under Rule 55(c) to provide an explanation for the default and give reasons why vacation of the default entry would serve the interests of justice." White Oak Manor, Inc. v. Lexington Ins. Co., 407 S.C. 1, 11, 753 S.E.2d 537, 542 (2014). "Once a party has put forth a satisfactory explanation for the default, the trial court must also consider: (1) the timing of the motion for relief; (2) whether the defendant has a meritorious defense; and (3) the degree of prejudice to the plaintiff if relief is granted." Id. (emphasis added).

"The trial court need not make specific findings of fact for each factor if there is sufficient evidentiary support on the record for the finding of the lack of good cause." Sundown Operating Co. v. Intedg Indus., Inc., 383 S.C. 601, 608, 681 S.E.2d 885, 888 (2009). "It is often observed .

. . . that the criteria for obtaining relief from judgment under Rule 60(b)—mistake, inadvertence, excusable neglect, surprise, newly discovered evidence, fraud, misrepresentation—are relevant in determining whether good cause has been shown under Rule 55(c), SCRCF.” Id. at 608, 681 S.E.2d at 889. “The Rule 60(b) factors are indeed relevant to a Rule 55(c) analysis, but only inasmuch as proof of any one of these factors is sufficient to show “good cause.” No trial court should ever find good cause lacking based solely on the absence of a Rule 60(b) factor.” Id.

The Court finds that Defendant has failed to meet his burden of showing good cause to set aside the default under Rule 55(c), SCRCF, because (A.) he has not provided a satisfactory explanation for the default and (B.) the factors set forth in Wham v. Shearson Lehman Bros., 298 S.C. 462, 381 S.E.2d 499 (Ct. App. 1989) weigh against granting relief. Each is discussed in turn below.

A. Defendant has failed to provide a satisfactory explanation for the default:

A threshold requirement for relief is the presence of a satisfactory explanation for the failure to timely respond. In this case, Defendant has failed to offer such an explanation. At the April 8, 2025, hearing, Counsel for Defendant argued that Defendant was not served with the Summons and Complaint. Instead, counsel contended that a tenant residing in the home at the time was served in Defendant’s place. This assertion does not constitute a “satisfactory explanation” for Defendant’s failure to respond and does not support a finding of “good cause” under Rule 55(c), SCRCF, for several reasons.

First, the sworn Affidavit of Service executed by the serving deputy from the Richland County Sheriff’s Department states clearly and unequivocally that the Deputy personally served the Summons and Complaint on Defendant on May 21, 2024. The affidavit includes a specific checkbox section to indicate whether service was made on someone other than the named defendant; in this instance, that section was left blank. The Deputy expressly certified that service

was made on “Anthony J McDow” by handing the documents to him at his residence on May 21, 2024, at 12pm. The Court credits this sworn affidavit and finds that Defendant was personally served.

Second, this Court previously addressed the issue of service in its December 3, 2024, Order denying Defendant’s Motion to Dismiss. In that Order, the Court expressly found that Defendant was “properly served on May 21, 2024,” pursuant to Rule 3(a)(1), SCRPC. Defendant’s new claim regarding service is inconsistent with his own August 13, 2024, motion to dismiss, which acknowledged that service occurred and merely challenged its timeliness. It was not until nearly one year after service, and only after adverse rulings on other motions, that Defendant raised this new claim regarding a tenant being served.

Third, and finally, even if the Court were to accept Defendant’s contention that a tenant residing in the home received the Summons and Complaint, service would nonetheless be valid under Rule 4(d)(1), SCRPC. That rule provides that service upon an individual may be made “by delivering a copy of the summons and complaint to him personally or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.” Rule 4(d)(1), SCRPC. Service on a co-resident tenant of suitable age and discretion at Defendant’s dwelling house would therefore constitute proper service under South Carolina law.

Accordingly, even taking Defendant’s unsupported assertion at face value, the Court finds that no deficiency in service occurred. Because Defendant has failed to offer a satisfactory explanation for his failure to respond, the Court DENIES Defendant’s Motion to Set Aside Entry of Default or Enlarge Time to File Answer.

