

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

BROOKS HAMPTON TEMPLETON,

Plaintiff,

vs.

THE TOWN OF MOUNT PLEASANT
POLICE DEPARTMENT; COOPER UPSON
in his Individual and Official Capacities; and
MARK ARNOLD in his Individual and
Official Capacities;

Defendants.

IN THE COURT OF COMMON PLEAS
THE NINTH JUDICIAL CIRCUIT
C/A NO.: 2025-CP-10-_____

SUMMONS

(JURY TRIAL DEMANDED)

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer on the subscribers at their office located at 3 Morris Street, Suite A (29403), Post Office Box 21624, Charleston, South Carolina, 29413, within thirty (30) days of the service, exclusive of the day of such service; and if you fail to answer the Complaint within this time, Plaintiff will move for entry of Default Judgment and apply to the Court for the relief sought therein.

Respectfully Submitted,

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September 23, 2025
Charleston, South Carolina

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COMPLAINT

(JURY TRIAL DEMANDED)

COMES NOW, the Plaintiff above named, Brooks Hampton Templeton, ("Hampton" or "Plaintiff"), complaining about the Defendants above named, alleges and states that:

1. Plaintiff, Hampton Templeton, is a South Carolina resident and citizen with his permanent residence in Charleston County, South Carolina.
2. Upon information and belief, Detective Cooper Upson ("Upson") and Chief Mark Arnold ("Arnold") are South Carolina residents and citizens and operate under the color of state law as agents and employees of the Town of Mount Pleasant, South Carolina. The Town of Mount Pleasant is a municipality existing under South Carolina law and is deemed to be a South Carolina citizen for jurisdictional purposes. The Mount Pleasant Police Department ("MPPD") is a division of the Town of Mount Pleasant. Upson, Arnold, and MPPD are referred to collectively as "Defendants."
3. Upon information and belief, this Court has both personal and subject matter jurisdiction over this matter and venue is proper in Charleston County.

Introduction

4. In Paul's letter to the Ephesians he reminds us of the reality of evil forces undermining our humanity and encourages us to arm ourselves with the truth: "For we do not wrestle against flesh and blood, but against the rulers, against the authorities, against the cosmic powers over this present darkness, against the spiritual forces of evil in the heavenly places. Therefore, take up the whole armor of God, that you may be able to withstand in the evil day, and having done all, to stand firm. Stand therefore, having fastened on the belt of truth..." Ephesians 6:12-13.

5. This case is about the deliberate indifference and malicious prosecution by the very officers entrusted with protecting the truth. The Mount Pleasant Police Department—an institution sworn to protect liberty—instead became the instrument that destroyed it.

6. Instead of protecting the community, Defendants targeted the son of a political candidate during a national campaign, hid the truth, withheld and destroyed evidence, maliciously escalated a misdemeanor to a felony with no probable cause, then perpetuated the prosecution by lying to the Court.

7. Defendants destroyed, buried, and failed to disclose evidence of innocence that would have cleared Hampton while fabricating a story of violence for the community, Court, and press then locking him in his home during the most important years of his young life.

8. Most alarming, Defendants did not think they would get caught because, as law enforcement, they held all the authority, power, and Hampton's life in their hands.

9. Defendants Arnold and Upson were so arrogant, malicious, and incompetent that they kept up their malicious prosecution for almost two years, even after a judge found no probable

cause for the felony arrest and their own fellow MPPD officers found no probable cause for any arrest whatsoever.

10. The harm caused to Hampton because of the incompetent, improper, unlawful, and deliberate campaign the government waged against him began during his senior year of high school and will follow him all the days of his life.

11. Like many victims of a broken system, Hampton has thus far been powerless to protect himself from the harm caused by the Defendants' conduct. It is for this reason this action is brought, and it is for this reason that significant compensatory and exemplary damages are prayed for herein.

Individuals and Entities

12. Hampton Templeton, then a high school senior, was seized, humiliated, and confined on a felony charge that the Court ruled MPPD had no probable cause to execute.

13. The felony arrest was not supported by the evidence. In fact, the evidence in MPPD's control at all times actually proved the allegations were false.

14. MPPD's felony Charge against Hampton was not supported by truth. It was created by an untrained detective with deliberate indifference to the truth, a malicious motive, and poor judgment who lied under oath, suppressed exonerating documents, and destroyed evidence.

15. In addition to fabricating evidence, Defendant Upson swore the false statements into law.

16. Detective Cooper Upson—a man with less than six months on the job and little to no supervision or investigative training, whose background previous to law enforcement was in selling sneakers at Nike—ignored, suppressed, or destroyed body camera recordings, 911 calls, hospital records, Emergency Medical Services (EMS) documents, and eyewitness accounts that

not only proved Hampton's innocence, but affirmatively and directly proved Defendant Upson's sworn statements were false.

17. Chief Mark Arnold failed to train and supervise Upson, failed to implement investigative policies and protocols, ratified Defendant Upson's violative actions, then authorized and approved the malicious reopening of a closed case and arrest without probable cause, leaking details to the press and smearing a teenager with a story of violence that never happened.

18. Upson, who had full control of the medical information exonerating Hampton from the felony charge, swore false statements about nonexistent injuries into the arrest warrant and lied under oath to support his false and spurious narrative.

19. Arnold approved of the false narrative and spread it to a national press.

20. MPPD's procedures did nothing to prevent the malicious prosecution or correct it.

21. As a citizen of the United States of America, Hampton Templeton has rights under the United States Constitution, including but not limited to the First, Fourth, and Fourteenth Amendments, as well as federal statutory and common law.

22. As a citizen of South Carolina, Hampton Templeton has rights provided by state statutory and common law.

23. At all times relevant to this lawsuit, the Town of Mount Pleasant was a governmental entity acting under the color of state law as authorized by the State of South Carolina.

24. Officer Cooper Upson was acting in his official capacity as an agent and officer of the Mount Pleasant Police Department, except when he acted in his individual capacity with malice, reckless indifference, or intent to harm.

25. Chief Mark Arnold was acting in his official capacity as an agent and officer of the Mount Pleasant Police Department, except when he acted in his individual capacity with malice, reckless indifference, or intent to harm.

26. This Complaint is filed not only to vindicate Hampton's rights, but also to shine a light on the dangerous truth: when police officers are untrained, ignore their training, abandon their duty, and surrender their integrity, it is not the liars or the bullies who pay the price—it is innocent citizens and the Constitution itself.

Jurisdiction and Venue

27. The most substantial part of the torts that occurred relative to the facts of this case took place in Charleston County. Accordingly, subject matter jurisdiction and venue are proper in Charleston County.

28. The causes of action that are presented in this lawsuit arise out of federal and state common law, statutes, and the United States Constitution.

29. The Defendants are all South Carolina citizens and residents and/or South Carolina governmental entities.

Factual Allegations

30. On the night of January 11, 2024, a party in Mount Pleasant occurred. A young man, Dallas Monroe, was intoxicated and aggressive according to police and medical reports. According to witnesses and law enforcement, Dallas was the "primary aggressor." Yet when the night was over, it was Hampton Templeton—not Dallas Monroe—who would lose his freedom, his privacy, and the most irreplaceable moments of his young life.

