

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT CIVIL ACTION NO.: 2025-CP-40-
Timothy Shane Huffman,  Plaintiff,  vs.  South Carolina Department of Natural Resources,  Defendant(s).	SUMMONS FOR RELIEF COMPLAINT SERVED (JURY TRIAL DEMANDED)

**TO: DEFENDANTS NAMED ABOVE:**

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is hereby served upon you, and to serve a copy of your answer to the said Complaint on the subscribers at their offices at 403 Second Loop Road, Florence, South Carolina within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you.

Respectfully Submitted,

**WUKELA LAW FIRM**

s/Patrick J. McLaughlin  
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ATTORNEYS FOR THE PLAINTIFF

Florence, SC  
October 8, 2025

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT CIVIL ACTION NO. 2025-CP-40-_____
Timothy Shane Huffman,  Plaintiffs,  vs.  South Carolina Department of Natural Resources.  Defendant(s).	<b><u>COMPLAINT</u></b>  (Jury Trial Demanded)

Comes now the Plaintiff complaining of the Defendants alleging the following:

### **PARTIES AND JURISDICTION**

1. That Plaintiff Timothy Shane Huffman (“Huffman”), at all times relevant to this complaint, was a resident of Greenville County, South Carolina.
2. That Defendant South Carolina Department of Natural Resources (“SCDNR”), is a governmental agency/entity existing under the laws of the state of South Carolina and has facilities located throughout the state, including in Richland County. At all times herein mentioned in this lawsuit, SCDNR acted and carried on its business and made policy decisions by and through its agents, servants, and/or employees at its various locations, including its headquarters in Richland County. Further, during the time period set out in this Complaint, this Defendant was acting by and through its servants, agents and/or employees who were operating within the course and scope of their officially assigned and/or compensated duties.
3. Venue in this Court is proper, as the substantial acts and omissions giving rise to the causes of action occurred in Richland County, South Carolina.

### SUMMARY OF CASE

4. This case arises from SCDNR officers arresting a South Carolina hunter who, by their own video-memorialized admissions, had not violated the plain language of the very statute he was arrested for allegedly violating. Those same SCDNR officers then abused their discretion to seize that South Carolinian's truck and hunting gear/equipment and proceeded to falsely misrepresent the law to that South Carolinian (while also misrepresenting that all the enforcement action taken against him was "mandatory") in order to hide the fact that the SCDNR officers were actually abusing their discretion and power.
5. On November 15, 2024, SCDNR Patrol Officer Robert Thomas ("THOMAS") and SCDNR Lance Corporal Zach Tatum ("TATUM") were running a deer decoy night hunting sting in a field on Cox Mill Road in Taylors, South Carolina. Plaintiff Huffman, who had just picked up dinner with his girlfriend after having hunted earlier in the evening, was riding down Cox Mill Road, when he saw the deer decoy in the field. Huffman stopped his truck in the road and backed up, using his binoculars to look at the deer to see what it was. As the moon was out, Huffman did not need to shine any light (headlights or other illumination) or use anything other than the binoculars to see the "deer," a fact memorialized via DNR officers body worn camera (BWC) videos:

<i>DNR Tatum:</i>	<i>Is he still looking at it?</i>
<i>DNR Thomas:</i>	<i>He's not got a light out, but he's stopped in the road and he backed up. I'm going to stop him no matter what.</i>

*Thomas BWC Clip 1.*<sup>1</sup>

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<sup>1</sup> Video clips cited in this complaint are incorporated by reference into the Complaint and available via the following Dropbox link: <https://tinyurl.com/Huffman-v-SCDNR>

6. When THOMAS was specifically asked by TATUM if Huffman's headlights were shining on the deer, THOMAS answered "No." (*Thomas BWC Clip 1*).
7. BWC video memorializes THOMAS being unsure of whether to even stop Huffman, asking TATUM if he should stop Huffman as Huffman had only stopped, backed up slightly and then resumed driving without shining any light at the deer. With THOMAS specifically responding to TATUM's warning Huffman may take off that "he's not taking off" and the video showing Huffman's truck resume forward travel at a reasonable speed. (*Thomas BWC Clip 1*).
8. Huffman, an avid hunter who has a Facebook page devoted to his hunting exploits eliminating predatory animals (like coyotes) from properties titled "Palmetto Predator Pros," recognized the decoy for what it was and simply commented to his girlfriend that it was fake deer before pulling off. Despite having a rifle in the back seat of his truck (as he had picked up his girlfriend to go get dinner after deer hunting earlier and intended to go coyote hunting later that evening), at no time did Huffman access or handle his rifle during the stop on Cox Mill Road.
9. As memorialized (and admitted to by THOMAS) on BWC video, Huffman never "displayed or used" any "artificial light...in a manner capable of disclosing the presence of deer," the specified material elements allowing a South Carolinian to be charged with night hunting for merely having a firearm in their possession or within immediate access under S.C. Code §50-11-705(E).
10. Despite all of the above, THOMAS decided to initiate a traffic stop on Huffman, during which THOMAS made the decision not only to falsely arrest and charge Huffman with night hunting, but to also seize his truck and gear/equipment. This was done despite THOMAS admitting to Huffman that stopping and looking at deer without a light was not illegal. (*Thomas BWC Clip 54*).