B. The Relevant Wham Factors Weigh Against Setting Aside Default:

Even assuming *arguendo* that Defendant could demonstrate good cause under Rule 55(c),

SCRCP, the Court finds that the relevant factors identified in Wham v. Shearson Lehman Bros., 298 S.C. 462, 465, 381 S.E.2d 499, 501–02 (Ct. App. 1989), weigh in favor of denying the motion to set aside.

Under Wham, once a party provides a satisfactory explanation for a default, the Court must consider three additional factors in determining whether to set aside the entry of default: (1) the timing of the motion for relief; (2) whether the defendant has a meritorious defense; and (3) the degree of prejudice to the plaintiff if relief is granted. Id. Each is discussed in turn below.

(1) Timing of the Motion

The timing of Defendant's motion weighs heavily against setting aside the default. Although Defendant was personally served on May 21, 2024, he did not file a motion to set aside the entry of default until December 3, 2024. This was more than six months after service and more than five months after Plaintiff filed an affidavit of default on June 27, 2024. During that time, Defendant did not seek relief under Rule 55(c) but instead filed a motion to dismiss on procedural grounds. The scheduling of the Rule 55(c) motion was significantly delayed because it was not filed until after Defendant's motion to dismiss was denied. There was nothing preventing Defendant from filing both motions contemporaneously, which would have allowed the Court to hear the request for relief from default months earlier. Defendant's failure to do so caused unnecessary delay and reflects a lack of diligence that weighs against granting relief.

(2) Meritorious Defense

The Court finds that Defendant has failed to present a meritorious defense sufficient to warrant relief under Rule 55(c), SCRCP. Under South Carolina law, "a meritorious defense need not be perfect nor one which can be guaranteed to prevail at a trial. It need be only one which is worthy of a hearing or judicial inquiry because it raises a question of law deserving of some investigation and discussion or a real controversy as to real facts arising from conflicting or

doubtful evidence.” Thompson v. Hammond, 299 S.C. 116, 120, 382 S.E.2d 900, 903 (1989).

Here, the Court finds that the affidavit submitted by Defendant does not raise a real controversy as to material facts, nor does it present a legal defense warranting further judicial inquiry. Defendant does not deny that he struck Plaintiff in the head with a loaded firearm and discharged the weapon. Rather, he offers vague and generalized assertions that Plaintiff was aggressive or threatening but provides no factual detail or evidentiary support that would give rise to a cognizable claim of self-defense or any other recognized legal justification.

Defendant’s affidavit primarily recounts personal grievances between Defendant and Plaintiff, including claims regarding Plaintiff’s prior conduct, substance use, and strained family dynamics. These allegations, even if taken as true, do not contradict the core allegations in Plaintiff’s Complaint or establish any affirmative defense to the claims asserted. Moreover, Defendant’s speculation that the lawsuit is motivated by jealousy or bad faith does not constitute a legal defense to the causes of action for assault, battery, or resulting harm.

At the hearing on April 8, 2025, defense counsel was given the opportunity to articulate any legal or factual basis for a meritorious defense but failed to do so. The Court concludes that neither the affidavit nor the argument presented establishes a defense deserving of further judicial inquiry. Accordingly, this factor weighs strongly against granting Defendant’s motion to set aside the entry of default.

(3) Prejudice to Plaintiff

Allowing Defendant to proceed at this late stage would result in substantial prejudice to Plaintiff. Plaintiff filed this action in May 2023 and has already been forced to respond to duplicative and previously adjudicated claims. Granting Defendant relief now would delay final resolution, increase costs, and force Plaintiff to relitigate issues that have already been conclusively decided in his favor. In addition, the time that has passed has likely caused witnesses and

information to be lost that would otherwise be available had Defendant timely answered and defended this suit. This degree of prejudice weighs strongly against reopening the case.

