

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Christopher A. Murray,

Plaintiff,

v.

Charleston County Sheriff's Office,
Evening Post Industries, James Alton
Cannon, Jr., and Mitchell Lee Lucas

Defendants.

Case No. 2:17-CV-1152-PMD-BM

COMPLAINT

(Jury Trial Demanded)

EMPLOYMENT CASE

The Plaintiff complaining of the Defendant respectfully alleges as follows.

PARTIES AND JURISDICTION

1. The Plaintiff, Christopher A. Murray, is a citizen and resident of Charleston County, South Carolina.
2. The Defendant, Charleston County Sheriff's Office (hereinafter "CCSO") is a law enforcement agency of Charleston County, South Carolina.
3. The Defendant, Evening Post Industries (hereinafter "Post") is a newspaper publishing company incorporated in the State of South Carolina. The company owns and operates numerous newspaper publishers, including The Post and Courier, a publication which circulates throughout the state of South Carolina with its principal place of business in Charleston County where it maintains offices, agents, and employees.

4. The Defendant, James Alton Cannon, Jr. (hereinafter “Cannon”), upon information and belief is a resident of Charleston County and the Sheriff of the Charleston County Sheriff’s Office.

5. The Defendant, Mitchell Lee Lucas (hereinafter “Lucas”), upon information and belief is a resident of Charleston County and the Assistant Sheriff of the Charleston County Sheriff’s Office.

6. The parties have sufficient connections to Charleston County, the occurrences giving rise to this action occurred in Charleston County. Some of the causes of action set forth herein are based upon the violation of federal statutes. Thus, jurisdiction is proper.

FACTUAL ALLEGATIONS

7. Plaintiff, a black male, was hired by the Defendant CCSO in July 2015 as a Detention Officer. His title was later changed to Detention Deputy.

8. On August 4, 2016, inmate Dwayne Stafford escaped his cell and assaulted fellow inmate, Dylann Roof. Plaintiff was not on duty at the time of the incident.

9. On August 5, 2016, Defendant CCSO began an investigation of the four employees involved. The two investigators were both white males. A polygraph test was administered as a part of the investigation. The results indicated that Plaintiff had truthfully recounted the facts surrounding the assault.

10. Plaintiff was also asked if he had ever “broken a policy that could get him fired.” He responded honestly regarding his involvement and shared that he had once shown a male inmate a picture of a female inmate who had written the former a letter.

11. On August 23, 2016, Plaintiff was terminated for the “fatal mistake” of not manually checking the lock after the computer system displayed all cells as locked, and for the prior policy violation. However, a white male deputy who was subsequently on the scene did not adequately check the doors following Plaintiff’s determination that the locks were functioning.

12. Plaintiff was faulted for not taking further steps to ensure that all doors were secure in unit, but the on-duty deputy, a white male, did not take appropriate steps to ensure that all doors were secure. He, however, was not formally reprimanded or terminated. Instead, he received only verbal counseling and remedial training. Another deputy, a black female, was investigated for taking a routine break consistent with the custom of the correctional facility. It was rumored she would be terminated, but she complained about the investigation and her job was spared.

13. On August 26, 2016, Plaintiff appealed his case to Defendant Lucas. Plaintiff was then allowed to resign. Defendant Lucas then ensured that the Defendant CCSO would provide a positive recommendation for the Plaintiff’s future employment in law enforcement.

14. Subsequently, Plaintiff was denied job opportunities with two law enforcement positions and one civilian position. Plaintiff then discovered that his personnel file still did not correctly represent his resignation.

15. In fact, the Human Resources Department did not correct the error until Plaintiff called in March 2017.

16. On February 4, 2017, Defendant Post published an article mentioning Plaintiff by name and describing his involvement in the incident. Through their words and publication, the article directly implied that Plaintiff acted complacently

and his actions largely contributed to the assault of inmate Dylann Roof, amounting to disparagement and defamation. The on-duty officers were mentioned, but were neither terminated nor disparaged.

