

## Malicious prosecution suit confidentially settled

By: Matt Chaney ◉ March 12, 2019

A Clinton man whose blood alcohol level was well below the legal limit when a police officer charged him with drunk driving has confidentially settled his malicious prosecution and false imprisonment suit against the Mauldin Police Department for an undisclosed amount, his attorney reports.

Sam Tooker of the Law Office of David R. Price Jr. in Greenville said that his client, Calvin Williams, was arrested during a traffic stop in December 2016 when the police officer said Williams appeared to be intoxicated.

When tested at the police station, Williams' blood alcohol content (BAC) was measured at 0.02, and under South Carolina law, a person with a BAC of 0.05 or less is conclusively presumed to not be under the influence of alcohol. Williams then agreed to provide a urine sample which was sent to SLED for drug tests. All the tests returned negative.



Tooker

Despite this, Williams said that prosecutors tried to get him to plead guilty to DUI and refused to drop the charge. Williams declined a plea deal and retained Tooker, who sent a letter to prosecutors in December 2018 reminding them that there was no probable cause to justify the continued prosecution.

The city dismissed the DUI charges shortly thereafter, and Williams then filed a lawsuit alleging that the city's malicious prosecution damaged his reputation, embarrassed and stressed him, and forced him to pay for a lawyer. He asked for punitive damages for the city's "deliberate indifference" to his civil rights.

The two sides agreed to a settlement on Feb. 1, before the city ever hired counsel or a judge could be assigned to the case. Tooker said that the city's reasonable assessment of the case's value was the main factor that led to the early settlement.

While Tooker said he was happy that Williams was compensated for his losses, this is the fourth time in nearly four years that he has seen a client charged with DUI despite having a BAC lower than 0.05.

"If you're below a 0.05 and the urine is negative, then the state is obliged to dismiss your case," he said. "It's an abuse of state authority if any entity continues to prosecute a case."

Representatives from the City of Mauldin and the Mauldin Police Department did not respond to requests for comment before press time.

*Follow Matt Chaney on Twitter @SCLWChaney*

### SETTLEMENT REPORT – MALICIOUS PROSECUTION

**Amount:** Confidential

**Injuries alleged:** Damage to reputation, emotional distress, legal fees

**Case name:** *Williams v. City of Mauldin and Mauldin Police Department*

**Court:** Greenville County Circuit Court

**Case No.:** 2018-CP-23-06263

**Date of settlement:** Feb. 1, 2019

**Attorneys for plaintiff:** Sam Tooker and David Price Jr. of the Law Office of David R. Price Jr. in Greenville

**Attorneys for defense:** None

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