Because Defendant has not provided a satisfactory explanation for the default and the Wham factors weigh against relief, Defendant's Motion to Set Aside Entry of Default or Enlarge Time to Answer is DENIED.

II. Plaintiff's Motion to Strike Defendant's Answer and Dismiss Counterclaims:

Plaintiff's Motion to Strike Defendant's Answer and Dismiss Defendant's Counterclaims was heard on April 8, 2025. At the hearing, counsel for Defendant affirmatively withdrew all counterclaims with prejudice on the record. Based on that representation, the Court finds that dismissal of the counterclaims with prejudice is appropriate. Because the Court denies Defendant's Motion to Set Aside Entry of Default or Enlarge Time to Answer, Defendant's Answer remains untimely.

Accordingly, Plaintiff's Motion to Strike Defendant's Answer and Dismiss Defendant's Counterclaims is GRANTED. Defendant's Answer is stricken, and the Counterclaims are dismissed with prejudice.

III. Plaintiff's Motion for Damages Hearing:

Plaintiff's Motion for a Damages Hearing was heard on April 8, 2025. In light of the Court's denial of Defendant's Motion to Set Aside Entry of Default and the Court's ruling granting Plaintiff's Motion to Strike Defendant's Answer and Dismiss Defendant's Counterclaims with prejudice, there are no motions remaining before the Court that must be decided prior to a damages hearing. Because default remains in effect, the matter now proceeds solely on the issue of damages.

Accordingly, Plaintiff's Motion for a Damages Hearing is GRANTED. Counsel for Plaintiff shall contact the Clerk's Office to schedule the hearing.

CONCLUSION

For the foregoing reasons, the Court hereby ORDERS as follows:

1. Defendant's Motion to Set Aside Entry of Default or Enlarge Time to Answer is DENIED.
2. Plaintiff's Motion to Strike Defendant's Answer and Dismiss Defendant's Counterclaims is GRANTED. Defendant's Answer is stricken, and Defendant's Counterclaims are dismissed with prejudice.
3. Plaintiff's Motion for a Damages Hearing is GRANTED. Counsel for Plaintiff shall contact the Clerk's Office to schedule the hearing.

IT IS SO ORDERED.



Xfinity Mobile 5G+ 10:36 AM 57%

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Lexu Man missing my Darrell

af 11:11:20 AM Fri, May 9

facebook.com >

Fri, May 9 at 1:47 AM



I laugh and I joke but I do not
play

+ Text Message



EXHIBIT

F





KERSHAW COUNTY SHERIFF'S OFFICE

SHERIFF LEE BOAN

Case P2025-01846

Printed on May 20, 2025

Status Approved
Report Type Patrol
Primary Officer Joseph Branham
Investigator None
Reported At 05/20/25 11:31
Incident Date 05/20/25 11:31 - 05/20/25 11:31
Incident Code 1049 : CIVIL DISTURBANCE
Location [REDACTED]
Zone [REDACTED]



Disposition Forward to Investigations
Disposition Date/Time 05/20/25 13:20
Review for Gang Activity None

Asst Officers

Tarte, Bradley

Status Indicator Administrative
Filler
Status Change Date 5/20/25

Complainant

MCDOWELL, ALAN

[REDACTED]
[REDACTED]
[REDACTED]
NRP - SUSPICIOUS ACTIVITY

Offender

MCDOW, ANTHONY JAMES

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
NRP - SUSPICIOUS ACTIVITY

Other

[REDACTED]
[REDACTED]
[REDACTED]
Mentioned: NRP - SUSPICIOUS ACTIVITY

Primary Narrative By Joseph Branham, 05/20/25 12:38

On 05/20/2025, I, Dep. Branham along with Dep. Tarte were dispatched to [REDACTED] located in the [REDACTED] area of Kershaw County in reference to a civil disturbance. When I arrived on scene, I made contact with the complainant(AM) and he stated that he just got off the phone with his sister-in-law [REDACTED]. AM stated that he spoke with his sister, who lives in Virginia and [REDACTED] who just recently moved to Atlanta, on the phone for a few hours last night(05/19) and today(05/20). AM stated [REDACTED] informed him that his brother/offender paid a guy that he only knows by [REDACTED] to kill him. AM informed me that [REDACTED] has a voice recording of his brother admitting to this act.