11. Despite that admission memorialized on his BWC, THOMAS, who had apparently never charged anyone with night hunting, saw the chance at a “career case”:

*DNR Thomas: Would you tow the truck?*  
*DNR Tatum: So, he just bought that truck and **it'd be nice to put that sucker on a rollback, but that's up to you.***  
*DNR Thomas: This is like **a once in a career stop.***  
*DNR Tatum: **This is great, dude. This is absolutely great.***

*Thomas BWC Clip 25 (emphasis added).*

12. The BWC videos in this case document Huffman being told that his girlfriend would not face charges “at this time”; both THOMAS and TATUM turning off/muting BWCs in violation of SCDNR policy (as well as warning each other and other DNR personnel contacted by phone when their BWCs were “hot”); falsely claiming that the seizure of Huffman’s truck was mandatory (despite THOMAS being specifically told by DNR personnel via phone that seizing the truck was completely in THOMAS’ discretion); and that TATUM had been following Huffman’s hunting exploits on social media commenting that Huffman had killed a “monster deer.”
13. Ultimately, the criminal night hunting charge against Huffman was resolved in his favor via a dismissal because Huffman had not violated S.C. Code 50-11-705, as he had never displayed or used artificial light in a manner capable of disclosing the presence of deer. But that was not before Huffman had to purchase replacement gear/equipment and pay \$2500 to get his recently purchased Toyota Tacoma truck returned.
14. In falsely arresting Huffman and accusing him of a crime he did not commit, SCDNR ignored the plain language of South Carolina law, violated their own policy and procedure, and failed to adhere to their publicized mission and vision statement.

### **FACTUAL ALLEGATIONS**

15. The South Carolina Department of Natural Resources publicly represents that its mission is “to serve as the principal advocate for and steward of South Carolina’s natural resources” and that “our vision for the DNR is to be a trusted and respected leader in natural resources protection and management, by consistently making wise and balanced decision for the benefit of the state’s natural resources and its people.” See <https://www.dnr.sc.gov/admin/history.html>
16. On November 15, 2024, SCDNR Patrol Officer Robert Thomas (“THOMAS”) and SCDNR Lance Corporal Zach Tatum (“TATUM”) were running a deer decoy night hunting sting in a field on Cox Mill Road in Taylors, South Carolina.
17. Also on November 15, 2024, after having hunted earlier in the evening, Plaintiff Huffman, had picked up his girlfriend, Ella Owens (“Owens”) and driven to pick up dinner from a local pizza restaurant. Having picked up their dinner, Huffman and Owens then visited the local Dollar General Store before driving home down Cox Mill Road. After having passed several does, the two drove by the site of THOMAS and TATUM’s decoy sting, and Huffman saw the deer decoy in a field off to the side of the road.
18. Thinking the deer was a buck, Huffman stopped his truck in the road and backed up slightly to look at the “deer” to confirm his suspicions, a wholly legal act under South Carolina law.
19. Being aware that it was illegal to shine deer, Huffman was careful **not** to let his headlights illuminate the “deer.”
20. As the moon was out, Huffman did not need to any artificial light (headlights or other illumination) to look into the field and observe the “deer.” Instead, he asked Owens to hand him his binoculars, which he used to easily recognize that the “deer” was a “buck” but it was also obviously a fake decoy.

21. Upon seeing the deer was a decoy, Huffman commented as such to Owens, and resumed the drive back home.

22. As the same time as the above, THOMAS was parked off Cox Mill Road, surveilling the deer decoy as part of the sting operation aimed at enticing a passerby to violate South Carolina law, activated his BWC, showing Huffman's truck sitting in the roadway and memorializing the following phone conversation between THOMAS and TATUM:

*DNR Tatum: Is he still looking at it?*  
*DNR Thomas: He's not got a light out, but he's stopped in the road and he backed up. I'm going to stop him no matter what.*  
*DNR Tatum: Is his headlights on it?*  
*DNR Thomas: No.*

As the BWC video shows Huffman begin to pull off and resume driving at normal and reasonable pace, the following conversation is memorialized:

*DNR Thomas: He's driving on now. He's going straight. I'm going to go after him.*  
*DNR Tatum: I'd let him get just a hair so he don't take off.*  
*DNR Thomas: He's not taking off.*

*Thomas BWC Clip 1 (emphasis added).*

23. After explaining that Huffman had not actually shined his headlights on the deer, THOMAS asked TATUM's advice:

*DNR Thomas: Would you not go after him?*  
*DNR Tatum: Yeah.*  
*DNR Thomas: Go after him?*  
*DNR Tatum: Yeah, I'd stop him.*  
*DNR Thomas: But he didn't fully shine it though, you know what I mean?*  
*DNR Tatum: I don't know what he did. He pulled into the intersection?*  
*DNR Thomas: No. He was going straight. I think he was seeing if it would move.*  
*DNR Tatum: Yeah, I'd stop him.*

*Thomas BWC Clip 1.*



24. THOMAS proceeded to initiate a traffic stop of Huffman. As he approached Huffman's truck, THOMAS directed Huffman to put his hands outside the truck where he could see them and Huffman immediately did so.
25. As THOMAS approached the driver's window, Huffman explained he does not have a tag displayed on the back of the truck yet, as he has a 30-day tag he just received. Huffman proceeds to offer the paperwork for his tag and bill of sale. When asked where they are coming from, Huffman explained they were coming from Nate's Pizza, as he had picked up Owens from the house after getting out of the woods, to go get pizza. *See Thomas BWC Clip 2.*
26. As Huffman handed over his paperwork, THOMAS asked him why he had binoculars in his lap and Huffman explained they had just passed a bunch of deer and then "I told her to hand me the binoculars, I seen a buck," commenting also that he had been told DNR would set out decoys and he thought it was a decoy. *See Thomas BWC Clip 3.*
27. When asked what else he had with him, Huffman freely volunteered that in addition to the binoculars, he also had a 9mm up front noting his concealed weapons permit, and a rifle in the back seat of the truck.
28. Huffman and Owens were told to "hang tight," then left alone and unsupervised with firearms now disclosed to be in the truck, while THOMAS walked back towards his own truck, muting his BWC. *See Thomas BWC Clip 3.*
29. THOMAS subsequently walked back to the driver's door of Huffman's truck, unmuted his BWC on the way, and asked Huffman "What was your name again?" After Huffman told him "Shane," THOMAS asked Huffman to hop out and walk to the back of the truck, and to leave the pistol in the truck and at the same time told Owens she could stay sitting in the cab. *See Thomas BWC Clip 4.*

