

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

Tracy Moss,

Plaintiff,

v.

Spartanburg County Sheriff's Department,
and Sheriff Chuck Wright.

Defendants.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

SUMMONS

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is served upon you, and to serve a copy of your answer to this Complaint upon the subscriber at the address shown below within thirty (30) days (thirty five (35)) days if served by United States Mail) after service hereof, exclusive of the date of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

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April 23, 2025

Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

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COMPLAINT
(Jury Trial Demanded)

EMPLOYMENT CASE

The Plaintiff, complaining of the Defendant, respectfully alleges as follows.

PARTIES AND JURISDICTION

1. Plaintiff Tracy Moss ("Plaintiff") is a citizen and resident of Spartanburg County, South Carolina.
2. Defendant Spartanburg County Sheriff's Department is a county Sheriff's Office in Spartanburg County, South Carolina.
3. Defendant Chuck Wright is the Sheriff of Spartanburg County, South Carolina.
4. Plaintiff worked for the Department as a law enforcement officer in the rank of Sergeant.
5. This action alleges wrongful discharge and malicious prosecution under the common law of South Carolina.
6. This Court has subject matter jurisdiction over these claims.
7. This Court has personal jurisdiction over these parties because Plaintiff and Defendant reside and conduct business in Spartanburg County, South Carolina, and the events giving rise to this action occurred within Spartanburg County, South Carolina.

8. This Court is a proper venue because Plaintiff was employed by Defendant in Spartanburg County and the acts giving rise to these claims occurred within Spartanburg County, South Carolina.

9. Plaintiff demands a jury trial on all triable claims and issues.

FACTUAL ALLEGATIONS

10. Plaintiff was originally hired by the Defendant as a Victim Advocate in 2003.

11. Plaintiff transitioned to a law enforcement role with Defendant after her graduation from the South Carolina Criminal Justice Academy in June 2005.

12. Plaintiff, holding the rank of Sergeant, served in various roles including the lead investigator of the Special Victims Unit until her retirement from Defendant in June 2020.

13. During her employment, Plaintiff had an exemplary service record with no disciplinary actions.

14. Plaintiff was rehired after her retirement in her same role as Sergeant in July 2020. Prior to her employment with Defendant in 2003, Plaintiff had prior years of government service at the Spartanburg County Solicitor's Office and the Department of Juvenile Justice.

15. Plaintiff was employed during the months leading up to the June 2024 Sheriff's Primary Election where Sheriff Chuck Wright ("Sheriff Wright") was up for re-election against challenger Nick Duncan ("Duncan").

16. During the election, a large sign supporting Nick Duncan was put on an empty lot next to Plaintiff's brother-in-law's business. While the sign was not on Plaintiff's brother-in-law's property, it appeared as if it was placed at the business.

17. In January 2024, Sheriff Wright spoke to Plaintiff's supervisor at the time, Captain Steve Cooper ("Cooper"), about Plaintiff.

18. Sheriff Wright told Cooper that he heard Plaintiff was “pulling for” Duncan and that he was “going to have to fire her ass.” Cooper relayed this statement to Plaintiff’s husband.

19. Plaintiff heard from individuals in the Department that Sheriff Wright had a “hit list” and was going to be “taking people out” who he deemed to be supporting Duncan.¹

20. From June 22, 2024, to July 7, 2024, Plaintiff was off on a planned vacation.

21. When Plaintiff returned to work on July 8, 2024, she was brought into a meeting with Chief Deputy Billy Parris and Criminal Investigations Division Captain Philip Wilkie where they informed Plaintiff she was being terminated.

22. When Plaintiff asked why she was being terminated, Chief Parris and Captain Wilkie stated that there were individuals at the Children’s Advocacy Center of Spartanburg and the Department of Social Services who “did not like” Plaintiff.

23. Chief Parris and Captain Wilkie further stated that Plaintiff had committed misconduct involving her closing of cases in the computer system.

24. Plaintiff stated that she was closing several cases in the system as part of an “administrative clean-up” and the cases were already supposed to have been closed but had not been updated in the computer.

25. Plaintiff was handed a letter signed by Chief Parris and dated June 27, 2024, eleven days before the termination meeting took place, which stated that Plaintiff had been found in violation of “Rule 13A, Truthfulness and Rule 22B, Unsatisfactory Performance.”

