

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE) FOR THE TWELFTH JUDICIAL CIRCUIT

Teko Washington,) Case No. 2015-21-CP-2235

Plaintiff,

v.

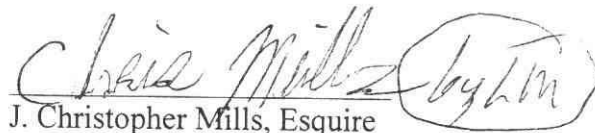
AMENDED SUMMONS
(Jury Trial)

W.B. Benton)
Defendant.)

FILED
2016 JUL 29 PM 12:53
DANIEL R. HAYES, CLERK
C.C.P. & G.S.
FLORENCE COUNTY, S.C.

TO: THE DEFENDANTS NAMED ABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy which is herewith served on you, and to serve a copy of your answer upon the subscriber, at his office situate at J. Christopher Mills LLC, Post Office Box 8475, Columbia, South Carolina 29202 with Thirty (30) days after service thereof, exclusive of the day of service; and if you fail to answer the Complaint within the time aforesaid judgment by default will be rendered against you for the relief demanded in the Complaint.



J. Christopher Mills, Esquire
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Telephone: 803-748-9533
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ATTORNEY FOR THE PLAINTIFF

Columbia, South Carolina
July 26, 2016

CERTIFIED: A TRUE COPY



CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE)	
Teko Washington,)	Case No. 2015-21-CP-2235
)	
Plaintiff,)	
v.)	AMENDED COMPLAINT
)	(Jury Trial)
W.B. Benton)	
Defendant.)	

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Comes now the Plaintiff Teko Washington complaining of the Defendant and alleging the following:

PREFACE

This action is brought pursuant to 42 USC 1983 for a violation of his 4th Amendment rights to be free from the use of excessive and unreasonable force. The basis of claim arises from the improper deployment of a taser by Benton while Washington was perched on top of fence. The resulting paralysis from the taser caused Mr. Washington to fall from the fence and sustain severe spinal injuries.

PARTIES

1. Teko Washington was at all relevant times residing in Florence County, State of South Carolina.
2. W.B. Benton, was at all relevant times, acting under color of state law and in the course and scope of his employment. He is sued for actual and punitive damages.

JURISDICTION AND VENUE

3. The Plaintiff invokes this court’s concurrent jurisdiction to hear claims arising under the United States Constitution and federal statutes. Specifically, 42 U.S.C. § 1983, 1988, the

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Christine Reed Strawn
 CLERK OF COURT C.P. & G.S.
 FLORENCE COUNTY, S.C.

Fourth and Fourteenth Amendments to the United States Constitution for use of excessive force.

FACTUAL ALLEGATIONS

4. On August 4, 2013, Plaintiff Teko Washington was driving home to his house on 1309 Sumter Street in the City of Florence. As he was turning into his driveway he observed a highway patrol cruiser with activated blue lights on pulling in behind him.

5. Upon information and belief the stop was based on Trooper Benton belief that Mr. Washington was speeding. Because Mr. Washington had a marihuana cigarette in his pocket, he made the poor decision to run away of the Trooper W.B. Benton once his car came to a stop in his driveway.

6. He grabbed the keys from his car, jumped out and ran into his back yard. He began to scale a six foot high fence. As he crested the top of the fence Trooper Benton discharged his taser.

7. The taser prongs struck Mr. Washington in his neck and lower back rendering him incapable of control his body. As a result he fell from the fence and landed on his neck with no ability to cushion his fall. He heard a crack as he fell and his body became motionless.

8. Mr. Washington lay face down with his arms underneath his body as Trooper Benton jumped the fence. Benton immediately began screaming at Washington to turn over. Plaintiff was experiencing difficulty controlling his movement as a result of the taser incapacitation and injuries sustained in the fall. Benton then aggressively grabbed his hands and placed them behind his back without regard to his medical condition. Benton further locked the handcuffs on Mr. Washington extremely tight and refused to loosen them upon request.

9. EMS was summoned to and began to attend to Mr. Washington. Trooper Benton continued to mock Mr. Washington accusing him of faking his injuries and threatened to arrest him for assault on EMS. EMS transported him immediately to the hospital where Benton continued to insist that Washington was faking his injury.

10. Mr. Washington was not faking his injuries but has suffered a severe damage to his spinal cord. Instead of keeping Mr. Washington for observation and conducting normal diagnostic procedures he was released at the insistence of Trooper Benton who transported him to jail.

11. Upon his release from jail Mr. Washington sought medical attention for his untreated injuries.

12. Mr. Washington suffered severe injuries to his back and was required to undergo surgery on August 30, 2013 in an attempt to fix his spinal cord.

13. As a result of unlawful use of force Mr. Washington has sustained permanent injury to his back and wrists.

Legal Theories of Recovery

For a First Cause of Action

§1983 Fourth Amendment claim against Benton,
individually, for using excessive force while seizing the plaintiff Teko Washington

The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.

14. The acts and omissions of Defendant Benton in using a taser on Mr. Washington knocking him off the fence to the ground to effectuate the seizure and placing his handcuffs on excessively tight, constitute the use of unreasonable and excessive force violating his fourth amendment rights. As a direct and proximate result of the unreasonable use of force the plaintiff suffered emotional and physical harm.

Prayer for Relief

Wherefore, having fully set forth the grounds of his complaint, Plaintiff asks this court to award compensatory damages and punitive damages in an appropriate amount, attorney fees and costs pursuant to 42 U.S.C. §1988 and for such other relief as this court deems just and proper.

Respectfully submitted this the 26TH day of July 2016.



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