30. As they walked to the back of the truck, THOMAS asked Huffman if he had any guns on him, and Huffman explained he only had the pistol and rifle and that both were in the truck. *See Thomas BWC Clip 4.*
31. THOMAS then proceeded tell Huffman he was going to put him in handcuffs “because we got a lot of guns and just trying to figure out everything.” *See Thomas BWC Clip 3.* At the time THOMAS told Huffman he was placing him in cuffs “because we have a lot of guns,” THOMAS had left Owens in the truck, completely unsupervised, with two firearms.
32. As Huffman is fully complying with being handcuffed, THOMAS asks him if he has ever been in any trouble, to which Huffman tells him he has not. THOMAS specifically asks Huffman if he has ever gotten in any “hunting” trouble. Huffman freely tells him that approximately 3 years prior, he shot a turkey and had tagged the turkey but did not notch the tag and “Ofc. Holliday” gave him a warning ticket. *See Thomas BWC Clip 5.*
33. Having left Owens completely unsupervised in Huffman’s truck with two firearms, THOMAS decide he needed to have her “hop out” of the truck because of “all the guns.” THOMAS walked back to the truck and upon opening the passenger door, THOMAS’ BWC video memorializes Owens sitting in the passenger seat, with a large pizza box and other to-go food containers in plastic bags on top of the box in her lap:



*See Thomas BWC Clip 6.*

34. THOMAS received a radio call that a check on Huffman has come back “clear,” after which THOMAS mirandized Huffman and asked if he was willing to speak with him. Huffman answered affirmatively.

35. At that point, the following conversation is memorialized on THOMAS BWC video:

<i>DNR Thomas:</i>	<i>What was your question first?</i>
<i>Huffman:</i>	<i>I was just, I mean I know – Obviously spotlighting is big thing.</i>
<i>DNR Thomas:</i>	<i>Right.</i>
<i>Huffman:</i>	<i>But did I do anything wrong by using binoculars to look, if I didn't have any lights or – that's really my only question.</i>
<i>DNR Thomas:</i>	<b><i>You can't stop and look at deer with a gun in the truck.</i></b>

*Thomas BWC Clip 10 (emphasis added).*

36. The statement from THOMAS that “you can’t stop and look at deer with a gun in the truck” is unequivocally a false statement of South Carolina law. There is no such law in South Carolina.

37. Plaintiff is informed and believes that if there was such a law prohibiting a person from stopping a vehicle to look at deer when there was a firearm in the vehicle, numerous South Carolinians would violate that law every single day.

38. After THOMAS provides that false statement of SC law, the following conversation is memorialized via THOMAS BWC video:

<i>DNR Thomas:</i>	<i>Obviously spotlighting is a no-no.</i>
<i>Huffman:</i>	<i>Correct.</i>
<i>DNR Thomas:</i>	<i>But stopping in the middle of the road, backing up, and then you got a rifle in the – is it loaded?</i>
<i>Huffman:</i>	<i>It is loaded. I literally just got out of the woods and I picked her – I was hunting up here on 101, on Neese property. I left there and I picked her up. I live there, literally a mile up the road on the left there at Lindsey Plantation duplexes. I picked her up and we went to get Nate's.</i>

*Thomas BWC Clip 11.*

39. Notably, THOMAS then proceeded to tell Huffman “It’s also a moonlight night tonight. So, ***you don’t need a spotlight*** as much. ***You can see deer in the field. I think that’s why you used the binoculars.*** You could make out the deer. You could even tell it was a buck” to which Huffman freely volunteered was all correct. *See Thomas BWC Clip 12* (emphasis added).

40. THOMAS’ belief that Huffman used binoculars because he did not need anything given the moonlight are remarkable, because the only criminal code section Huffman could possibly have been charged with “night hunting” under a scenario of stopping a truck in a public roadway to look at deer requires “the display or use of artificial light...in a manner capable of disclosing the presence of deer...”

S.C. Code Ann. § 50-11-705

\*\*\* This document is current through 2024 Regular Session Act No. 250, not including changes and corrections made by the Code Commissioner. \*\*\*

South Carolina Code of Laws Annotated by LexisNexis® > Title 50. Fish, Game and Watercraft (Chs. 1 – 26) > Chapter 11. Protection of Game (Arts. 1 – 13) > Article 4. Night Hunting, Harassment of Wildlife, Trespass Offenses (§§ 50-11-700 – 50-11-785)

**§ 50-11-705. Night hunting prohibited; exceptions; hunting of deer, bear, or turkey; penalties; use of artificial lights at night.**

50-11-705. Night hunting prohibited; exceptions; hunting of deer, bear, or turkey; penalties; use of artificial lights at night.

(E) The display or use of artificial light at night on property not registered with the department for night hunting feral hogs, coyotes, or armadillos, in a manner capable of disclosing the presence of deer, bear, or turkey, together with the possession of or with immediate access to a centerfire rifle and ammunition larger than a twenty-two caliber rimfire, or a shotgun and ammunition larger than shot size number four, shall constitute prima facie evidence of night hunting for deer, bear, or turkey.

(F) Nothing in this article prohibits a person from acting in accordance with the conditions contained in a depredation permit issued by the department pursuant to [Section 50-11-2570](#).

(G) For a second offense within two years from the date of conviction for the first offense, he shall not

41. S.C. Code §50-11-705(E) is the **only** code subsection that allows for “possession of or with immediate access to a centerfire rifle” to constitute “prima facie evidence of night hunting for deer” and the plain language of that code section explicitly requires “the display or use of artificial light...in a manner capable of disclosing the presence of deer.”

