

No. 25-640

IN THE
Supreme Court of the United States

RANDALL WILLIAMS, PERSONAL REPRESENTATIVE
OF THE ESTATES OF SHANICE R. DANTZLER-WILLIAMS
AND MIRANDA R. DANTZLER-WILLIAMS;
BETTY SIMMONS, PERSONAL REPRESENTATIVE OF THE
ESTATE OF STEPHANIE DANTZLER,

Petitioners,

v.

CHARLESTON COUNTY SHERIFF'S OFFICE,

Respondent,

AND

CHARLESTON COUNTY; EMILY PELLETIER;
CLINTON SACKS,

Defendants.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Fourth Circuit**

REPLY BRIEF FOR PETITIONERS

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INTRODUCTION

The questions presented in this case arise from the same uncertainty surrounding Eleventh Amendment arm-of-the-state immunity analysis that is before the Court in *NJ Transit Corp. v. Colt*, Nos. 24-1113 & 24-1021 (U.S.) (argued Jan. 14, 2026). These questions illustrate how lower courts’ differing approaches to that doctrine—particularly with respect to state treasury liability—have produced immunity determinations increasingly inconsistent with, and untethered from, the Eleventh Amendment’s core constitutional concern.

Respondent’s Brief in Opposition (“BIO”) does not contest that *NJ Transit* addresses the same arm-of-the-state immunity questions presented here, nor does it offer any argument that the Court’s forthcoming resolution of those questions would leave the decision below undisturbed.

The unpublished, per curiam decision below extended sovereign immunity to Respondent—the Charleston County Sheriff’s Office (“CCSO”). CCSO is a department of Charleston County that is budgeted, funded, insured, and indemnified solely by the County, and for which state law categorically forecloses any legal obligation of the State treasury—an application of arm-of-the-state immunity that cannot be reconciled with this Court’s precedent or the Eleventh Amendment’s core constitutional principles: *Regents of the University of California v. Doe*, 519 U.S. 425, 430 (1997); *Hess v. Port Auth. Trans-Hudson Corp.*, 513 U.S. 30, 44–50 (1994); *Edelman v. Jordan*, 415 U.S. 651, 663 (1974); *Ford Motor Co. v. Dep’t of Treas. of Indiana*, 323 U.S. 459, 464 (1945).

Respondent's BIO does not address its own structure, finances, or any of these governing constitutional considerations. Instead, Respondent relies upon a single Fourth Circuit decision that conferred arm-of-the-state immunity on another County Sheriff's Office in South Carolina notwithstanding the absence of any state financial responsibility and the presence of near-exclusive county control. BIO 5–10 (discussing *Cromer v. Brown*, 88 F.3d 1315 (4th Cir. 1996)).

That distinctive circuit approach, and the decision below, reflect the doctrinal drift that has prompted this Court's review in *NJ Transit* and underscores the need for clarification regarding the consideration and proper weight to be given to state treasury liability in arm-of-the-state analysis.

This case presents an excellent vehicle for that clarification. The relevant facts are undisputed, the legal issues are cleanly presented, and the case demonstrates the practical consequences of extending Eleventh Amendment immunity where the State has no legal financial responsibility. At minimum, the petition warrants a hold pending the Court's decision in *NJ Transit*.

ARGUMENT

I. THE DECISION BELOW ILLUSTRATES DOCTRINAL DRIFT IN ARM-OF-THE-STATE IMMUNITY ANALYSIS AND DETERMINATIONS

Respondent does not dispute that the Charleston County Sheriff's Office is budgeted, funded, insured, and operationally controlled by county government, nor does Respondent dispute the absence of any State treasury liability. The South Carolina Constitution

and Code of Laws expressly forbid the State treasury from paying the judgments against, or insurance premiums of, any County office, including Respondent. See S.C. Const. art. X §§ 7(a), 7(b), 8; S.C. Code Ann. §§ 1-11-140(A), 1-11-445(A), 15-78-30, 15-78-140.

These structural and operational facts are, and have always been, central to this Court's Eleventh Amendment jurisprudence. See *Hess*, 513 U.S. at 48; *Regents*, 519 U.S. at 430; *Edelman*, 415 U.S. at 663; *Mt. Healthy City Sch. Dist. v. Doyle*, 429 U.S. 274, 280 (1977); *Lincoln Cnty. v. Luning*, 133 U.S. 529, 530 (1890).