31. During the party, law enforcement was called and they investigated the location.

**Six Recorded 911 Calls
Were Made to Authorities on January 11, 2024**

32. The first 911 call notified authorities that “10 to 12” young men were fighting in the street.

33. The second and third 911 calls were made by a victim. This victim called 911 two separate times asking to speak with the investigating officer and later reported he was allegedly assaulted by Dallas.

34. The fourth, fifth, and sixth 911 calls were made hours later by Greta Wilkins, Dallas Monroe’s girlfriend, who alternately cancelled her call, hung up on authorities, and was then called back by 911. On the calls, Greta was recorded telling authorities *she did not know who hit Dallas*.

35. On that same recorded line, Dallas was recorded telling Greta he was “good” and to hang up the 911 call.

36. This objective, unbiased, recorded 911 evidence and the MPPD’s contemporaneous investigation established that:

- a. Dallas Monroe was the “primary aggressor” at the party that night.
- b. There was an identified material witness/victim to the events.
- c. Dallas’s girlfriend, Greta Wilkins, did not see the altercation.
- d. There were at least 10 to 12 suspects to be investigated.
- e. Dallas Monroe did not know who he fought with.
- f. Dallas Monroe was “good” and not in acute medical distress after he left the party.

**Three MPPD Officers
arrived on the scene On January 11, 2024**

37. While multiple MPPD officers were present at the scene:

- a. Officers engaged their body cameras.
- b. Officers spoke with multiple witnesses, all of whom stated that there was no fight, but a belligerent drunk partygoer who people were trying to get to leave.
- c. MPPD records show multiple witnesses were interviewed on January 11, 2024, and none mentioned Hampton Templeton.
- d. The investigating officer memorialized his findings in a multi-page, official MPPD investigative file reviewed and approved by decades of law enforcement experience.
- e. The investigating officer noted that Dallas Monroe left the scene before police arrived and was uncooperative during the investigation.
- f. In addition to the three officers actually at the scene, two supervisors reviewed and approved the investigation—including the 2024 MPPD “Supervisor of the Year.”
- g. Detective Cooper Upson was not there, did not interview any witnesses, and was completely uninvolved in the investigation.

38. This contemporaneously gathered evidence, including unbiased video recordings of the actual scene and witness interviews at the time of the disturbance and for weeks after, are part of the important exculpatory body of evidence that led MPPD to determine and record in their official findings that Dallas Monroe was the “primary aggressor” and was “uncooperative,” and there was “no probable cause” to arrest anyone else, including Hampton Templeton.

39. After gathering and reviewing this important information, MPPD closed the case.

**One hundred pages of medical records
were created On January 12, 2024**

40. Police and MUSC medical records show Dallas Monroe showed up to the emergency room approximately four hours after he left the party, continued his night with his friends, and Ubered to his girlfriend's house to sleep.

41. MUSC medical records stated that Dallas Monroe did not recall who he fought with.

42. MUSC medical records show Dallas Monroe was discharged a short three hours after he arrived with instructions to take a Tylenol.

43. MUSC medical testing revealed that Dallas was likely almost twice the legal limit for blood alcohol when he left the party and was still over the legal BAC almost five hours after the first 911 call when his blood was taken at MUSC.

44. MUSC medical records stated that the doctors, nurses, and emergency medical crew observed no seizure, seizure-like activity, or concussion.

45. MUSC medical records stated that Dallas was in no distress.

46. MUSC's objective medical testing and imaging found no abnormalities.

47. MUSC medical records show Dallas was discharged after a full trauma workup with no follow-up needed.

48. This important group of objective, third-party observation and documentation establishes that Dallas Monroe was not admitted to the hospital and did not have brain injuries, seizures, spinal damage, or any medical condition even remotely akin to "great bodily harm" as defined by the State of South Carolina. These documents are a part of the important exculpatory body of evidence exonerating Hampton Templeton.

**One Comprehensive Trauma Workup was performed by
Medical University of South Carolina on January 12, 2024**

49. Dallas Monroe had a full trauma work up at MUSC. The medical records show:

- a. Dallas had a Glasgow Coma Scale Score of 15 out of 15, which is the highest and best score possible.
- b. Dallas Monroe's chest x-ray demonstrated no acute abnormality.
- c. Dallas Monroe's CT cervical spine showed no acute abnormality.
- d. Dallas Monroe's MRI of the brain showed no brain damage.
- e. Dallas Monroe's ultrasound showed no free fluid.
- f. Dallas Monroe passed the FAST test.
- g. Dallas Monroe had no broken bones, sutured cuts, brain injuries, or seizures.

50. This important group of objective, third-party documents exonerating Hampton Templeton is a part of the exculpatory body of evidence establishing that Dallas Monroe had no brain injuries, seizures, or any medical condition even remotely akin to "great bodily harm" as defined by the State of South Carolina.

**Thirteen EMS records were created
on January 12, 2024**

51. EMS arrived at Greta Wilkins' house, Dallas's girlfriend, after a 911 hang up from the location.

- a. EMS records noted that Dallas Monroe told authorities on the night of the party that his altercation was with "2-3 people."
- b. EMS recorded Dallas admitting he did not know who he fought with.
- c. EMS records noted that Dallas walked onto the ambulance that was sent because of his girlfriend's 911 hang up.

- d. EMS records noted that Dallas was alert and in no distress.
- e. Dallas Monroe stated to EMS he never lost consciousness and had no neck, back, jaw, arm, or abdominal pain.
- f. EMS records noted no bleeding, no bone deformity, and no other external signs of trauma throughout Dallas's face, head, mouth, eyes, and ears.
- g. With a normal pulse and vital signs, Dallas Monroe denied he was in pain or discomfort at least twice to EMS.
- h. EMS records observed that Dallas had no seizure-like activity at any time before, during, or after he rode to the Medical University of South Carolina.
- i. EMS records note that Dallas' mother insisted he be transported in the ambulance to the hospital despite normal vital signs and no distress.

52. This important group of objective, third-party documents exonerating Hampton Templeton is a part of a body of exculpatory evidence establishing that there were multiple suspects to interview, the "victim" did not know who he fought with, and Dallas Monroe had no brain injuries, seizures, or any medical condition even remotely akin to "great bodily harm" as defined by the State of South Carolina.

The First Investigation

53. On Tuesday, January 16, 2024, Dallas Monroe's mother, April Monroe, made a police report that her son had been assaulted by *several people*.

54. The collective experience, education, training, and wisdom of the MPPD, including Officers Caley, Culnon, and Stafford plus all officers who arrived on the scene January 11, 2024, properly responded to and investigated the complaint pursuant to the Town of Mount Pleasant Policies and Procedures and standard law enforcement protocol.