I asked AM what kind of relationship he has with the offender and he stated that it isn't the greatest due to him beating his brother out of a civil case in Richland County. I asked AM what [REDACTED] informed him of and he stated "I spoke with [REDACTED], who is his wife, for a few hours on the phone and she stated that my brother paid [REDACTED] ten thousand dollars in cash to take me out. She told me it was supposed to go down when I walked out of the courthouse on the sixth of this month, but it never happened". He continued to state that the offender was arrested in 2023 for pointing and gun at him. AM also informed me that a male subject that goes by the name [REDACTED] gave the money to [REDACTED]

While speaking with AM, I asked him if he knew [REDACTED] actual alias and he stated "No, but [REDACTED] knows exactly who he is and can give you all of that stuff". At this time, I asked AM to call [REDACTED] and advised her that I will be calling her very shortly. When I briefly spoke with [REDACTED] she informed me that she will be awaiting my phone call. I asked AM where the money exchange took place and he stated "I think it all took place in Richland County". I also observed AM to be of sound mind and to speak in clear collective sentences. I don't have any reason to believe that AM has any kind of mental issues. After speaking with AM I left the scene with nothing further.

Shortly after leaving the scene I tried contacting [REDACTED] multiple times, but failed due to her not answering the phone. I then called AM and advised him [REDACTED] wasn't answering and he informed me that he will let her know that I am trying to contact her. I waited for a short period of time, called [REDACTED]'s number, but she still didn't answer. Due to not being able to speak with [REDACTED] I have nothing further to report at this time.

My body worn camera was on and active during this entire incident.

803-576-3000



Incident #: 2505033217

Event

[illegible]

Category	Value
Category 1	Value 1
Category 2	Value 2
Category 3	Value 3
Category 4	Value 4
Category 5	Value 5
Category 6	Value 6
Category 7	Value 7
Category 8	Value 8
Category 9	Value 9
Category 10	Value 10
Category 11	Value 11
Category 12	Value 12
Category 13	Value 13
Category 14	Value 14
Category 15	Value 15
Category 16	Value 16
Category 17	Value 17
Category 18	Value 18
Category 19	Value 19
Category 20	Value 20
Category 21	Value 21
Category 22	Value 22
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Category 89	Value 89
Category 90	Value 90
Category 91	Value 91
Category 92	Value 92
Category 93	Value 93
Category 94	Value 94
Category 95	Value 95
Category 96	Value 96
Category 97	Value 97
Category 98	Value 98
Category 99	Value 99
Category 100	Value 100

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2505033217

Incident #: 2505033217

Drug (0)

Property Class:

Gun (0)

Make:

Narrative (1)

Royer, Eugene S2503

05/17/2025

Mr. McDow came into RCSDHQ on 05/17/25 to report Mr. [REDACTED] threatening his and his family's life. Mr. McDow stated Mr. [REDACTED] stole \$10,000 from him at a location in CPD jurisdiction then threatened his life at Mr. McDow's home by driving by, pointing guns, and saying, "If you tell anyone about this, I'll kill you and your entire family." Mr. McDow stated he waited to report this to authorities until he moved his family so they were safe. Mr. McDow stated he is moving down to Atlanta, GA. I notified Mr. McDow to go to CPD headquarters to take care of that theft report, he said he was heading there.

Body Worn Camera: Not Applicable

ShotSpotter: NO

Author Name:

Officer (2)

Reporting Officer:	Royer, Eugene (S2503)	05/17/2025 16:00:00
Approving Officer:	White, Nathan (1093)	05/17/2025 16:55:46

803-576-3000



Incident #: 2505033217

[illegible]

Automatic:

Automatic:

Type Of Loss:

Printed By Roberts, Carey