

IN THE STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

W. Mullins McLeod, Jr.

Plaintiff,

vs.

City of Charleston; A. Morrell, individually;
K. Wallace, individually; and B. Winston,
individually,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Civil Action No. 2026-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, 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.

s/ W. Mullins McLeod, Jr.

W. Mullins McLeod, Jr.

Pro se

and

McLEOD LAW GROUP, LLC

s/ Nicholas A. Charles

Nicholas A. Charles (101693)

nick@mcleod-lawgroup.com

Jack H. Bonds (105260)

jack@mcleod-lawgroup.com

3 Morris Street, Suite A (29403)

Post Office Box 21624

Charleston, South Carolina 29413

Tel. (843) 277-6655

Fax (843) 277-6660

August 3, 2026
Charleston, South Carolina

FITSNEWS

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COMPLAINT

(JURY TRIAL DEMANDED)

Plaintiff, Mr. McLeod, by and for himself and through his attorneys, would allege and show unto the Court the following:

JURISDICTION AND VENUE

1. This lawsuit arises out of the City of Charleston's illegal, unconstitutional, wrongful, and targeted arrest of Mr. McLeod.

2. Mr. McLeod is a citizen and long-time resident of the City of Charleston located in Charleston County.

3. Defendant City of Charleston is a municipality existing under South Carolina law and is deemed to be a South Carolina citizen for jurisdictional purposes. The Charleston Police Department ("CPD") is a division of the City of Charleston.

4. Upon information and belief, A. Morrell is a resident of Charleston County. At all relevant times, Defendant Morrell was employed as an officer with the Charleston Police Department.

5. Upon information and belief, K. Wallace is a resident of Charleston County. At all relevant times, Defendant Wallace was employed as an officer with the Charleston Police Department.

6. Upon information and belief, B. Winson is a resident of Charleston County. At all relevant times, Defendant Winston was employed as an officer with the Charleston Police Department.

7. Venue is proper in Charleston County because the events at issue occurred in Charleston County and the defendants are residents of Charleston County.

FACTUAL BACKGROUND

8. On the night of May 14, 2025, City of Charleston police officers committed a felony act by taking Mr. McLeod's freedom in violation of his God-given and constitutional rights to be in a public place for any reason or no reason at all less than three blocks from his home on Murray Boulevard.

9. In the Declaration of Independence our framers declared: "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness."

10. The very purpose of government is to secure and protect these rights. Among these rights is the right to live free from unnecessary governmental intrusion.

11. The State of South Carolina confers upon its citizens even greater protection against unreasonable searches and seizures by virtue of Article I, section 10 of our state's Constitution, which guarantees South Carolina citizens a constitutional right to privacy.

12. Officers Morrell, Wallace, and Winston were present in downtown Charleston near the Battery working a call for service **unrelated** to Mr. McLeod during the evening of May 14, 2025.

13. At the same time, Mr. McLeod noticed a fire truck passing by his house and then noticed police cars and the fire truck located at the intersection of Murray Boulevard and King Street.

14. Because it is uncommon for fire trucks to be on Murray Boulevard, Mr. McLeod left his house and began walking toward the fire trucks and police cars to see what was going on.

15. At no time prior to or after Mr. McLeod's unlawful arrest did the Charleston Police Department or these officers receive any complaints about Mr. McLeod's walk along the Battery.

16. At approximately 9:30 p.m., the officers activated their body-worn cameras ("BWCs") and began walking toward Mr. McLeod.

17. As the officers approached Mr. McLeod, they were required by the CPD's own policies to be unbiased. CPD policies state: "In an effort to prevent inappropriate perceptions of biased law enforcement, each officer shall do the following when conducting pedestrian and vehicle stops: (1) introduce themselves to the person (providing the name and assignment within the department) and state the reason for the stop as soon as practical."

18. Fortunately for Plaintiff and other members of the public who may become victims of these officers, the officers' actions and words were captured on their BWCs.

19. The officers clearly violated CPD's policy by failing to be unbiased in their interactions with the citizens they are supposed to serve. Instead, one officer stated out loud **before** having any interaction with Mr. McLeod that he was "going to jail." Another officer laughed in response and said "OK."

20. CPD policies and procedures also require that, “In cases where citizens are stopped, whether by pedestrian or vehicle, by officers of the Department, the officer must explain the reason for the stop.” These policies are in place because “it is the responsibility of the Charleston Police Department to perform its public duties in a manner that *does not violate the civil rights* of any individual.”