55. After over a month of investigating a misdemeanor assault claim, the case was closed, finding that Dallas Monroe was the “primary aggressor” and there was no probable cause to arrest anyone else, including Hampton Templeton.

56. It was with reasonable minds acting on the facts and circumstances of the case that Officers Caley, Culnon, and Stafford found or approved the finding of no probable cause to arrest Hampton Templeton on February 3, 2024, did not reopen the case thereafter, and reaffirmed the position of the MPPD on March 11, 2024, that reasonable minds could find no probable cause to arrest Hampton Templeton.

57. The first investigation was properly supervised and investigated for almost two months by the leadership of MPPD as an assault and battery second degree, which is a *misdemeanor*.

58. Unfortunately for justice and for Hampton Templeton, all the aforementioned evidence was either destroyed, suppressed, or recklessly disregarded by Detective Cooper Upson and Chief Mark Arnold in the improperly motivated *second* investigation months after the party occurred in January and just after Hampton’s mother announced she was running for Congress against the Chief’s college classmate.

59. At first, the Mount Pleasant Police Department got it right. Officers on the scene investigated the incident, spoke with witnesses, and reviewed the available facts. Their conclusion: Dallas Monroe was the “primary aggressor” at a high school party and there was no probable cause to arrest anyone else—including Hampton Templeton. The case was closed.

The Second Investigation

60. Months after the party, on March 13, 2024, and after Hampton's mother announced she was running for Congress against a woman Chief Arnold went to school with, Detective Cooper Upson and Chief Mark Arnold made the inexplicable decision to reopen that closed case.

61. On March 13, 2024, Arnold assigned a new detective Upson to reopen the case against Hampton.

62. Arnold had promoted Upson to detective less than six months earlier.

63. In that six months, Upson's constitutional and investigative training was inadequate, if he got any at all.

64. Upson's LinkedIn lists 11 courses and 7 certifications, such as Lands and People of the World; Survey of Accounting; General Chemistry; Comparative Politics; and Introduction to Economics. None of these heralded accomplishments qualify him to be a detective with the authority to take away a citizen's liberty.

65. Once promoted, upon information and belief, Upson did not receive any law enforcement training on criminal investigations or constitutional compliance such as Due Process; Ethics; Duty to Discover the Truth; Evidence; Hearsay; Criminal Procedure; Warrants and Probable Cause; the 1st, 4th, 5th, or 14th Amendments to the United States Constitution; Witness Veracity and Motivation; Exculpatory Evidence or any certification sanctioned by the Commission on Accreditation for Law Enforcement Agencies by which the Town of Mount Pleasant is accredited.

66. According to a press statement from Arnold, however, Upson was assigned because he was a "seasoned" officer and the officers in the first investigation who investigated, reviewed,

and approved the case closure were “less experienced”—despite their decades of MPPD leadership and commendations.

67. Arnold even declared to the press that the case was reviewed by MPPD in the second investigation and there was probable cause to arrest Hampton.

68. Upon information and belief, Arnold has never made any comments during any ongoing investigation since his tenure as Chief of Police, or at any time in his career before this.

69. Neither Arnold nor Upson had any involvement in the first investigation, yet both ignored, suppressed, or destroyed the evidence in MPPD’s control since January 12, 2024.

70. One day after being introduced to a months old closed case, after speaking with no witness who observed the alleged assault; not reviewing reports, recordings, or evidence available to MPPD; and not speaking with the decorated officers who were actually at the scene, investigated, and closed the case finding Dallas Monroe to be the “primary aggressor,” and no probable cause to arrest Hampton, Upson concluded and stated to Dallas the following on a recorded line: “I was just reassigned the case . . . , don’t go around thinking you did anything wrong . . . I do want to make sure that you know I do right by, right by you, your friends and make sure that everybody knows because it seems like Hampton’s got a reputation amongst everybody in the school.”

71. Upson’s intentional targeting statement and presumption of guilt against Hampton was made within hours of Upson reopening the case and before he reviewed evidence or conducted a standard investigation.

72. At the time of that statement indicating his intent to harm Hampton, Upson had not:

- a. Listened to the six 911 calls;
- b. Reviewed the body camera footage from the night of the alleged incident;

- c. Reviewed the hospital records;
- d. Reviewed the EMS run sheets;
- e. Reviewed the incident reports from the first investigation;
- f. Spoken to even one witness at the party house;
- g. Spoken with at least one material witness who could have also been Dallas's victim;
- h. Spoken with the witness who called in the party and observed "10-12" suspects fighting;
- i. Interviewed the homeowner who hosted the party; or
- j. Spoken with the previous investigating officer to get a comprehensive understanding of all the evidence already identified by MPPD when officers with thirty years of law enforcement experience determined that Dallas Monroe was "uncooperative" and the "primary aggressor" and there was no probable cause to arrest anyone else, including Hampton Templeton for any actions that allegedly occurred the night of January 12, 2024.

73. Upson later testified that the only witness or new evidence he gathered in the re-opened case was the months later statement of Greta Wilkins, Dallas Monroe's girlfriend.

74. After admitting under oath that he had not listened to five of the 911 calls made the night of the party, Upson admitted he had recklessly disregarded evidence in the recording of Wilkins telling authorities contemporaneous with the party that *she did not know who hit Dallas.*

75. Wilkins also told Upson in her March 14, 2024, statement months later that she saw a fight with her friend, Virginia Hart. However, within 24 hours of March interview, Upson spoke

with Hart, who told him she was several houses away and did not see anything leading up to or including a fight.

76. In fact, the Assistant Solicitor who was ultimately assigned review of Upson's investigation noted in her legal memo that one of the reasons for dismissal was "Conflicting Eyewitness Information: The information provided about the presence, identity, and location of eyewitnesses during the incident was inconsistent and uncorroborated."

77. Upson failed to interview the homeowner who hosted the party, so he did not know Dallas allegedly said he "knew he was in the wrong and his mother was just being crazy" in the days after the altercation.

78. MPPD records show multiple witnesses were interviewed on January 11, 2024, and none mentioned Hampton Templeton. Upson failed to interview any of those witnesses after he reopened the case.

79. Upson told counsel for Hampton that he did not need to meet with "any witnesses for Hampton" because he had enough to arrest him, further evidencing Upson's malicious intent and reckless disregard for truth.

80. Upson's disregarding of material witnesses included his failure to interview the victim who called 911 twice the night of the party and later reported Dallas choked him.

81. Upson failed to require, review, or subpoena medical records showing Dallas had not been admitted to the hospital and had normal imaging results, no brain injury or injury to the back of his head, and no seizure activity observed by the medical providers at the Medical University of South Carolina or by Emergency Medical Services.

82. Despite the small size of the Mount Pleasant Police Department, the new detective failed to get a full briefing from fellow officers and supervisors or even read the incident reports

from the first investigation to familiarize himself with evidence and the investigation that had already been conducted and completed.