42. TATUM was a party to misrepresenting South Carolina law to Huffman, as his own BWC video memorialized the following conversation between he and Huffman:

<i>Huffman:</i>	<i>We passed a bunch of deer, went on past it. I seen one standing out there. I said “Hand me my binoculars. I just want to see what it is.” I didn’t even know that was illegal to look at it thru binoculars. I know spotlighting is, but I had no idea you couldn’t look thru binoculars.</i>
<i>DNR Tatum:</i>	<i>Yeah...well...</i>
<i>Huffman:</i>	<i>I keep them binoculars on me. 24-7.</i>
<i>DNR Tatum:</i>	<i>I understand...uh...yeah, well...we’ll see.</i>

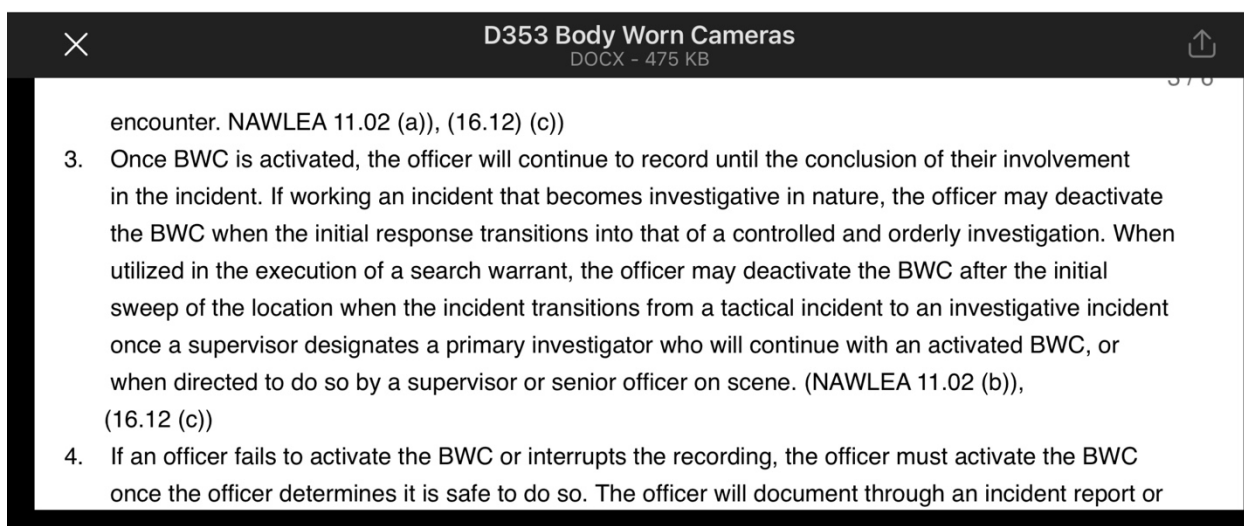
*Tatum BWC Clip 1* (emphasis added).

43. That during that conversation above, TATUM could have easily corrected THOMAS’ blatant false representation of South Carolina law but chose not to. Instead, TATUM was oddly concerned with Huffman’s hunting exploits, asking THOMAS if he realized that Huffman is

“the coyote guy” (*Tatum BWC Clip 6*) and telling THOMAS to “check that text I sent you yesterday...remember that picture I sent you” (*Tatum BWC Clip 7*).

44. TATUM then got into THOMAS truck asking “that’s him ain’t it” before they both inform each other that their BWCs are “hot” with TATUM then muting his BWC. (*Tatum BWC Clip 8*).

45. That both THOMAS and TATUM muted their BWCs several times during their involvement in the incident, in violation of SCDNR policy:



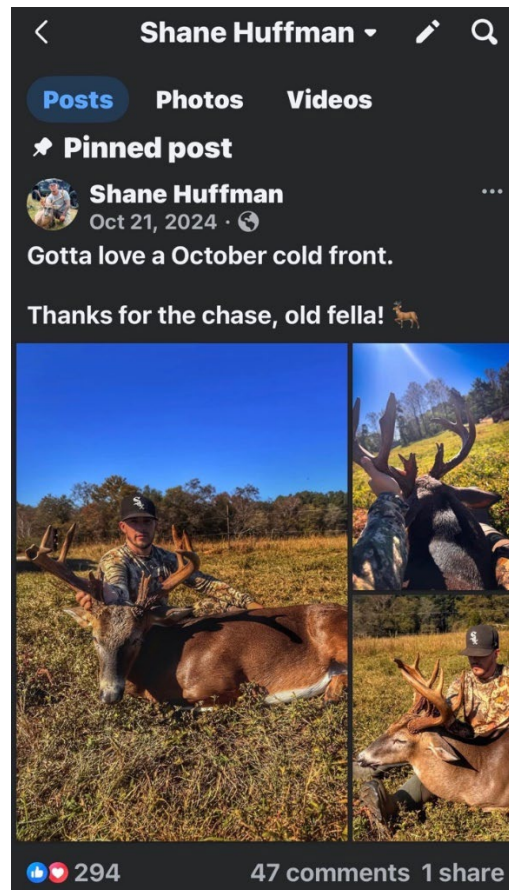
46. Despite TATUM muting his BWC, THOMAS’ BWC was still “hot” during a portion of their discussion in the truck and memorializes TATUM telling THOMAS that he texted THOMAS’ personal phone from his personal phone: “I texted you a picture. He killed a big deer the other day. A monster deer” eventually claiming *“I’m very certain that it’s going to be related.”* (*Thomas BWC Clip 24*) (emphasis added).