21. Instead of complying with the Department’s policies and procedures, Defendants Morrell, Wallace, and Winston willfully violated their own policies and procedures by failing to identify themselves or immediately state the reason for which they were violating Mr. McLeod’s constitutional right to walk along the Battery less than three blocks from his own home.

22. Indeed, Mr. McLeod had a constitutional right to continue walking along the Battery without any interference from the Defendants and without being forcibly stopped by Defendants.

23. Instead of respecting Mr. McLeod’s constitutional rights, the Defendants willfully violated his right to freedom by forcibly stopping Mr. McLeod with a hand to the chest.

24. As soon as the officers stopped him, Mr. McLeod stated: “What is going on” and “I am good” to which the officers responded, “no you are not” and “you are going to jail.”

25. Within a matter of seconds after forcibly stopping Mr. McLeod, they grabbed him, handcuffed him, and placed him under arrest. None of the officers told Mr. McLeod why they arrested him prior to placing him in handcuffs.

26. After Mr. McLeod was handcuffed, the officers asked him for his name, to which Mr. McLeod responded: “my name doesn’t matter,” this is “America’s street,” and he had done nothing wrong.

27. In response, as the officers were taking him to their patrol car, they informed Mr. McLeod the true ground for the arrest was “failure to identify.” More particularly, the officers stated: “If you don’t give us your name you are going to jail and you are not coming out until you are identified.”

28. Words matter and words have meaning. Therefore, according to the officers’ own words, *if* Mr. McLeod didn’t give them his name, *then* he was going to jail—which means if he gave them his name he *would not go to jail*.

29. As a result, prior to being placed in the back of the police car, Mr. McLeod complied with their demand—despite having no legal obligation to do so—and clearly provided his full name and date of birth. In fact, the BWC footage shows Mr. McLeod clearly gave the officers his full name (twice), spelled it, and gave them his date of birth. The footage also shows the officers acknowledging the same, typing the information into their patrol car computer, and even calling Mr. McLeod by his name.

30. Shortly after Mr. McLeod identified himself the officer in charge violated Department policies and procedures by turning his BWC off, walking away from the scene and making a private call on his cellular phone.

31. Once the commanding officer finished his private telephone call, he turned his BWC back on and returned to the police car where Mr. McLeod was handcuffed in the backseat.”

32. Despite knowing Mr. McLeod’s full name and date of birth the commanding officer stated: “What did you say your name was?”

33. State law makes it unlawful for anyone to provide false or misleading information on any document required to be kept incident to a citizen’s arrest. More particularly, “It is unlawful

for a person to willfully give false, misleading or incomplete information on a document, record, report or form required by the laws of this State.” S.C. Code Ann. § 16-9-10(A)(2).

34. Therefore, the Defendants committed a criminal act by booking Mr. McLeod as “John Doe age 25” when they knew his full name and date of birth.

35. Defendants further violated state law by failing to process Mr. McLeod at Al Cannon Detention Center. More particularly, S.C. Code Ann. § 23-3-120 required the officers to fingerprint and process Mr. McLeod upon arrival to the jail. Instead, Defendants did not obtain Mr. McLeod’s fingerprints and mugshot until he was discharged from the jail.

36. Mr. McLeod is informed and believes the officers failure to process him upon arrival to the jail was not a simple mistake but rather was done deliberately and in furtherance of their unlawful efforts to bury Mr. McLeod in the jail so that his family or law firm could not find him.

37. Defendants also violated state law by failing to provide Mr. McLeod a bond hearing within twenty-four hours of his arrest. Instead, Mr. McLeod remained incarcerated for approximately thirty-eight hours under a fictitious name and demonstrably false date of birth.

38. The foregoing violations of state law were not a mere coincidence but rather were deliberate acts taken by Defendants in furtherance of their unlawful arrest of Mr. McLeod.

39. Furthermore, Defendants broke Mr. McLeod’s neck (C5) by trucking his head into the corner of the cinderblock wall in his cell presumably because he would not “shut up.”

40. The Defendants’ unlawful conduct towards Mr. McLeod continued after he was placed in handcuffs.

41. The Defendants’ conduct was egregious in a number of particulars including but not limited to the following:

- (a) Committing a felony act in plain violation of S.C. Code Ann. § 17-13-50;
- (b) Determining that Mr. McLeod was “going to jail” prior to having any contact with him;
- (c) Failing to read Mr. McLeod’s *Miranda* rights;
- (d) Arresting Mr. McLeod for a crime that does not exist;
- (e) Informing Mr. McLeod he was being arrested for a crime that does not exist;
- (f) Violating state law by failing to process Mr. McLeod upon arrival at the jail; and
- (g) Failing to provide Mr. McLeod a bond hearing within 24 hours of his arrest.