83. Upson also testified that he only spoke with one investigating officer in the previous investigation “briefly.” In his later testimony, it was clear from cross-examination that Upson had no working knowledge of what was and was not previously investigated by MPPD. Upson testified, “I spoke to him briefly . . . I can’t recall our exact conversation or what he said.”

84. Had Upson reviewed this information, he may have known that Dallas was intoxicated, fled the scene, and posted on social media about winning money from fighting, and that all the witnesses contemporaneously stated that the victim was the aggressor at the party that night.

85. Upson was aware that the Dallas posted “the last punch got me \$120K” on his social media the night of the party, but did not retrieve or review the incident report, Attorney General complaint, or civil complaint involved in the ongoing matter referred to by the Dallas and later his mother. With proper investigation, Upson would have found Monroe had another man arrested for alleged assault and battery and was, at all times relevant to this case, suing for brain injuries and trying to collect money damages in civil court on another, unrelated matter.

86. Even though MPPD found no probable cause and closed the *misdemeanor* case, the new, inexperienced, and untrained Detective Cooper Upson charged Hampton Templeton with a *higher* degree of assault and battery less than three weeks after he reopened it.

87. Upson noted in his investigative file and told counsel for Hampton that he charged Hampton with a felony because the “injuries sustained to the victim, especially the multiple seizures and obvious excessive head trauma support that the victim could have lasting impacts

from the assault.” Upson, who is not a doctor, fabricated injuries that did not happen despite objective medical evidence in his control.

88. *At the time of the arrest, Cooper Upson still had not:*

- a. Listened to the 911 calls;
- b. Reviewed the body camera footage from the night of the alleged incident;
- c. Reviewed the hospital records;
- d. Reviewed the EMS run sheets;
- e. Reviewed the incident reports from the first investigation;
- f. Spoken to even one witness at the party house;
- g. Spoken with at least one material witness who could have also been Dallas’s victim or even a suspect identified for him by Dallas’s friends;
- h. Spoken with the witness who called in the party and observed “10-12” suspects fighting;
- i. Interviewed the homeowner who hosted the party; or
- j. Spoken with the previous Investigating Officer to get a comprehensive understanding of all the evidence already identified by MPPD when officers with thirty years of law enforcement experience determined that Dallas was “uncooperative” and the “primary aggressor” and there was no probable cause to arrest anyone else, including Hampton Templeton for any actions that allegedly occurred night of January 12, 2024.

89. In fact, the Assistant Solicitor who was ultimately assigned the case noted in her dismissal memo that Upson and the Mount Pleasant Police Department brought charges without any “significant new evidence being presented” after having closed the misdemeanor case.

90. With malicious disregard for due process, basic investigation practices, or evidentiary standards and with no medical evidence to support a felony, Detective Cooper Upson swore out a felony warrant for Hampton's arrest on April 9, 2024.

91. Upson admitted on the face of the warrant that someone else got into an altercation with the victim that night. Upson never interviewed him.

92. Upson then proceeded to swear in the warrant that the other suspect was unknown. This was a false statement according to Upson's own police notes.

93. Upson swore in the warrant that Dallas had seizures and bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement of protracted loss or impairment of the function of a bodily member or organ. This statement was false. Upson maliciously fabricated evidence so he could harm Hampton and raise the charge to a felony based on the false injuries that simply did not exist.

94. Defendant Upson chose to seize Hampton and prosecute him with reckless indifference to policy, procedure, practice, law, and truth. Defendant Arnold ratified these actions by publicly, privately, and professionally endorsing and ratifying this malicious and unconstitutional conduct and allowing this prosecution to proceed.

95. On April 16, 2024, Hampton was processed and imprisoned at the Al Cannon Detention Center in a general population room with men accused of violent crimes like murder and manslaughter.

96. On that day, Hampton's booking photograph was taken by the government and published on a publicly available website. Hampton had no ability to stop law enforcement from violating his privacy interests by disclosing his personal matters and taking his image without his consent.

97. Hampton was humiliated in the vulnerable moments immediately after he was accused, taken into custody, and deprived of most liberties.

98. Within hours of his bond hearing, his booking photo, as the highest courts in the United States have held, was more than just a vivid symbol of criminal accusation. It conveyed guilt to the world, effectively eliminating the presumption of innocence and replacing it with an unmistakable badge of criminality suggesting Hampton was a violent felon who belonged in jail.

99. Dallas Monroe pulled Hampton's mug shot from the public record, posted it on social media, and spread it all over the community.

100. Dallas' mother, April Monroe, sent it to the press.

101. When Dallas was asked by a fellow student why he and his family were pressing charges against Hampton Templeton, he responded through social media with a laughing out loud emoji and typed—"because we can."

102. Dozens of multi-state news outlets published the booking photo of a private citizen because Defendants used their official power to call him a violent felon with reckless disregard for the truth or falsity of their highly offensive and completely false depiction.

103. Not only could Hampton not defend himself with the same power and microphone the police gave to the mainstream media, but the bond for such an elevated charge included prohibiting Hampton from exercising his First Amendment right to defend himself on social media.

104. Hampton watched powerless as Dallas Monroe sent the mug shot to all his friends and the high school community.

105. Hampton watched powerless as over 50,000 people viewed his mugshot on Instagram—the first day he was arrested.

106. Hampton watched powerless as his mug shot appeared on his grandfathers' television screens during the nightly news; both of whom died before the case against Hampton was dismissed.

107. Hampton watched powerless as adults leveraged his arrest for political gain rocketing him into the national spotlight.

108. Hampton watched powerless as his twin sister had to face over a thousand high school students with sneers and adolescent jabs.

109. Hampton watched powerless as he was highlighted in political commercials and Twitter bots reposted his mug shot in South Carolina, North Carolina, and Georgia.

110. Hampton watched powerless as television stations and newspapers published a felony arrest to tens of thousands of people.

111. Hampton was placed on house arrest on April 16, 2024.

112. Hampton watched from confinement while he suffered under house arrest for months.

113. On July 15, 2024, Upson was put on the witness stand, under oath, in the preliminary hearing.

114. With continued intent to harm Hampton and with the hospital records in his possession, Upson lied under oath and testified that Dallas's injuries had reached the level of bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement of protracted loss or impairment of the function of a bodily member or organ.

115. Defendant Upson also swore under penalty of perjury that Hampton caused four seizures with no medical evidence or medical expert to support his findings and in contravention of 100 pages of medical records.

116. The Assistant Solicitor would later publicly document that the medical records in Upson's possession at the time he testified under oath were in "direct contradiction of the report of seizures." The Solicitor's Office even went so far as to consult an expert witness in pediatric medical emergency care who confirmed Dallas's normal MRI results, sitting in MPPD's possession for more than a year after the arrest, were "insurmountable evidence." The Solicitor's Office further noted that the medical records show "no evidence of long-term injury."

117. Ultimately, under cross examination, Upson had to admit that MPPD had custody of the MUSC medical records and that he had reviewed them. At that point, it was public record that Upson had fabricated medical injuries and given false statements to the Court with reckless disregard for the consequences to Hampton Templeton, the truth, and the law.