17. On February 6, 2017, a broadcast news program ran news segments that carried the essence of the Defendant Post's story, constituting republications and further disparaging and defaming the Plaintiff

18. Plaintiff has not found subsequent, adequate employment though he has diligently pursued the same.

**FOR A FIRST CAUSE OF ACTION
AGAINST THE DEFENDANT EVENING POST INDUSTRIES
(Defamation)**

19. Where not inconsistent herewith, the Plaintiff realleges the foregoing paragraphs.

20. The Defendant Post, with a readership number of over 300,000, published its article in a clear attempt to inform its readers who was to blame for Dylann Roof's jail assault. The article mentioned Plaintiff by name and defamed him by falsely stating he was terminated and implying his complacency on the job led to the incident.

21. The Defendant did not reach out to the Plaintiff to verify the accuracy of the information they had received.

22. Plaintiff has been passed over for multiple jobs due to his alleged and false status as a terminated employee.

23. The Defendant, using their newspaper publication as pretext to aid customers, willfully, intentionally, and with malice provided a definitive inference falsely accusing the Plaintiff of substantial involvement in Dylann Roof's jail assault.

24. Such statements are defamatory *per se* charging the Plaintiff with incompetence to perform his duties and have proximately caused the Plaintiff not only nominal damages but actual damages in the loss of future earning capacity, humiliation, embarrassment, mental anguish, and severe reputational loss. The Plaintiff prays for an award of punitive damages against the Defendant for her willful, deliberate, and malicious conduct in an amount to be assessed by the jury.

**FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANT CHARLESTON COUNTY SHERIFF'S OFFICE**
(Negligence and Gross Negligence)

25. Where not inconsistent herewith, the Plaintiff realleges the foregoing paragraphs.

26. In the handling and processing of the Plaintiff's disciplinary proceedings, termination and subsequent resignation, along with promises made by Defendant Lucas in his capacity of Assistant Sheriff, the Defendant CCSO failed to use reasonable and ordinary care in safeguarding the information furnished in the decision made regarding their former employee. Further, the Defendant CCSO failed to exercise even slight care in the handling of Plaintiff's resignation and failed to keep and transmit correct records to the public, media agencies, and law enforcement agencies. They knew, or should have known, that the files they provided were not up to date and continued to list the Plaintiff as terminated. The CCSO failed in every way to discharge his proper performance in the handling of the Dylann Roof incident.

27. The many months delay in relaying the proper information and allowing the Plaintiff's termination to stand and appear as he was responsible for the Dylann Roof incident was clearly mishandled and shows not only negligence but deliberate

indifference to the Plaintiff and the consequences of such action proximately caused to him by the publication and transmission of the false information. Based upon the direct and proximate cause of the negligence and gross negligence of the Defendant CCSO through actions of its agents and servants, the Plaintiff has sustained loss of successive employment, permanent reputational injuries, as well as mental anguish, embarrassment, and humiliation ultimately damaging the plaintiff in the sum of \$300,000 actual damages.

**FOR A THIRD CAUSE OF ACTION
AGAINST THE DEFENDANT CHARLESTON COUNTY SHERIFF'S OFFICE
(Defamation)**

28. Where not inconsistent herewith, Plaintiff realleges the foregoing paragraphs.

29. By and through the actions of the Defendants Cannon, Lucas, and possibly others, the Plaintiff has been falsely displayed as a disgraced, terminated employee who made a “fatal error” in dealing with the assault of Dylann Roof. Plaintiff was made to look incompetent in performing his law enforcement duties. He has since been rendered unable to find subsequent employment.

30. The Defendants knew or should have known that the information transmitted to the public, news agencies, and law enforcement agencies was outdated and false. The statements and actions taken were defamatory and made with reckless disregard for the truth and with conscious acknowledgement of their falsity.

31. Such statements are defamatory *per se* and have proximately caused the plaintiff not only nominal damages but actual damages in the loss of future earning capacity, humiliation, embarrassment, mental anguish, and severe reputational loss. The Defendants Lucas and Cannon are also liable for proximately caused punitive

damages for their willful and malicious conduct in connection with the defamatory actions alleged here in as to deter others from future similar acts.