42. Furthermore, the Defendants broke Mr. McLeod’s neck by trucking his head into a cinder block wall presumably because he would not “shut up.”

43. Plaintiff is informed and believes however the right to vocally challenge police authority is what separates a democracy from a police state.

44. Furthermore, Plaintiff is aware the law of this State provides “a person has a right to resist an unlawful arrest even to the extent of taking the life of the aggressor if it be necessary in order to regain his liberty.” *State v. McGowan*, 557 S.E.2d 657 (2001).

45. Furthermore, “an unlawful arrest, or an attempt to make an unlawful arrest, stands upon the same footing as any other nonfelonious assault, or as a common assault and battery. The person who is so unlawfully arrested, or against whom such an unlawful arrest is directed, is not bound to yield, and may resist force with force...” *Id.*

46. The City of Charleston continues to prosecute Mr. McLeod for public disorderly conduct despite the unlawful and tortious acts committed by its officers.

47. Moreover, despite repeated attempts to invoke his constitutionally guaranteed right to a speedy trial, Mr. McLeod has not been afforded his constitutional right to a speedy trial.

FOR A FIRST CAUSE OF ACTION
False and Felonious Arrest
Pursuant to the South Carolina Tort Claims Act

48. Plaintiff hereby incorporates by reference and realleges every allegation of this Complaint as if fully set forth herein verbatim.

49. For an arrest to be lawful, an officer must have probable cause to make the arrest.

50. Probable cause is a good faith belief that a person is guilty of a crime when this belief rests on such grounds as would induce an ordinarily prudent and cautious man, under the circumstances, to believe likewise.

51. Defendants never obtained a warrant authorizing them to arrest Plaintiff.

52. A police officer's authority to lawfully arrest a citizen without a warrant is limited to circumstances where the officer witnesses a person violating the criminal laws of this state, provided the arrest was made at the time of such violation.

53. Officers Morrell, Wallace, and Winston did not witness Plaintiff violate any criminal laws—because he did not do so.

54. The officers' conduct proves this fact. Rather than arrest Mr. McLeod for a crime, their stated reason for Mr. McLeod's arrest *at the time of his arrest* was "failure to identify" which is not a crime.

55. Had the arresting officers witnessed disorderly conduct or any other actual crime, they would not have given the true ground for the arrest as failure to identify. The officers' own statements at the time of the arrest demonstrate beyond a shadow of a doubt that they did not believe Mr. McLeod was guilty of disorderly conduct.

56. Moreover, the officers' statements just prior to putting Mr. McLeod in the patrol car prove they did not witness any disorderly conduct. More particularly one officer stated: "What is it again we are taking him in for, is it failure to identify?"

57. Obviously, had Mr. McLeod violated any law relating to disorderly conduct, the officers would not have openly questioned why he was being arrested in the first place. Nor would they have given "failure to identify" as the true ground for the arrest.

58. After Mr. McLeod identified himself the Sargeant willfully violated CPD policies and procedures by turning his body worn camera off, walking away from the scene and having a private conversation on his cell phone.

59. Immediately after the officer finished the private telephone call he returned to the scene, opened the door to the police car and acted as if he did not know Mr. McLeod was in fact Mr. McLeod. Further, despite knowing his identify Sargeant asked: "what did you say your name was?"

60. Further, another falsely stated reason for Mr. McLeod's arrest was the fact that he did not have a photo ID on him while walking on the Battery.

61. More particularly, the incident report states: "Due to the male offering fake names, as well as not having a physical ID, he was placed under arrest and booked into ACDC as "John Doe."

62. Thus, Defendants falsely arrested and restrained Plaintiff without probable cause.

63. As a direct and proximate result of Defendants' actions, Plaintiff was wrongfully arrested despite having committed no crime.

64. Because freedom and our constitutional right to privacy are tantamount to who and what we are as South Carolinians, the General Assembly enacted S.C. Code Ann. § 17-13-50, which provides:

A person arrested by virtue of process or taken into custody by an officer in this State has a right to know from the officer who arrests or claims to detain him the true ground on which the arrest is made. It is unlawful for an officer to:

- (1) refuse to answer a question relative to the reason for the arrest;
- (2) answer the question untruly;
- (3) assign to the person arrested an untrue reason for the arrest; or
- (4) neglect on request to exhibit to the person arrested or any other person acting in his behalf the precept by virtue of which the arrest is made.