47. Of note, no such texts or pictures were ever produced via Rule 5/*Brady* responses to Huffman’s criminal defense attorney.

48. To the best of Huffman’s knowledge, this photo posted to Facebook over three weeks prior would have been the only picture he can recall from that period of time and he is baffled how



TATUM could claim it was in anyway “related” to the false charge of night hunting THOMAS and TATUM brought against Huffman considering it clearly was taken in broad daylight:



49. Despite their representations to Huffman that the seizure of his truck was mandatory, BWC video memorializes that decision was wholly discretionary by THOMAS and came as a surprise to TATUM:

<i>DNR Thomas:</i>	<i>I'm kind of debating towing it.</i>
<i>DNR Tatum:</i>	<i>I'd tow it.</i>
<i>DNR Thomas:</i>	<i>I'm going to call Frank and ask him about – or would you not even call him...about towing it? Who would you get to tow it? Greenville County?</i>
<i>DNR Tatum:</i>	<i>I'd call Hawkins. I'd call Hawkins direct and say I got a truck that needs to be towed –</i>
<i>DNR Thomas:</i>	<i>-- Well, you got to do rotation.</i>
<i>DNR Tatum:</i>	<i>Whatever, dude.</i>
<i>DNR Thomas:</i>	<i>That's like state law –</i>
<i>DNR Tatum:</i>	<i>I'll ask him if he wants anybody specific.</i>

DNR Thomas: *Well, **it's not going back to him**. It can't be anybody specific.*  
 DNR Tatum: ***Huh?***  
 DNR Thomas: ***It's not going back to him**, so it can't be anybody specific?*  
 DNR Tatum: ***You're keeping it? You want to keep it?***  
 DNR Thomas: *If I'm going to tow it, yeah.*  
 DNR Tatum: *I'm good with that.*

Thomas BWC Clip 26 (emphasis added).

50. THOMAS' BWC memorializes that he was wholly uninformed on seizure process:

DNR Thomas: *I don't know anything about seizing the truck.*  
 DNR Tatum: *Call Frank. It's early.*  
*(Thomas accessing his mobile phone and placing call)*  
 DNR Thomas: *I don't want to not do it and wish I had done it later.*  
*(as phone rings)*  
 DNR Thomas: *Well, that explains **why he didn't shine the light**.*  
 DNR Tatum: *Yeah, because he's using thermals.<sup>2</sup>*  
*(phone is answered)*  
 "Frank": *What's up?*  
 DNR Thomas: *Well, um –*  
 DNR Tatum: *Got one.*  
 DNR Thomas: *Just got a good one.*  
 Frank: *Okay. Night hunter?*  
 DNR Tatum: *Uh-huh.*  
 DNR Thomas: *Stopped. Backed up. Reversed about 100 feet. Sit there for what, at least a minute maybe --*  
 DNR Tatum: *-- Looking at the decoy –*  
 DNR Thomas: *-- Looking at the decoy and **then takes off**. I go after him. Stop him. He has a .308 **with a night vision scope on it**. And he has a handheld thermal.*  
 Frank: *Uh-huh.*  
 DNR Tatum: *And **he's a known night hunter for coyotes**<sup>3</sup> and stuff.*

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<sup>2</sup> There absolutely no evidence that Huffman used the thermal handheld optic in the back of his truck. All objective evidence is to the contrary as BWC video documents Huffman still had his binoculars in his lap when THOMAS pulled him over and the thermal optic was in a chest bag on the backseat behind Huffman (along with other coyote hunting gear), and thus not readily accessible. More importantly, those actual facts and evidence led THOMAS to admit on video his belief that Huffman only used binoculars because of the amount of moonlight that evening.

<sup>3</sup> Not only is night hunting for coyotes legal in South Carolina, SCDNR encourages coyote hunting by actively promoting coyote hunting/trapping via the SCDNR website. See "Hunters: Help Control Coyotes and Save Our Deer" which specifically notes that "Night hunting is permitted on registered properties, or with a depredation permit" and links to SCDNR's "Coyote Harvest Incentive Program" at <https://www.dnr.sc.gov/wildlife/coyote/index.html>



DNR Thomas: *And I'm hot. My body camera's still hot. Just FYI.*  
 Frank: *Okay.*  
 DNR Thomas: *But uh, he's obviously going. [Interruption to respond to radio call]. Obviously the thermal and the rifle, all that's going with me. **Seizing the truck: is it worth it? Do it? Don't do it?** I mean I know it's in the law. It's just not...I don't know the protocol...*  
 Frank: *Well, I mean, it's just a matter of – I mean – uh – you know – uh – you know, I think it's \$2500 to get the truck back. You just seize the truck, you hold it in a tow yard and...uh...we just go from there on that. So...**if that's what you want to do. If not, just call someone to pick him up. Or pick the truck up.** Or tow it. Uh...you tell whoever he wants where it is and they can go pick it up from there.*  
 DNR Thomas: *\*mutes BWC\**

*Thomas BWC Clip 28 (emphasis added).*

51. THOMAS appeared to continue the phone conversation with “Frank” while his BWC is muted, actually taking his BWC off of his chest after approximately 5 minutes and placing the BWC face down on his truck middle console, where it sat (providing no audio or visual) for approximately another 2 minutes before THOMAS replaced the BWC on his chest and unmuted it (*Thomas BWC Clip 29*), at which point THOMAS notified TATUM “I’m back hot” and TATUM responds “I’m still muted.” (*Thomas BWC Clip 30*).

52. THOMAS then proceeded to ask TATUM if the night hunting charge is made via a uniform traffic ticket (UTT) and TATUM tells him to do it via a UTT and send it directly to “North Greenville,” before instructing THOMAS to then *ex parte* the Court: “I would go in there and talk to the Judge and tell him ‘This is what this is. Do not do anything with this outside of talking to me.’” (*Thomas BWC Clip 31*).