118. On July 15, 2024, after hearing testimony from Defendant Upson, the Court found no probable cause to warrant the criminal felony charge of Assault and Battery in the First Degree against Hampton.

119. A year later, on July 1, 2025, when Cooper Upson was pressed by Hampton's lawyer and faced with the truth of over 100 pages of investigative documents, all of which were available to him before the arrest, Upson refused to admit that EMS was right; that the nurses and doctors from MUSC's trauma center were right; or that the judge who found no probable cause was right. Instead, he stated that he, himself, observed life-threatening injuries despite not even meeting Dallas Monroe until three months after the alleged altercation.

120. The hubris, malicious intent, and deliberate indifference of Upson, who is not a doctor, was not at the scene, and did not lay eyes on Dallas Monroe until three months after the party, to expect any reasonable person to believe a Nike salesman could diagnose a brain injury and seizures—especially in the face of documented medical evidence from treating physicians and

radiologists, and an order from the court that he was wrong—shows how incredibly dangerous and reckless it is to allow Defendant Upson the authority to put any of us in handcuffs and lock us away for years.

121. As Detective Upson testified to the Court in the July 15, 2024, preliminary hearing, he did not give any moment to the previous investigation or any of the evidence possessed by MPPD itself. Upson disregarded the above objective evidence in deference to his own subjective and malicious agenda, then suppressed it by testifying under oath that he had produced everything to Hampton's attorney.

122. The facts now show Upson's testimony about turning over evidence was another false statement under oath. In addition to fabricating non-existent medical injuries that formed the basis of his malicious felony Charge intended to harm Hampton, Defendants:

- a. Suppressed the EMS records identifying numerous suspects and exonerating medical evidence for 550 days;
- b. Never produced the 911 calls identifying numerous suspects, witnesses, and recording exonerating testimony; and
- c. Destroyed body camera footage from the night of the incident recording exonerating and contemporaneous exculpatory witness statements.

123. Additionally, as the Assistant Solicitor stated in her legal memo, "Medical documentation regarding the victim's follow-up care and injuries was not made available to the State for over a year. When records were received, they included injuries unrelated to the alleged incident, including documentation from a prior [unrelated] assault involving the same victim."

124. Instead, what Cooper Upson did after only being a detective for less than six months, was to swear out a false and improper arrest warrant affidavit on which he lied to the court

about material witnesses, suspects, and victims based on information in his own incident reports and the 911 calls; destroyed evidence; chose not to gather exculpatory and mitigating evidence; swore to false and malicious information completely disproven by objective medical records in his control; and raised what had been investigated as a misdemeanor to a felony criminal charge carrying the threat of years in prison with the intent to harm Hampton and in reckless disregard for the truth.

125. Hampton lived with the weight of a felony charge and the bond restrictions that were initially set based on the felonious arrest warrant while his liberty was restricted for 16 months.

126. On August 8, 2025, all charges against Hampton were dismissed.

127. 574 days after the party, Hampton Templeton was finally given his rights back, but to this day he suffers the consequences of the malicious and reckless Defendants.

128. The injuries to Hampton are the predictable and devastating consequences of the reckless and unconstitutional acts of the Defendants. Hampton was deprived of his liberties, humiliated in the press by the Chief of Police, and branded a violent felon—all while exculpatory evidence sat in the police file and he sat confined and gagged by the persecution.

129. This lawsuit tells a simple, but devastating truth: the Mount Pleasant Police Department did not protect Hampton. They targeted him, silenced him, and stripped him of his liberty and his future. And they did it in violation of the U.S. Constitution, South Carolina law, and their sworn oaths as officers of the peace.

130. Hampton has been damaged and has lost opportunities as a young person which can never be replaced or adequately compensated. The damages caused are in the form of emotional harm, bodily injury, loss of sleep, loss of business opportunity and income, loss of educational

opportunities, and incalculable loss of peace and tranquility each human is afforded in a civilized society.

FOR A FIRST CAUSE OF ACTION
Violation of the Fourth Amendment to the U.S. Constitution Under
42 U.S.C. § 1983 - Malicious Prosecution

131. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.
132. Cooper Upson, acting under color of state law and ratified by Mark Arnold and the policies and personnel of MPPD, violated 42 U.S.C. § 1983 when they maliciously prosecuted Plaintiff in violation of his Fourth Amendment rights under the United States Constitution.
133. Defendants, acting under color of state law, maliciously instituted and continued a criminal prosecution against Plaintiff without probable cause, with reckless indifference to the truth or Plaintiff's rights, and in violation of his Fourth Amendment rights under the United States Constitution.
134. The court dismissed the felony charge against Plaintiff for lack of probable cause.
135. Defendants thus caused a seizure of Hampton pursuant to legal process unsupported by probable cause and criminal proceedings terminated in Hampton's favor.
136. As a result of Defendants' actions, Plaintiff suffered damages including emotional distress, loss of liberty, mental pain and suffering, fright, nervousness, indignity, humiliation, embarrassment, and injury to reputation. Special damages recoverable include discomfort or injury to health, loss of time, deprivation of society or family, reasonable attorney's fees, and financial loss in present or prospective employment.

FOR A SECOND CAUSE OF ACTION
Malicious Prosecution

137. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

138. Defendants, at their instance and acting in their individual and official capacities, initiated and continued a criminal proceeding against Plaintiff without probable cause.

139. Defendants, acting in their individual and official capacities, initiated and continued a criminal proceeding against Plaintiff with actual malice, intent to harm, lack of sufficient caution, or disregard for the consequences.

140. Defendants, acting in their individual and official capacities, initiated and continued a criminal proceeding against Plaintiff which terminated in Plaintiff's favor, as the judge found no probable cause to sustain the felony charge.

141. As a result, Plaintiff suffered damages including emotional distress, loss of liberty, mental pain and suffering, fright, nervousness, indignity, humiliation, embarrassment, and injury to reputation. Special damages recoverable include discomfort or injury to health, loss of time, deprivation of society or family, reasonable attorney's fees, and financial loss in present or prospective employment.

FOR A THIRD CAUSE OF ACTION
Invasion of Privacy

142. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

143. Defendants invaded Plaintiff's privacy by causing to publish and publishing to a third party a depiction of Plaintiff in a false light.

144. The booking photo of Plaintiff presented him as a felon which was false and misleading.

145. The depiction would be highly offensive to the average person.

146. Defendants acted with reckless disregard for the truth or falsity of the felony depiction.

147. Defendants further invaded Plaintiff's privacy by wrongfully publicizing private affairs.

148. Defendants intentionally, publicly disclosed private facts about the plaintiff, including but not limited to his booking photo. Their intentional disclosure of his booking photo, which painted him as a felon despite Defendants' knowledge that they had no probable cause to arrest him, was highly offensive and likely to cause serious mental injury to a person of ordinary sensibilities.