**FOR A FOURTH CAUSE OF ACTION
AGAINST THE DEFENDANTS CHARLESTON COUNTY SHERIFF'S
OFFICE, CANNON, AND LUCAS**
(Breach of Contract or Promissory Estoppel in the Alternative)

32. Where not inconsistent herewith, Plaintiff realleges the foregoing paragraphs.

33. Defendants Cannon and Lucas terminated Plaintiff in response to the assault on Dylann Roof though his white coworkers were the ones on duty during the incident.

34. Plaintiff appealed the termination and Defendants allowed him to resign, effectively ending his grievance. However, Defendants did not properly record his resignation. Defendants further provided this incorrect information to potential employers.

35. Defendant Lucas ensured Plaintiff that he would receive a positive recommendation for Plaintiff's further employment with law enforcement. Such a recommendation was never given to potential employers.

36. Plaintiff relied, to his detriment, on Defendants to record his status as resigned and to provide him with a positive recommendation while he attempted to obtain subsequent employment.

37. The breach of the contract by the Defendants has directly and proximately caused the Plaintiff not only nominal damages, but actual damages, or the doctrine of promissory estoppel guarantees damages in the loss of future earning capacity,

humiliation, embarrassment, mental anguish, and severe reputational loss. The Plaintiff prays for damages in an amount to be assessed by the jury.

**FOR A FIFTH CAUSE OF ACTION
AGAINST THE DEFENDANTS CANNON AND LUCAS**
(Violation of 42 U.S.C. § 1981, 1983, and 1985)

38. Where not inconsistent herewith, Plaintiff realleges the foregoing paragraphs.

39. Defendants Cannon and Lucas, acting under color of state law, custom, regulation, and municipal authority, disparately treated the Plaintiff on the basis of his race. They assigned two white males to investigate the assault of Dylann Roof, a white male, by a black male. The investigators used polygraph tests to ask Plaintiff to recount any violation of public policy he was not caught for as well as his interpretation of the events leading to the incident. Though Plaintiff was not on duty during the assault, he was found primarily responsible for a “fatal error” regarding the assault instead of the white detention officer on duty. Such is a violation of 42 U.S.C. § 1983.

40. Defendants Cannon and Lucas violated Plaintiff’s right to make and enforce contracts under the full and equal benefits of the law when they inaccurately recorded his status as terminated and failed to provide positive recommendations to potential subsequent employers. Such is a violation of 42 U.S.C. § 1981.

41. Defendants Cannon and Lucas conspired together to remove Plaintiff from employment due to his race. They further prevented him from obtaining gainful employment by painting him as terminated and responsible for the assault on Dylann Roof. Such is a violation of 42 U.S.C. § 1985.

42. This improperly conducted investigation resulted in a violation of Plaintiff's rights and privileges and his subsequent termination. The Defendant directly and proximately caused the Plaintiff not only nominal damages, but actual damages in the loss of future earning capacity, humiliation, embarrassment, mental anguish, and severe reputational loss. The Plaintiff prays for damages in an amount to be assessed by the jury.

PRAYER FOR RELIEF

WHEREFORE, for the actions alleged above, Plaintiff prays for judgment to be awarded against the Defendants for all recoverable damages he has suffered as a result of the defamation, negligence, breach of contract, and various federal claims as alleged herein in an appropriate amount to be determined by a jury; as well as any restitution or equitable action this Court should deem proper. Plaintiff is further entitled to Attorney's Fees and Costs in accord with Federal and State law. Plaintiff also requests injunctive relief to be deemed just and proper including reinstatement. Last Plaintiff requests prejudgment interest be awarded on all of his damages.

J. LEWIS CROMER & ASSOCIATES, LLC

BY: s/J. Lewis Cromer

J. Lewis Cromer (#362)

Ryan Hicks (#11657)

1418 Laurel Street, Ste. A

Post Office Box 11675

Columbia, South Carolina 29211

Phone 803-799-9530

Fax 803-799-9533

Attorneys for Plaintiff

May 2, 2017
Columbia, South Carolina