53. During the phone call with “Frank,” THOMAS willfully and intentionally misrepresented facts to support his desire to make “a career case.” Specifically:


- a. THOMAS misrepresented to Frank that after stopping for about a minute, Huffman “takes off,” when the BWC video memorializes THOMAS specifically denying such, affirmatively telling TATUM “He’s not taking off”;
- b. THOMAS misrepresented to Frank that Huffman had a “night vision scope” on the rifle in his truck. Huffman had specifically informed THOMAS it was a new “Day/Night” scope and that to use it at night, one had to have a separate infrared illuminating device, which he did not have. (*Thomas BWC Clip 18*).

54. TATUM is memorialized on BWC claiming that Huffman was misleading THOMAS about the scope stating “He’s trying to act like it’s not a night vision scope. A day/night scope is what he’s calling it.” (*Thomas BWC Clip 24*).

55. THOMAS’ own paperwork documents the model of the scope as a “RIX Tourer T20”:

OTHER EVIDENCE	Silencer Co Omega 308 SN: 107490	SN: EA1012205	AGM Thermal monocular	RIX Tourer T20 scope	SN: 4F11A-HFNA1259	308 Ammo
DISPOSITION OF EVIDENCE	Toyota Tacoma released to owner due to \$2,500 forfeiture met					
This property being returned to me is in the same condition as received.						

56. A simple Google search shows that is exactly how RIX Optics describes that model scope:




RIX Optics

https://www.rioxoptics.com

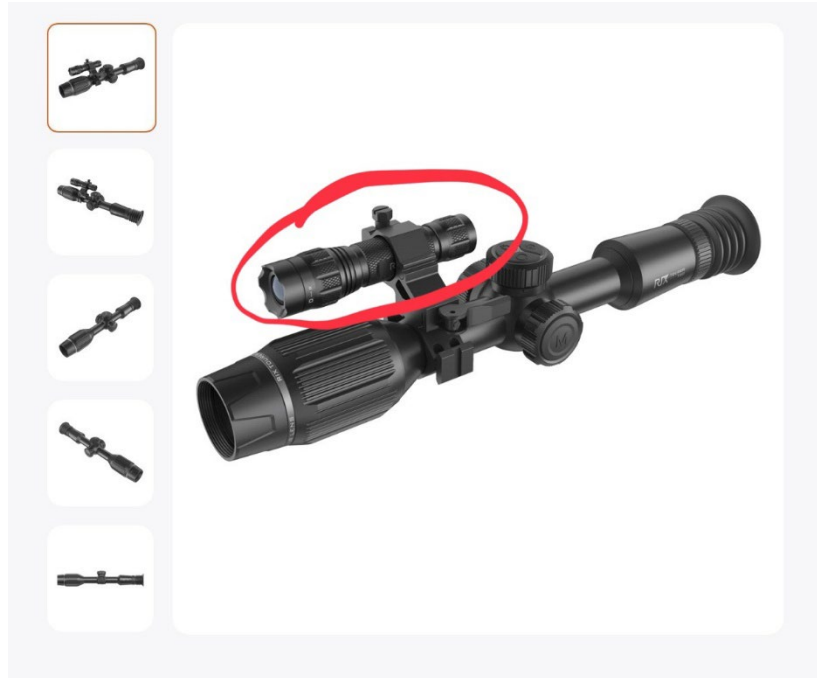
### Tourer 20 Day&Night Vision Rifle Scope

Sep 15, 2024 — The T20 boasts exceptional display and night vision, so you can capture high-quality images and footage no matter how harsh the conditions.

**\$599.00**



with the RIX website’s images of the scope showing the infrared attachment Huffman described to THOMAS and explained was necessary for night-vision capabilities (circled in red):



57. THOMAS' BWC video clearly shows the RIX Tourer T20 scope mounted on the rifle in the back of Huffman's truck does **not** have the infrared illuminator device attached (and pictured above), rendering it as Huffman explained, simply a "Day/Night" scope without the night capability:



58. TATUM also willfully and intentionally misrepresented facts to support their false charge, later telling Huffman's parents (who came to the scene to pick up Owens) that the night hunting charge was supported by Huffman having a readily accessible rifle "with a night vision scope on it" and that "he's utilizing a thermal." (*Tatum BWC Clip 21*).
59. When challenged by Huffman's mother over the charge, who explained Huffman's Facebook page devoted to coyote hunting and that being why he carries such gear/equipment, TATUM admits "I know that. I'm very familiar with Shane. I know Shane." (*Tatum BWC Clip 23*).
60. Plaintiff is informed and believes that both THOMAS and TATUM received their Class I certification through the South Carolina Criminal Justice Academy (CJA) Class I Basic Law Enforcement (BLE) Training Course and are required to receive continuing education to maintain that Class I certification.
61. Plaintiff is informed and believes that thru that CJA BLE training and their continuing education requirements, THOMAS and TATUM receive "legal" training where they are educated on relevant constitutional, statutory and case law, including "updates" on legal issues they are likely to encounter in their jobs as Class I law enforcement officers.
62. Plaintiff is informed and believes that part of the legal training THOMAS and TATUM have received is the general statutory interpretation legal concept that when a statute is penal in nature, it must be strictly construed against the State and in favor of the defendant. *See Town of Mt. Pleasant v. Roberts*, 393 S.C. 332, 342, 713 S.E.2d 278, 283 (2011).
63. Plaintiff is informed and believes that part of the legal training THOMAS and TATUM have received is the general legal concept that law enforcement is prohibited from *ex parte* communications with the Court about a pending criminal charge.