149. Defendants' actions were also a wrongful, intentional intrusion into Plaintiff's private affairs.

150. As a result of Defendants' actions, Plaintiff suffered damages including emotional distress, loss of liberty, mental pain and suffering, fright, nervousness, indignity, humiliation, embarrassment, and injury to reputation. Special damages recoverable include discomfort or injury to health, loss of time, depravation of society or family, reasonable attorney's fees, and financial loss in present or prospective employment.

FOR A FOURTH CAUSE OF ACTION
Violation of the Fourth Amendment to the U.S. Constitution Under
42 U.S.C. § 1983 – False Imprisonment and Arrest

151. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

152. Cooper Upson, acting under color of state law and ratified by Mark Arnold and the policies and personnel of MPPD, violated 42 U.S.C. § 1983 when they falsely arrested and imprisoned Plaintiff in violation of his Fourth Amendment rights under the United States Constitution.

153. Defendants, acting under color of state law, violated 42 U.S.C. § 1983 by depriving Plaintiff of his Fourth Amendment protection against unreasonable seizures by deliberately

arresting and confining him on a felony without probable cause and continuing his pre-trial detention thereafter despite knowing no probable cause supported the arrest or detention.

154. The court dismissed the felony charge against Plaintiff for lack of probable cause and criminal proceedings were therefore terminated in Plaintiff's favor.

155. As a result, Plaintiff suffered damages including emotional distress, loss of liberty, mental pain and suffering, fright, nervousness, indignity, humiliation, embarrassment, and injury to reputation. Special damages recoverable include discomfort or injury to health, loss of time, deprivation of society or family, reasonable attorney's fees, and financial loss in present or prospective employment.

FOR A FIFTH CAUSE OF ACTION

Violation of the Fourteenth Amendment to the U.S. Constitution Under 42 U.S.C. § 1983 – Substantive Due Process

156. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

157. One of the simplest and most critical rights of all Americans is the right to due process.

158. The Fourteenth Amendment protects individuals from authoritarian state government actors by stating “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

159. 42 U.S.C. § 1983 prohibits anyone acting under color of state law from depriving citizens of any rights, privileges, or immunities secured by the Constitution and laws.

160. Cooper Upson, acting under color of state law and ratified by Mark Arnold and the policies and personnel of MPPD, deprived Plaintiff of his Fourteenth Amendment right to liberty under the United States Constitution.

161. Defendants, acting under color of state law deprived Plaintiff of his Fourteenth Amendment right to liberty by acting with deliberate indifference to his freedom in a manner that is arbitrary or shocks the conscience when he was falsely arrested and detained on a felony charge that a court of law found was not supported by probable cause.

162. As a result, Plaintiff suffered damages including emotional distress, loss of liberty, mental pain and suffering, fright, nervousness, indignity, humiliation, embarrassment, and injury to reputation. Special damages recoverable include discomfort or injury to health, loss of time, deprivation of society or family, reasonable attorney's fees, and financial loss in present or prospective employment.

FOR A SIXTH CAUSE OF ACTION

**Violation of the Fourteenth Amendment to the U.S. Constitution Under
42 U.S.C. § 1983 – Procedural Due Process**

163. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

164. Cooper Upson, acting under color of state law and ratified by Mark Arnold and the policies and personnel of MPPD violated Hampton's privileges and immunities and deprived him of his liberty in violation of the Fourteenth Amendment to the U.S. Constitution when he deviated from reasonable standard investigative policies, procedures, and practices.

165. In violation of 42 U.S.C. § 1983, MPPD, through its agents and officers, acting under color of state law, deprived Hampton of his rights under the Fourteenth Amendment to the United States Constitution through its malicious institution and continuation of criminal

proceedings with want of probable cause that were terminated in Hampton's favor, yet resulted in life-altering injury.

166. Officer Upson violated Hampton's privileges and immunities and deprived him of his liberty in violation of 42 U.S.C. § 1983 and the Fourteenth Amendment to the U.S. Constitution when he destroyed evidence, ignored exonerating evidence, created inaccurate incriminating evidence, and formed a misleading story of guilt.

167. As a result, Plaintiff suffered damages including emotional distress, loss of liberty, mental pain and suffering, fright, nervousness, indignity, humiliation, embarrassment, and injury to reputation. Special damages recoverable include discomfort or injury to health, loss of time, deprivation of society or family, reasonable attorney's fees, and financial loss in present or prospective employment.

FOR A SEVENTH CAUSE OF ACTION

Violation of the Fourteenth Amendment to the U.S. Constitution Under 42 U.S.C. § 1983 – Due Process *Brady* and *Monell*

168. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

169. Defendants, acting under color of state law, violated Hampton's privileges and immunities and deprived him of his Fourteenth Amendment right under the United States Constitution to due process when they suppressed evidence in violation of 42 U.S.C. § 1983.

170. The Defendants directed, participated in, or knowingly allowed the willful or inadvertent failure to disclose exculpatory or impeachment evidence to the Plaintiff.

171. MPPD and Arnold failed to supervise or train Upson to follow official policy or custom regarding investigations, due process and evidence review, analysis, and production.

172. The suppressed evidence was favorable to the Plaintiff.

173. The suppression was material to the outcome of the case and caused prejudice.

174. The suppression of the evidence resulted in a felony arrest and detainment for a protracted length of time.

175. The violations of Plaintiff's constitutional rights were caused by the policies, practices, customs, and failures of the Mount Pleasant Police Department.

176. MPPD failed to adequately train, supervise, or discipline its officers, including Upson, in preserving exculpatory evidence, conducting thorough investigations, and respecting constitutional rights.

177. MPPD permitted or ratified the unlawful practices of swearing out warrants without probable cause and prolonging prosecutions despite contrary evidence.

178. MPPD, through Chief Arnold, ratified the violations by approving the felony warrant and issuing misleading public statements.

179. Defendants are liable under *Brady v. Maryland*, 373 U.S. 83 (1963).

180. The Town of Mount Pleasant is liable under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), because the failure to train and supervise was the moving force behind the violation of Plaintiff's constitutional rights and directly caused the injuries and damages alleged herein.

181. Defendants' conduct shocks the conscience and amounts to deliberate indifference.

182. As a result, Plaintiff suffered damages including emotional distress, loss of liberty, mental pain and suffering, fright, nervousness, indignity, humiliation, embarrassment, and injury to reputation. Special damages recoverable include discomfort or injury to health, loss of time, deprivation of society or family, reasonable attorney's fees, and financial loss in present or prospective employment.

FOR AN EIGHTH CAUSE OF ACTION
Violation of the Fourth Amendment to the U.S. Constitution Under
42 U.S.C. § 1983 – Unlawful Seizures

183. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

184. At all relevant times, were sworn law enforcement officers with the MPPD and acted under the color of state law and exercised power possessed by virtue of state law as commissioned law enforcement officers. This cause of action is brought against them in their respective individual capacities.

185. Defendants' conduct as more fully set forth above deprived Plaintiff of his rights, privileges or immunities secured by the Fourth Amendment to the Constitution of the United States.