An officer who violates the provisions of this section is *guilty of a felony* and upon conviction, must be fined in the discretion of the Court or imprisoned not more than ten years or both.

65. The BWC footage proves beyond a shadow of a doubt that Defendants Morrell, Wallace, and Winston committed two felony acts against Mr. McLeod per the plain language of the foregoing statute.

66. For one, the “stated reason” for Mr. McLeod’s arrest was “failure to identify.” Although this statement by the officers is demonstrably false (Mr. McLeod clearly gave the officers his full name and date of birth), it nonetheless was the “true ground” on which the arrest was made per the officers’ own statements.

67. Although failure to identify was the stated reason for his arrest, the officers did not charge Mr. McLeod with failure to identify but rather charged him—well after the fact—with public disorderly conduct.

68. The arresting officers thus clearly gave Mr. McLeod an “untrue reason” for his arrest.

69. The law of South Carolina does not allow police officers to take a citizen's freedom for no reason or for an invalid reason, which is why it is a felony act for an officer to "assign to the person arrested an untrue reason for the arrest."

70. "Failing to identify" has never been a crime in the South Carolina, much less a crime for which citizens can be incarcerated.

71. Furthermore, at no time in our state's history has the state ever authorized police officers to incarcerate a citizen for "failing to have a photo ID" on his person during a walk along a public sidewalk less than two blocks from his own home. Nonetheless, "failing to have a photo ID" was another "true ground" stated by the officers as the reason for Mr. McLeod's arrest.

72. As a direct and proximate result of Defendants' false and felonious arrest Mr. McLeod has suffered personal, physical, mental, and emotional damages, including but not limited to loss of his freedom for thirty-eight hours, mental suffering, hurt feelings, emotional distress, and harm to his reputation and standing in the community.

FOR A SECOND CAUSE OF ACTION

False Arrest Pursuant to 42 U.S.C. § 1983

**Violation of the Fourth Amendment as Incorporated by the Fourteenth Amendment
As to Defendants Morrell, Wallace, and Winston**

73. Plaintiff hereby incorporates by reference and realleges every allegation of this Complaint as if fully set forth herein verbatim.

74. At all relevant times, Defendants Morrell, Wallace, and Winston were acting under color of state law and exercised powers possessed by virtue of state law as commissioned law enforcement officers in South Carolina.

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

76. More particularly, Defendants' conduct deprived Plaintiff of the Fourth Amendment right for citizens "to be secure in their persons . . . against unreasonable . . . seizures" of the person and their right to be free from unnecessary governmental interference.

77. At the time Defendants seized and arrested Plaintiff, they did not have probable cause, and no reasonable law enforcement officer would believe Plaintiff violated any laws or committed any crimes.

78. Defendants' actions in seizing and arresting Plaintiff were not objectively reasonable in light of the facts and circumstances available to them at the time of the arrest. As such, Defendants' seizure and arrest of Plaintiff was an unreasonable seizure in violation of the guarantees of the Fourth Amendment.

79. As a direct and proximate result of Defendants' unreasonable seizure and arrest of Plaintiff, he suffered personal, physical, mental, and emotional damages, including but not limited to loss of his freedom for thirty-eight hours, mental suffering, hurt feelings, emotional distress, and harm to his reputation and standing in the community.

FOR A THIRD CAUSE OF ACTION
Fourth Amendment Violation Pursuant to 42 U.S.C. § 1983
Unreasonable Seizure
As to Defendants Morrell, Wallace, and Winston

80. Plaintiff hereby incorporates by reference and realleges every allegation of this Complaint as if fully set forth herein verbatim.

81. The Fourth Amendment to the U.S. Constitution provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

82. South Carolina's constitutional counterpart is found in Article I, section 10 of the South Carolina Constitution and gives even greater protection than its federal counterpart, including a constitutional right to privacy.

83. Under the U.S. Constitution, an arrest is a "seizure" that implicates the Fourth Amendment's protections. Warrantless seizures are deemed unreasonable, and therefore unlawful, unless certain narrow exceptions apply.

84. Defendants Morrell, Wallace, and Winston seized Plaintiff when they stopped him walking down the Battery, prevented him from exercising his constitutional right to move freely down a public street, handcuffed him, and placed him under arrest despite having committed no crime.

85. As soon as Mr. McLeod was within an arm's reach of the officers, they immediately grabbed him, handcuffed him, and told him he was "under arrest."