64. It is clear that either a lack of understanding S.C. Code §50-11-705(E) is why THOMAS and TATUM thought they had grounds to arrest Huffman or that they willfully and recklessly disregarded the plain language of the statute, as evidenced by the recorded conversation between THOMAS and Huffman at the Greenville County Detention Center (GCDC) where THOMAS falsely explains how the “mere possession of the stuff is what’s the wrong” specifically referencing the elements of S.C. Code §50-11-705(E), with TATUM mirroring similar explanation to Huffman’s parents. *See Thomas BWC Clip 59 and Tatum BWC Clip 21.*
65. The use/display of artificial light requirement of S.C. Code §50-11-705(E) is why TATUM excitedly proclaimed to THOMAS “He’s toast” (*see Thomas BWC Clip 24*) when they discuss Huffman having a thermal handheld optic in the back of his truck.
66. Unfortunately for THOMAS and TATUM, the thermal handheld optic had no impact on whether or not Huffman violated South Carolina law. As an initial matter, the thermal optic was, unlike the binoculars, in a chest pack on the back seat of the truck behind the driver’s seat, and thus not immediately accessible to Huffman (unlike the binoculars Huffman readily admitted to using and which were literally still in his lap when THOMAS approached the driver’s window). More importantly, a thermal optic, by its very nature, does not emit light; it reads infrared radiation off of objects and convert those readings into a visual image.
67. Once again, a simple Google search could have provided THOMAS and TATUM with this information, as the manufacturer of Huffman’s thermal monocular provides a simple diagram to explain how their thermal optics work:



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68. South Carolina hunting laws specifically recognize a difference between “artificial light” and “night vision devices,” as memorialized in the plain language of S.C. Code §50-11-715:

**§ 50-11-715. Night hunting prohibited; exceptions; hunting of feral hogs, coyotes, or armadillos; penalties.**

(A) It is unlawful to night hunt for feral hogs, coyotes, or armadillos in violation of the provisions of this section.

(B)

(1) Feral hogs, coyotes, and armadillos may be hunted at night on registered property on which a person has a lawful right to hunt:

(a) with any legal firearm, bow and arrow, or crossbow; and

(b) with or without the aid of bait, electronic calls, artificial light, or night vision devices.

(2) It is unlawful to:

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69. Both THOMAS and TATUM were aware that Huffman coyote hunts (with TATUM clearly interested in Huffman’s coyote hunting, *see* ¶¶43 and 59) and thus had legitimate legal reason for the gear/equipment in his truck (suppressor, thermal optic, shooting stand, electronic calls). *See Thomas BWC Clips 27, 42, and 49.*

70. THOMAS continued throughout the encounter to express a misunderstanding of the very law he was arresting Huffman for, explaining that Huffman was being arrested for the technology he had (despite THOMAS having already admitting his belief Huffman had not used any such

<sup>4</sup> See <https://www.agmglobalvision.com/thermal-imaging/thermal-monoculars>

<sup>5</sup> THOMAS’ BWC memorializes that the thermal optic, along with an electronic call, were both in a chest bag on Huffman’s backseat, entirely consistent with Huffman’s recorded disclosure that he had planned to go coyote hunting later that evening after eating with Owens. As the plain language of S.C. Code §50-11-715(B) shows, all of this gear/equipment is recognized by South Carolina as gear/equipment commonly used to legally hunt coyotes at night.



technology): “I know you thinking shooting the deer but – and – or, shining the deer but with the technology you have is where it’s [a problem].” *See Thomas BWC Clip 45.*

71. Remarkably, after having arrested THOMAS for night hunting and transporting him to jail, THOMAS admits to Huffman that he has no idea of knowing what, if any, of the equipment Huffman did or did not use and that stopping to look at deer without using a light (which is precisely what Huffman did and what THOMAS is memorialized on his own BWC video admitting he believed Huffman did because of the moonlight) *is not illegal*. *See Thomas BWC Clips 45 and 54.*
72. BWC video from November 18, 2025, memorializes that THOMAS discussed returning Huffman’s truck with “Frank” and “attorneys” and informed Huffman he would have to pay \$2500 to obtain his truck back, telling Huffman that “we spoke to our head attorney, we spoke to the Circuit Court and that’s all that can be done on that. And if you’re wanting it back, that’s what is going to have to happen.” *Nov 18 BWC VI.*
73. Plaintiff is informed and believes the discussion with “our head attorney” THOMAS referenced documents that SCDNR leadership in Columbia, South Carolina was involved in the administrative decisions made in his case, specifically the decisions to continue to prosecute the false night hunting charge and require Huffman to pay the \$2500 fee to get his truck back, which imposed the expenditure of time and expense on Huffman lest he risk further unnecessary storage fees from the tow company.
74. That once Huffman obtained a criminal defense attorney who obtained and reviewed the BWC videos, Huffman’s attorney began to push for the criminal prosecution to be dismissed, as it was clear from the video and THOMAS’ own admissions in the video that Huffman had not violated South Carolina law.

75. Plaintiff is informed and believes that he was asked by the State to plead guilty to criminal conduct he had not committed, specifically a violation of S.C. Code §50-11-717 Use of Artificial Lights at Night, due to SCDNR not wanting the criminal case to simply be dismissed. Plaintiff, through counsel, refused to plead to a crime he had not committed, as it would have required him to perjure himself
76. Plaintiff, through an email to his attorney by the State, was informed on March 7, 2025 that the criminal case had been resolved in his favor, via a dismissal.