186. Particularly, Defendants' conduct deprived Plaintiff of his Fourth Amendment right guaranteeing all citizens the right "to be secure in their houses . . . against unreasonable . . . seizures."

187. Defendants, acting under color of state law, violated 42 U.S.C. § 1983 when they fabricated evidence against the Plaintiff in violation of his right to be free from unreasonable seizures under Fourth Amendment to the United States Constitution.

188. Defendants knowingly or with reckless disregard for the truth, made false statements, fabricated evidence, or deliberately omitted material facts to obtain an arrest warrant against Plaintiff.

189. Defendants fabricated evidence or omissions were material to the finding of probable cause to arrest Plaintiff for a felony.

190. The false arrest warrant led to the plaintiff's arrest and detention which constitutes a seizure under the Fourth Amendment.

191. Defendants' seizure of Plaintiff was objectively unreasonable in light of the facts and circumstances.

192. The plaintiff suffered loss of liberty, emotional distress, and other damages as a direct and proximate result of the unlawful seizure.

FOR A NINTH CAUSE OF ACTION

**Supervisory Liability
Pursuant to 42 U.S.C. § 1983
As to Defendant Arnold, in his Individual Capacity**

193. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

194. Defendants Arnold and Upson acted jointly and severally in concert to violate Plaintiff's constitutional rights as set forth above.

195. In the alternative, Defendant Arnold is the supervisor of Defendant Upson during all times relevant herein.

196. At all relevant times, Defendant Arnold acted under color of state law.

197. As Defendant Upson's supervisor and the Chief of Police, Defendant Arnold directed or ratified Defendant Upson's decision to charge Plaintiff with a felony; ignore, suppress, or destroy evidence; and execute on Plaintiff's prosecution.

198. Defendant Arnold had actual knowledge of Defendant Upson's violation of Plaintiff's constitutional rights, and Defendant Arnold acquiesced in that violation.

199. Additionally, Defendant Arnold established and maintained a policy, practice, and/or custom which directly caused the violation of Plaintiff's constitutional rights herein.

200. The policy, practice, and/or custom was enacted and maintained with deliberate indifference to the consequences thereof and the foreseeable violations of constitutional protections.

201. The policy, practice, and/or custom authorized and encouraged untrained, inexperienced employees to take away the freedom of Mount Pleasant's citizens without due process of law, standard accepted investigative procedures, proper training, and/or proper supervision.

202. Defendant Upson was acting in accordance with the policy, practice, and custom established by Defendant Arnold and with the approval and sanction of these policies and practices.

203. The policy, practice, and/or custom established by Defendant Arnold created an unreasonable risk of false arrest, malicious prosecution, violation of due process, and other violations of the First, Fourth, and Fourteenth Amendments to the U.S. Constitution.

204. Defendant Arnold was aware the policy, practice, and/or custom created such unreasonable risk and that the unreasonable risk of constitutional violations existed at all relevant times herein.

205. Despite the knowledge of this unreasonable risk, Defendant Arnold was deliberately indifferent to that risk, maintained the existing policy, and encouraged dangerous hiring, supervisory, and/or investigative practices.

206. The unconstitutional charge and all foreseeable consequences thereafter were the direct and proximate result of the failure of Defendant Arnold to adopt, implement, and enforce commonly accepted investigative protocols by officers with sufficient training and supervision.

207. The policy, practice, and/or custom adopted by Defendant Arnold was the direct and proximate cause of Plaintiff's injuries and constitutional infringements.

208. In addition, and in the alternative, Defendant Arnold and Defendant Upson acquiesced to the policy, practice, and/or custom of taking away an individual's freedom without

probable cause, and that acquiescence was the direct and proximate cause of Plaintiff's injuries as set forth herein.

209. In addition, and in the alternative, Defendant Arnold failed to train Defendant Upson regarding the duty to properly investigate and the constitutional limits of taking away liberty without due process or probable cause demonstrating a deliberate indifference to the constitutional rights of the Plaintiff. Such failure to train was the direct and proximate cause of Plaintiff's injuries as set forth herein.

FOR A TENTH CAUSE OF ACTION

Monell Liability & Official Capacity Liability

Pursuant to 42 U.S.C. § 1983

As to the Mount Pleasant Police Department

As to Defendant Mark Arnold, in his Official Capacity

As to Defendant Cooper Upson, in his Official Capacity

210. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

211. Defendants, acting under color of state law, violated 42 U.S.C. § 1983 by depriving Plaintiff of his rights under the Fourth Amendment to the Constitution to be free from unreasonable seizure, free from false arrest, or free from being the victim of fabricated evidence to obtain a warrant.

212. Defendants, acting under color of state law, violated 42 U.S.C. § 1983 by depriving Plaintiff of his rights to a fair trial and procedural due process guaranteed under the Fourteenth Amendment to the United States Constitution.

213. At all times relevant, Defendant Town of Mount Pleasant, acting through its final policymakers including Defendant Arnold, had a duty to adequately train and supervise its police officers, including Defendant Officer Upson, in the constitutional limitations governing searches, seizures, arrests, preservation of evidence, and disclosure of exculpatory material.

214. The training and supervision provided were inadequate for the tasks officers are required to perform.

215. Defendant Town of Mount Pleasant was deliberately indifferent to the obvious and foreseeable consequences of failing to provide such training and supervision, as demonstrated by its failure to implement adequate programs despite the known risk that constitutional violations would result.

216. This deliberate indifference manifested through circumstances where the risk of constitutional violations was so patently obvious that even a single incident of deficient training or supervision suffices to establish deliberate indifference.

217. The deliberate indifference to training and supervision directly caused the constitutional violations alleged herein.

218. The Town's failure to train and supervise was the moving force behind the violation of Plaintiff's constitutional rights, including his rights under the Fourth and Fourteenth Amendments, and directly caused the injuries and damages alleged herein. *See Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978); *City of Canton v. Harris*, 489 U.S. 378 (1989); *Board of Cty. Comm'r's v. Brown*, 520 U.S. 397 (1997).

FOR A TWELFTH CAUSE OF ACTION
Negligent Supervision, Negligent Training, Negligent Hiring
Pursuant to South Carolina Tort Claims Act
As to the Mount Pleasant Police Department

219. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

220. Upon information and belief, Defendant MPPD owed statutory and common law duties to the public at large, and to Plaintiff in particular, to refrain from negligently supervising, training, and/or retaining employees.

221. Upon information and belief, Defendant MPPD knew or reasonably should have known that Defendants Arnold and Upson did not have the proper training, education, and/or temperament to meet generally accepted standards to the detriment of the public, including but not limited to the constitutional limitations governing searches, seizures, arrests; preservation of evidence; and disclosure of exculpatory material.

222. Defendant MPPD knew or should have known that its failure to provide adequate training to and supervision of employees with authority to deprive citizens of their freedom was harmful to the citizens it was sworn to serve and protect, including Plaintiff.

223. Defendant MPPD failed to reasonably and properly train and implement policies and procedures to appropriately execute its law enforcement duties and lawful protections afforded to the public.