86. Pursuant to United States Supreme Court and South Carolina precedent, Mr. McLeod's arrest was unconstitutional. The following facts can be seen from Defendants' BWC footage:

- a. When the videos begin, Mr. McLeod was not visible and could only briefly be heard.
- b. There is no video evidence whatsoever that Mr. McLeod was engaged in repetitive or loud speech.
- c. Mr. McLeod also was not shouting any fighting words toward the police at any time prior to his arrest, and as Mr. McLeod and the officers converged on one another, video footage proves he never even raised his voice.
- d. There is no evidence whatsoever that Mr. McLeod acted in a disorderly manner at any time before his unlawful arrest.
- e. There is no evidence Mr. McLeod was grossly intoxicated because in fact he had not consumed any alcohol on the day or night of his arrest.

- f. There is no evidence Mr. McLeod disturbed any member of the public because no complaints had been made and he was the only person on the street at the time of his unlawful arrest.

87. No reasonable officer would believe these facts create probable cause to arrest a citizen, whether for failure to identify (which is not a crime) or for public disorderly conduct.

88. As a direct and proximate result of Defendants' unreasonable seizure and arrest of Plaintiff, he suffered personal, physical, mental, and emotional damages, including but not limited to loss of his freedom for thirty-eight hours, mental suffering, hurt feelings, emotional distress, and harm to his reputation and standing in the community.

FOR A FOURTH CAUSE OF ACTION
Fourth Amendment Violation Pursuant to 42 U.S.C. § 1983
Violation of Substantive Due Process
As to Defendants Morrell, Wallace, and Winston

89. Plaintiff hereby incorporates by reference and realleges every allegation of this Complaint as if fully set forth herein verbatim.

90. At all relevant times, Defendants Morrell, Wallace, and Winston were acting under color of state law as employees and police officers for the City of Charleston.

91. The touchstone of the substantive due process right guaranteed by the Constitution is protection of the individual against arbitrary action of government.

92. These defendants deprived Plaintiff of his inalienable rights to be free of unreasonable seizure, to be free of unlawful arrest, to walk down public streets, and to engage in free speech and expression.

93. Their actions in arresting Plaintiff for no reason, when they knew he had not committed any crime and had a constitutional right to privacy, were so arbitrary, irrational, and unjustified by the circumstances or by any legitimate government interest as to shock the conscience.

94. The officers' egregious, outrageous official conduct deprived Plaintiff of his substantive due process rights and caused him to suffer personal, physical, mental, and emotional damages, including but not limited to loss of his freedom for thirty-eight hours, mental suffering, hurt feelings, emotional distress, and harm to his reputation and standing in the community.

FOR A FIFTH CAUSE OF ACTION
Violation of the Equal Protection Clause Pursuant to 42 U.S.C. § 1983
Selective Enforcement and Prosecution
As to Defendants Morrell, Wallace, and Winston

95. Plaintiff hereby incorporates by reference and realleges every allegation of this Complaint as if fully set forth herein verbatim.

96. The equal protection component of the Due Process Clause prohibits the government from selectively deciding whether to arrest and prosecute based on an unjustifiable standard such as race, religion, or other arbitrary classification—including the exercise of a constitutional right.

97. Defendants Morrell, Wallace, and Winston wrongfully arrested Plaintiff for the purpose of punishing him for exercising a constitutional right: his First Amendment right of free speech and expression.

98. Upon information and belief, the City of Charleston routinely does not arrest the thousands of other people who loudly exercise their First Amendment rights on the streets of Charleston.

99. Mr. McLeod has been singled out unfairly from all the other individuals walking down the street early on a week night evening by being prosecuted based on an unfairly subjective determination that the volume of his voice was “boisterous” or “disorderly.”

100. All three CPD officers knew they were prohibited from arresting a citizen for allegedly being loud on a public street at 9:30 p.m. on a Wednesday where there were no citizen complaints nor signs of gross intoxication.

101. Freedom of speech is one of the most universally recognized rights American citizens have under the Constitution.

102. To make matters worse, and as the video from the scene clearly shows, these officers detained Mr. McLeod for “failure to identify,” which is not a crime in South Carolina.

103. The vindictive and selective nature of the enforcement and prosecution is also demonstrated by other misconduct on the part of the officers the night of Mr. McLeod’s unlawful arrest.