26. The letter also stated that “[a] complaint was forwarded via the chain of command to Sheriff Wright regarding some allegations of impropriety involving you. Earlier this morning,

¹ The alleged “hit list” refers to individuals that Sheriff Wright was going to terminate or take adverse employment action against for supposedly supporting Duncan.

additional information was brought forward which necessitated Sheriff Wright to request SLED (South Carolina Law Enforcement Division) take over the investigation into the allegation.”

27. The letter concluded that Plaintiff’s termination would be effective immediately “[d]ue to the magnitude of these violations as well as what SLED will potentially discover.”

28. During the meeting, Sheriff Wright entered and pulled out a picture of a juvenile who Plaintiff did not recognize. Sheriff Wright stated that he “had a problem” with “cases like this” and insinuated that Plaintiff has not worked on or properly completed cases.

29. Plaintiff asked to see the list of cases the Sheriff was referring to and provide explanations for her closing of the cases, but Sheriff Wright abruptly left the room and Chief Deputy Parris and Captain Wilkie ended the meeting.

30. After Plaintiff’s termination, a SLED investigation took place following Sheriff’s Wright report of Plaintiff on June 27, 2024. The investigation was closed on November 4, 2024, after SLED determined the case was unfounded and had received information from Chief Parris stating that “no criminal acts were found during the...investigation.”

31. Because of this SLED report made by Sheriff Wright, Plaintiff was unable to seek employment in law enforcement as the report prevented the reissue of Plaintiff’s law enforcement certification. Plaintiff’s certification was finally reissued in February 2025.

FIRST CAUSE OF ACTION

Against Defendant Spartanburg County Sheriff’s Office
(Wrongful Discharge)

32. Plaintiff realleges the forgoing where consistent.

33. Plaintiff was terminated by Defendant on July 8, 2024.

34. Plaintiff was terminated by Defendant in retaliation for her regarded political opinions and exercise of her political rights which is contradictory to the clear mandates of public policy in South Carolina.

35. Plaintiff was terminated because of her presumed support for candidate Duncan for Spartanburg County Sheriff.

36. Under S.C. Code Ann. §16-17-560, it is the clear mandate of South Carolina's public policy that an employee may not be terminated due to their political opinions or the exercise of their political rights.

37. As such, terminating Plaintiff based on his regarded political affiliation was unlawful.

38. Defendant's stated reasons for Plaintiff's termination, which included her being untruthful and committing misconduct regarding record keeping of cases, is pretext for Defendant's actual reasons for Plaintiff's termination as stated above. No evidence was provided that Defendant committed misconduct or was untruthful in any manner.

39. Plaintiff has no legal remedy for her termination aside from this common law discharge claim.

40. Defendant is directly and proximately liable for Plaintiff's termination.

41. Defendant's wrongful termination of Plaintiff entitles her to damages for lost earnings, lost benefits, diminished earning capacity, pain and suffering, emotional distress, and stress and reputational damages.

SECOND CAUSE OF ACTION

Against Defendant Wright
(Malicious Prosecution)

42. Plaintiff realleges the foregoing were consistent.

43. Plaintiff was wrongfully referred to SLED for misconduct by Defendant in order to justify her termination.

44. Defendant Weight referred Plaintiff to SLED.

45. The investigation into Plaintiff's alleged misconduct was deemed unfounded by SLED and Defendant admitted that no criminal acts were discovered in their internal investigation of Plaintiff.

46. Defendant maliciously instigated this investigation by SLED for Plaintiff's perceived disloyalty to Sheriff Wright and her perceived allegiance to Nick Duncan in the 2024 election.

47. No probable cause existed that Plaintiff had committed any misconduct.

48. As a result, Plaintiff's recertification of her law enforcement officer credentials was delayed for months, preventing her from seeking other employment.

49. Defendant's malicious prosecution of Plaintiff entitles her to damages including those for mental pain and suffering, injury to reputation and person, and financial loss due to loss of prospective employment.

PRAYER FOR RELIEF

50. Plaintiff realleges the foregoing where consistent.

51. Plaintiff requests a jury trial on all claims and all triable issues.

52. Plaintiff requests that the jury award, within its discretion, a reasonable sum for all damages sought on the above claims including punitive damages where legally cognizable.

53. Plaintiff requests that the Court award her all equitable relief it deems just and necessary up to and including reinstatement or front pay.

54. Plaintiff also requests pre-judgment interest.

(Signature Page Follows)

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