224. As a direct, foreseeable and proximate result of the negligent, grossly negligent, reckless, willful, and wanton acts and omissions of Defendant MPPD, Plaintiff suffered conscious physical harm and injury, and endured pain and suffering, including mental distress and emotional anguish.

FOR A THIRTEENTH CAUSE OF ACTION

Negligence and Gross Negligence

Pursuant to South Carolina Tort Claims Act

As to Mount Pleasant Police Department

As to Defendant Mark Arnold, in his Individual Capacity

As to Defendant Cooper Upson, in his Individual Capacity

225. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

226. Defendants owed statutory and common law duties to the public in general, and to Plaintiff in particular, to use due care in fulfilling their law enforcement functions and duties and to ensure their conduct conformed to generally accepted police standards and the standards set forth by the MPPD.

227. Defendants further owed Plaintiff a duty of care in connection with the investigation and prosecution of criminal allegations against him.

228. Defendants intentionally, consciously, and recklessly disregarded Plaintiff's rights, privacy, property, liberty, and person.

229. Defendants breached their duty of care through acts and omissions constituting gross negligence, including but not limited to the following:

- a. Investigating allegations, swearing out warrants, and reviewing, handling, documenting, and presenting evidence in connection with the allegations made against Plaintiff;
- b. Deliberately destroying or failing to preserve, disclose, and provide impeachment or exculpatory evidence, including but not limited to medical records, 911 calls, body-worn camera footage, and EMS records despite knowing they were critical to the Plaintiff's liberty;
- c. Fabricating evidence and felony criminal charges against Plaintiff despite a judicial finding of no probable cause;
- d. Deliberately ignoring evidence that contradicted the accusations against Plaintiff;
- e. Falsely imprisoning Plaintiff;
- f. Falsely arresting Plaintiff;
- g. Violating Plaintiff's First, Fourth and Fourteenth Amendment rights;
- h. Maliciously prosecuting Plaintiff;
- i. Selectively prosecuting Plaintiff;

- j. Violating established investigative standards, including the National Institute of Justice Crime Scene Investigation Guidelines and the Mount Pleasant Police Department's own policies and procedures;
- k. Supervising officers in a manner that exhibited reckless disregard for Plaintiff's constitutional and statutory rights; and
- l. Demonstrating a conscious indifference to the consequences of their actions on Plaintiff's liberty, reputation, and future opportunities.

230. Such acts and omissions rise above mere negligence and constitute gross negligence—a reckless, conscious failure to exercise even slight care under the circumstances.

231. As a direct and proximate result of Defendants' gross negligence, Plaintiff suffered or continues to suffer:

- a. Loss of liberty;
- b. Emotional distress, humiliation, and reputational harm;
- c. Interference with educational and professional opportunities;
- d. Costs associated with defending against unfounded criminal charges; and
- e. Other actual and punitive damages to be proven at trial.

FOR A FOURTEENTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

232. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

233. Defendants intentionally or recklessly inflicted severe emotional distress or knew that distress would probably result from their conduct.

234. Defendants' conduct was so extreme and outrageous that it exceeds all possible bounds of decency and is regarded as atrocious and utterly intolerable in a civilized society.

235. Defendants' actions caused Plaintiff's emotional distress.

236. Plaintiff's emotional distress suffered is so severe that no reasonable person could be expected to endure it.

FOR A FIFTEENTH CAUSE OF ACTION
Violation of the First Amendment to the U.S. Constitution Under
42 U.S.C. § 1983 – Freedom of Speech

237. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

238. The First Amendment to the United States Constitution, applicable to the States through the Fourteenth Amendment, guarantees individuals the right to freedom of speech and expression, including the right to speak and publish on social media.

239. Defendants, acting under color of state law, intentionally and unlawfully caused Plaintiff to be arrested without probable cause.

240. As a direct and foreseeable consequence of the false arrest, Plaintiff was subjected to bond conditions that prohibited him from posting on social media and thereby restricted his speech and expression protected by the First Amendment.

241. Defendants knew or should have known that initiating criminal proceedings without probable cause would set into motion a series of events—including judicially imposed bond conditions—that would result in the deprivation of Plaintiff's constitutional rights. *See Malley v. Briggs*, 475 U.S. 335, 344–45 (1986) (finding officers were liable under § 1983 for setting in motion a series of acts by others that they know or reasonably should know would cause constitutional injury).

242. By unlawfully setting in motion the foreseeable bond restrictions, Defendants were the proximate cause of Plaintiff's loss of First Amendment freedoms.

243. The restriction on Plaintiff's ability to post on social media was not narrowly tailored to serve a compelling governmental interest. Rather, it was an unlawful and unnecessary prior restraint on speech made possible only by Defendants' unconstitutional arrest.

244. As a result of Defendants' actions, Plaintiff suffered damages, including loss of liberty, violation of his free speech rights, emotional distress, reputational harm, and other compensable injuries.

FOR A SIXTEENTH CAUSE OF ACTION

Punitive Damages

As to Defendant Upson and Defendant Arnold In Each Defendant's Separate, Individual Capacity

245. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

246. Defendants' separate and independent intentional, willful, and malicious actions were done with conscious disregard and deliberate indifference for the rights afforded to Plaintiff. Additionally, each Defendant acted with reckless disregard for the constitutional protections afforded Plaintiff.

247. Plaintiff is entitled to an award of punitive damages against each individually named Defendant in an amount to be determined by the jury in this action.

FOR A SEVENTEENTH CAUSE OF ACTION

Attorney's Fees and Costs of Litigation Pursuant to 42 U.S.C. § 1988

248. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

249. Pursuant to 42 U.S.C. § 1988, Plaintiff seeks an award of reasonable attorney fees and costs of litigation in an amount to be determined by the Court at the conclusion of this matter.

DAMAGES

250. Plaintiff re-alleges and re-avers the allegations above as if fully set forth herein.

251. Plaintiff seeks all compensatory damages allowable under the laws of the State of South Carolina and the United States for the personal injuries sustained by the Plaintiff, including economic and non-economic harms both past and future. The damages suffered by Plaintiff include emotional distress, loss of liberty, mental pain and suffering, fright, nervousness, indignity, humiliation, embarrassment, and injury to reputation. Special damages recoverable include discomfort or injury to health, loss of time, deprivation of society or family, reasonable attorney's fees, and financial loss in present or prospective employment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a trial by jury and for the following:

- i. Judgment against Defendants, individually and joint and severally;
- ii. For actual damages, special damages, consequential damages, and treble damages in an amount to be determined by the jury;
- iii. For punitive damages, to be assessed individually and separately against each Defendant named in his individual capacity, in an amount to be determined by the jury;
- iv. For all allowable costs of this action and reasonable attorney's fees pursuant to 42 U.S.C. § 1988, et. seq.; and
- v. For all such other and further relief this Court deems just and proper.

Signature page to follow

Respectfully submitted,

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September 23, 2025
Charleston, South Carolina