104. For example, the officers prepared an incident report which they knew would become a public record containing demonstrably false information that was intended to cause reputational harm to Mr. McLeod. For more than six months, the City of Charleston and its agents or employees have not issued a supplemental report which truthfully describes their encounter with Mr. McLeod.

105. Instead, they have deliberately chosen to allow the false narrative to stand in an effort to cause Mr. McLeod reputational harm and to prejudice his right to a fair trial on the improper criminal charges.

106. Moreover, “It is unlawful for a person to willfully give false, misleading or incomplete information on a document, record, report or form required by the laws of this State.” S.C. Code Ann. § 16-9-10(A)(2).

107. Despite this clear law, the officers included a false narrative in their incident report and booked Plaintiff in the county jail as “John Doe,” age 25, when they knew Plaintiff’s name and date of birth.

108. Furthermore, when Defendants were shown the BWC footage after the arrest the Defendants by and through their attorneys offered to “drop the charges” if “Mr. McLeod would agree not to sue the City.”

109. Plaintiff is informed and believes this type of corruption is a threat to all citizens and must be answered for.

110. The officers’ wrongful conduct deprived Plaintiff of his constitutional rights and caused him to suffer personal, physical, mental, and emotional damages, including but not limited to loss of his freedom for thirty-eight hours, mental suffering, hurt feelings, emotional distress, and harm to his reputation and standing in the community.

FOR A SIXTH CAUSE OF ACTION

First Amendment Violation Pursuant to 42 U.S.C. § 1983

As to Defendants Morrell, Wallace, and Winston

111. Plaintiff hereby incorporates by reference and realleges every allegation of this Complaint as if fully set forth herein verbatim.

112. Defendants Morrell, Wallace, and Winston deprived Plaintiff of his First Amendment rights of speech and expression and were at all relevant times acting under color of state law.

113. As he strolled down the Battery, Plaintiff was engaged in speech protected by the First Amendment.

114. The BWC footage proves that as the officers approached Mr. McLeod, one of the officers demanded that Mr. McLeod “give him one good reason you are out here yelling” despite the fact that Mr. McLeod was silent as the officers approached.

115. The officer’s demand that Mr. McLeod “give him one good reason” he was in a public place violated CPD policies and procedures and demonstrates a total disregard or ignorance as to a citizen’s God-given and constitutional right to be in a public place for any reason or no reason at all and constitutional right to privacy.

116. Mr. McLeod would have been well within his rights to say “it’s none of your business” and to have continued past the officers.

117. However, the officers corralled Mr. McLeod and forcibly stopped him with a hand to his chest. Had the officer been courteous to Mr. McLeod as is required by CPD policies and procedures and asked him what he had been saying aloud, Mr. McLeod would have told them he was rehearsing political speech intended to be used in his campaign to be our state’s next Governor.

118. Thus, despite having clear constitutional rights under the First Amendment, Defendants Morrell, Wallace, and Winston took retaliatory action against Plaintiff by placing him under arrest and preventing him from continuing to exercise his constitutional rights.

119. Defendants took this retaliatory action as a direct result of Plaintiff’s exercise of free speech. In other words, a causal connection exists between Plaintiff’s constitutionally protected speech and Defendants’ adverse, retaliatory action.

120. As a direct and proximate result of Defendants’ infringement on Plaintiff’s constitutional right to free speech and expression, Plaintiff suffered personal, physical, mental, and emotional damages, including but not limited to loss of his freedom for thirty-eight hours, mental

suffering, hurt feelings, emotional distress, and harm to his reputation and standing in the community.

FOR A SEVENTH CAUSE OF ACTION
Negligence, Gross Negligence, Recklessness
Pursuant to the South Carolina Tort Claims Act
As to Defendant City of Charleston

121. Plaintiff hereby incorporates by reference and realleges every allegation of this Complaint as if fully set forth herein verbatim.

122. At all relevant times, Defendants Morrell, Wallace, and Winston were employed as police officers by the Charleston Police Department and City of Charleston.

123. As employees, Officers Morrell, Wallace, and Winston were agents of Defendant City of Charleston, and the city is responsible for the acts and/or omissions of the officers as alleged herein.

124. Upon information and belief, Officers Morrell, Wallace, and Winston were trained law enforcement officers certified by the State of South Carolina and hired by the City of Charleston.

125. During all relevant times, Officers Morrell, Wallace, and Winston—as agents of the City of Charleston—owed a duty to the public in general, and to Plaintiff in particular, to use due care in fulfilling their duties as police officers. Among their duties was to ensure their conduct conformed to generally accepted police standards and the policies and procedures of CPD.