**FOR A FIRST CAUSE OF ACTION**

Common law claim of false arrest/imprisonment for the unlawful seizure, restraint, arrest and detention of the Plaintiff and his property

77. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
78. Defendants are vicariously liable for the acts of their agents/employees acting within the course and scope of their employment. Defendants, through their agents/employees, intentionally restrained Plaintiff's movement without lawful authority constituting the tort of false imprisonment and/or intentionally restraining Plaintiff without probable cause and for arresting Plaintiff without probable cause constituting the tort of false arrest. Specifically, but not limited to the fact that Defendants arrested and intentionally restrained Plaintiff for a violation of SC law which their own recorded admissions show Plaintiff did not violate.
79. Defendants are vicariously liable for the acts of their agents/employees acting within the course and scope of their employment. Defendants, through their agents/employees, intentionally seized Plaintiff's property without lawful authority constituting the tort of unlawful seizure by charging Plaintiff without probable cause constituting an actual crime. Specifically, but not limited to the fact that Defendants wrongfully charged Plaintiff by falsely accusing the Plaintiff



of violating SC night hunting laws when their own admissions document the facts did not support such accusation.

80. As a direct and proximate cause of this illegal and unlawful detention, arrest and seizure the Plaintiff suffered damages as hereinafter set out.

**FOR A SECOND CAUSE OF ACTION**  
Malicious Prosecution

81. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
82. Defendants are vicariously liable for the acts of their agents/employees acting within the course and scope of their employment. Defendants, through their agents/employees, maliciously prosecuted Plaintiff. Specifically, but not limited to, Defendants encouraged and called for the continued criminal prosecution of the Plaintiff even after it was made clear the facts did not support a violation of the law had occurred.
83. That the willful acts as described above of in willfully and intentionally misrepresenting the law and facts to support the arrest and seizure, when the complained of conduct was actually lawful; arresting/serving the UTT alleging night hunting, which demonstrates the institution or continuation of judicial proceedings against Plaintiff, at the insistence of Defendants; that the proceedings were terminated in the Plaintiffs' favor; that there was malice in instituting such proceedings; that there was a lack of probable cause; and that the Plaintiff suffered injury and damages as a result.
84. As a direct and proximate cause of this malicious prosecution, the Plaintiff suffered damages as hereinafter set out.

**FOR A FOURTH CAUSE OF ACTION**

**Defamation/Defamation per se**

85. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
86. Defendants are vicariously liable for the acts of their agents/employees acting within the course and scope of their employment.
87. The acts and conduct described above constitute false statements made by Defendants, accusing the Plaintiffs of a crime and/or of unlawful activity. As such, the statements are defamatory on their face.
88. The false and defamatory statements were published by Defendants to third parties and made part of public records. Specifically, but not limited to, TATUM making comments to the tow truck driver and Huffman's parents that Huffman had committed a crime and/or done something wrong.
89. There was fault on the part of Defendants in publishing these statements as they did so with knowledge of their falsity and/or reckless disregard as to whether or not they were true.
90. As a direct and proximate cause of this defamation, the Plaintiffs suffered special harm as hereinafter set out, caused by the publication of the false statements and/or the conduct would be actionable irrespective of any special harm.

**FOR A FOURTH CAUSE OF ACTION**

**Negligence/Gross Negligence**

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

92. That at all times, TATUM and THOMAS and all other SCDNR agents/employees were acting within the course and scope of their duties as law enforcement officers for Defendant SCDNR.
93. Defendant SCDNR is vicariously liable for the acts of their agents/employees acting within the course and scope of their employment.
94. That Defendant SCDNR owed the Plaintiff certain duties. Specifically, Defendant SCDNR had a duty to control THOMAS, TATUM and all SCDNR agents/employees involved in this matter; a duty to ensure that THOMAS, TATUM and all SCDNR agents/employees involved in this matter did not abuse the power they wielded as agents/employees of SCDNR; and a duty to take actions in hiring, training and supervising THOMAS, TATUM and all SCDNR agents/employees involved in this matter to ensure that foreseeable harms were not suffered at their hands.
95. That Defendant SCDNR was negligent/grossly negligent in breaching their duties to:
- a. Adequately and properly hire responsible persons to serve as law enforcement officers;
  - b. Adequately and properly train their law enforcement officers to not abuse the power inherent in being a SCDNR agent/officer;
  - c. Adequately and properly supervise their law enforcement officers to not bring false charges and/or urge the continued prosecution of false charges;
  - d. Adequately and properly supervise their law enforcement officers to not abuse their discretion in the seizure and/or return of seized property when the underlying criminal charge is not valid;

- e. Enact and enforce policies and procedures which adequately and properly protect citizens from the type of harm suffered by the Plaintiff;
  - f. Adequately and properly discipline and/or take administrative action with law enforcement officers who violate their training and/or policy and procedure meant to protect citizens from the type of harm suffered by the Plaintiff;
96. That Defendant SCDNR breached their duties described above in a negligent and/or grossly negligent manner.
97. As a direct and proximate cause of the Defendants conduct, the Plaintiff suffered damages as hereinafter set out.

### **DAMAGES**

98. That as a direct and proximate cause of the negligent, reckless, willful and wanton conduct of the Defendants as described above, the Plaintiffs have suffered actual and consequential damages, including but not limited to:
- a. Emotional Injury;
  - b. Psychological Injury;
  - c. Mental Anguish and Distress;
  - d. Apprehension and Anxiety;
  - e. Out-of-Pocket Expenses;
  - f. Attorney Fees and Court Costs in Defending the Criminal Charges; and,
  - g. Injury to Reputation and Standing in the Community;
  - h. Embarrassment;
  - i. Personal Humiliation;
  - j. Mental Anguish and Suffering;

- k. Wounded Feelings Caused by Injury to Reputation;
99. Such other and further relief as a jury or the Court may deem appropriate.

WHEREFORE having fully set forth the grounds of his complaint Plaintiff asks this court to award compensatory damages in an appropriate amount and such other and further relief as this court deems just and proper.

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*-and-*

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Florence, SC  
October 8, 2025