126. On May 14, 2025, Officers Morrell, Wallace, and Winston failed to use due care and were negligent, grossly negligent, reckless, and/or willful in falsely arresting and injuring Plaintiff when he had committed no crime and posed no threat to the officers or the public. Accordingly, they were negligent in failing to follow proper protocol and procedure for the

situation, arresting Plaintiff without probable cause, injuring Plaintiff in the process of what should have been a non-violent arrest, and depriving Plaintiff of numerous constitutional rights.

127. The negligent, grossly negligent, and reckless acts and omissions of the City's agents were in violation of the common law and statutes of the State of South Carolina, as well as the duties and obligations owed to Plaintiff on the night of the incident.

128. As a direct and proximate result of negligent, grossly negligent, willful and wanton conduct, Plaintiff suffered personal, physical, mental, and emotional damages, including but not limited to loss of his freedom for thirty-eight hours, mental suffering, hurt feelings, emotional distress, and harm to his reputation and standing in the community.

FOR AN EIGHTH CAUSE OF ACTION
Negligent Training, Supervision, Hiring, and Retention
Pursuant to the South Carolina Tort Claims Act
As to Defendant City of Charleston

129. Plaintiff hereby incorporates by reference and realleges every allegation of this Complaint as if fully set forth herein verbatim.

130. Defendant City of Charleston owed statutory and common law duties to the public at large, and to Plaintiff in particular, to refrain from negligently hiring, supervising, training, or retaining employees, including Defendants Morrell, Wallace, and Winston.

131. Defendant City of Charleston knew or should have known that Defendants Morrell, Wallace, and Winston presented an unreasonable risk of harm to the public and to Plaintiff.

132. Upon information and belief, Defendant City of Charleston negligently, grossly negligently, recklessly, and/or willfully failed to train its officers and employees, including Defendants Morrell, Wallace, and Winston, regarding the generally accepted standards of policing regarding the Fourth Amendment, First Amendment, probable cause, and the limitations on police authority.

133. Upon information and belief, Defendant City of Charleston negligently, grossly negligently, recklessly, and/or willfully failed to supervise its deputies and employees, including Defendants Morrell, Wallace, and Winston, to ensure compliance and respect for generally accepted standards of policing regarding the Fourth Amendment, First Amendment, probable cause, and the limitations on police authority.

134. Upon information and belief, Defendant City of Charleston negligently, grossly negligently, recklessly, and/or willfully retained and employed its deputies and employees, including Defendants Morrell, Wallace, and Winston, despite the fact that it knew (or should have known) violations and deviations from generally accepted standards of policing regarding the generally accepted standards of policing regarding the Fourth Amendment, First Amendment, probable cause, and the limitations on police authority.

135. As a direct and proximate result of these Defendants' negligent hiring, training, retention, and/or supervision of Defendants Morrell, Wallace, and Winston, Plaintiff was wrongfully arrested despite having committed no crime. Plaintiff suffered personal, physical, mental, and emotional damages, including but not limited to loss of his freedom for thirty-eight hours, mental suffering, hurt feelings, emotional distress, and harm to his reputation and standing in the community

FOR A NINTH CAUSE OF ACTION

Invasion of Privacy

**Pursuant to the South Carolina Tort Claims Act
As to Defendant City of Charleston**

136. Plaintiff hereby incorporates by reference and realleges every allegation of this Complaint as if fully set forth herein verbatim.

137. Article I, section 10 of the South Carolina Constitution confers upon the state's citizenry a constitutional right to privacy.

138. Subsequent to Mr. McLeod's unlawful and unconstitutional arrest, the Defendants obtained video footage of Mr. McLeod in the back of the police car. This footage was not lawfully obtained because it was incident to an unlawful arrest.

139. At all times relevant hereto, Defendants knew the footage obtained in the patrol car was obtained subsequent to an unlawful arrest and that it could not be used as evidence to prosecute the misdemeanor offense for which Mr. McLeod was charged because it happened downstream of the unlawful arrest.

140. As a result, the video footage obtained did not serve a legitimate law enforcement purpose. Furthermore, the video footage of Mr. McLeod in the back of the patrol car was exempt from disclosure pursuant to S.C. Code Ann. § 30-4-40.

141. Nonetheless, the Defendants released the video footage of Mr. McLeod in an effort to harm his reputation and his right to a fair trial that stemmed from the officers committing a felony act against Mr. McLeod for taking his freedom in violation of his God-given and constitutional right to be in a public place.

142. The Defendants wrongfully intruded upon Mr. McLeod's private activities and violated his constitutional right to be free from unwarranted publicity.

143. Further, Defendants did so in a negligent, grossly negligent, willful and wanton manner by causing the video to be published despite knowing the video served no legitimate public concern due to the fact that it could not be used as evidence to support Defendants' unlawful arrest of Plaintiff.

144. As a direct and proximate result of Defendants' negligent, grossly negligent, willful and wanton conduct, Mr. McLeod suffered injuries and damages as set forth herein and as will be

decided by a jury in this matter, including but not limited bringing shame and humiliation upon a person of ordinary sensibilities, including Mr. McLeod.

145. As a direct and proximate result of Defendants' negligent, grossly negligent, willful and wanton conduct, Mr. McLeod suffered special and general damages including but not limited to mental suffering, hurt feelings, emotional distress as well as damages to his reputation and standing in the community.

FOR A TENTH CAUSE OF ACTION

Defamation

As to All Defendants

146. Plaintiff hereby incorporates by reference and realleges every allegation of this Complaint as if fully set forth herein verbatim.

147. It is unlawful for a person to willfully give false, misleading or incomplete information on a document, record, report, or form required by the laws of this State. S.C. Code Ann. § 16-9-10(A)(2).

148. Further, the Defendants had a common law duty not to publish false and defamatory statements regarding Mr. McLeod.

149. Nonetheless, the Defendants intentionally and in a grossly negligent manner prepared an incident report which contained demonstrably false statements that were intended to and did in fact cause Mr. McLeod reputational harm.

150. More particularly, the incident report contains statements by the Defendants which purport to justify Defendants' decision to take Mr. McLeod's freedom by handcuffing him less than three blocks from his home on Murray Boulevard.

151. At the time the Defendants prepared the incident report they had become aware that the stated reason for the arrest (failure to identify) is not a crime in South Carolina and therefore could not serve as the basis for a lawful arrest.

152. Therefore, Defendants negligently, willfully, and wantonly created a false narrative in the incident report in an effort to justify the unlawful arrest.

153. The Defendants prepared an incident report which allegedly described the period of time between when Mr. McLeod was first approached by the officers up until the time he was placed in handcuffs. However, the incident report contained many demonstrably false, defamatory statements including but not limited to the following:

- a. Falsely stating Mr. McLeod was in his underwear;
- b. Falsely stating Mr. McLeod “began rambling incoherently”;
- c. Falsely stating Mr. McLeod referred to himself as God;
- d. Falsely stating Mr. McLeod referred to himself as Superman;
- e. Falsely stating Mr. McLeod began rambling incoherently upon being questioned by the officers;
- f. Falsely stating Mr. McLeod offered fictitious name;s and
- g. Falsely stating Mr. McLeod continues to yell at the top of his lungs and move his army frantically.

154. The false and defamatory statements were made with actual malice and constitute libel per se in that the false statements degraded, disgraced, and caused reputational harm to Mr. McLeod in the estimation of friends, acquaintances, and the public.

155. Further, Defendants made these defamatory statements because they knew the arrest was unlawful and therefore wanted to prejudice Mr. McLeod’s right to a fair trial and to force him not to fight the charges.

156. Furthermore, Defendants made these defamatory statements in order to harm Mr. McLeod's reputation and standing in the community.

157. Furthermore, Defendants have refused since the incident report was published to the media and the public to issue a supplemental report which truthfully describes their encounter with Mr. McLeod from the point of contact with Mr. McLeod until the time he was put in the back of the patrol car.

158. As a direct and proximate result of Defendants' negligent, grossly negligent, willful, and wanton conduct, Mr. McLeod suffered special and general damages including but not limited to mental suffering, hurt feelings, emotional distress as well as damages to his reputation and standing in the community.

WHEREFORE, Plaintiff prays for judgment against Defendants for actual damages in an amount not to exceed 50 Million Dollars together with punitive damages, for the cost of this action, and for such other and further relief as the Court may deem just and proper.

s/ W. Mullins McLeod, Jr.
W. Mullins McLeod, Jr.
Pro se

and

MCLEOD LAW GROUP, LLC

s/ Nicholas A. Charles
Nicholas A. Charles (101693)
nick@mcleod-lawgroup.com
Jack H. Bonds (105260)
jack@mcleod-lawgroup.com
3 Morris Street, Suite A (29403)
Post Office Box 21624
Charleston, South Carolina 29413
Tel. (843) 277-6655
Fax (843) 277-6660

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