The decision below illustrates how arm-of-the-state immunity determinations have become increasingly disconnected from the Eleventh Amendment's historical purpose and this Court's precedent. The analysis endorsed within that decision was not grounded in the absence of the State's legal responsibility for judgments. Instead, the lower court extended sovereign immunity to a county department without any showing that Respondent functions as an arm of the state, notwithstanding that the South Carolina State Treasury bears no legal exposure from its operations. Pet. App. 5a-6a.

Respondent defends the analysis below by asserting that 'other relevant considerations' may outweigh the absence of state treasury liability, sole county funding, and near-exclusive county control—without citing any precedent of this Court endorsing that view.

That approach is entirely inconsistent with this Court's repeated emphasis that protection of the State treasury is the Eleventh Amendment's most salient constitutional concern. *Hess*, 513 U.S. at 48. That approach is also inconsistent with the Amendment's historical purpose and limited scope—Eleventh

Amendment immunity does not extend to counties and similar municipal corporations. *Mt. Healthy*, 429 U.S. at 280.

South Carolina has deliberately structured its risk-management regime to eliminate any State treasury exposure from claims made against Respondent in accordance with its State Constitution and Code of Laws. The record reflects that this structure includes the use of standalone funding mechanisms, private reinsurance, and statutory requirements that non-state entities must fund their own premiums. When immunity is extended in this setting, it neither implicates the Eleventh Amendment's core concern nor protects the State's treasury, but instead shields purely non-state entities from liability. Respondent offers no explanation as to how this financial reality supports the extension of the State's sovereign immunity.

The approach reflected in the decision below—treating secondary considerations as sufficient to confer Eleventh Amendment immunity—illustrates the degree of the doctrinal drift that has emerged in lower courts' arm-of-the-state analyses, producing uncertainty. Correction of these diverging approaches is necessary, because uncertainty has long been regarded as incompatible with the Rule of Law. Antonin Scalia, *The Rule of Law as a Law of Rules*, 56 U. Chi. L. Rev. 1175, 1179 (1989).

II. RESPONDENT'S ACCOUNT OF FOURTH CIRCUIT PRECEDENT OBSCURES INSTA- BILITY IN ITS ARM-OF-THE-STATE IMMUNITY ANALYSIS

Fourth Circuit decisions addressing Eleventh Amendment arm-of-the-state immunity have not applied a single, stable analytical framework when

evaluating county constitutional offices in the same state or in neighboring states. Instead, the circuit has employed materially different approaches to analyzing these offices producing immunity determinations that vary based upon the mode of analysis applied.¹

The South Carolina Constitution establishes county officers of Sheriff, Clerk of Court, and Coroner in every county. S.C. Const. art. V, § 24. Doctrinal consistency requires that these offices be analyzed identically and yield the same immunity determinations. That has not occurred.

In *Lawson*, the Fourth Circuit held that a County Clerk of Court's Office was not entitled to arm-of-the-state immunity. 828 F.3d 239, 250–51 (4th Cir. 2016). The *Lawson* court applied the *Ram Ditta* framework² and resolved the immunity question as a matter of law based on the record, emphasizing the absence of any state financial responsibility, the office's sole county funding, its operational independence from the

¹ Compare *Cromer*, 88 F.3d at 1332–33 (S.C. County Sheriff's Office is an arm of the state) with *Lawson v. Union County Clerk of Court*, 828 F.3d 239, 250–51 (4th Cir. 2016) (S.C. County Clerk of Court's Office is not an arm of the state) with *Harter v. Vernon*, 101 F.3d 334 (4th Cir. N.C. 1996) (N.C. County Sheriff's Office is not an arm of the state) with the *Lawson* and *Harter* courts using materially different considerations than the *Cromer* court.

² In *Ram Ditta v. Maryland National Capital Park & Planning Commission*, 822 F.2d 456 (4th Cir. 1987), the Fourth Circuit, articulated a four-factor test for determining whether an entity is an arm of the state for Eleventh Amendment purposes: (1) whether the state treasury will be responsible for paying any judgment that might be awarded; (2) the degree of autonomy exercised by the entity, including the extent of state control; (3) whether the entity is involved with statewide or local concerns; and (4) how the entity is treated as a matter of state law. *Id.* at 457–58.

State, and its focus on matters of local—not state—concern. *Id.* The *Lawson* court also emphasized that the first factor—state treasury liability—was the most important consideration. *Id.*

By contrast, *Cromer* employed a materially different mode of analysis as to a County Sheriff's Office. *Cromer*, 88 F.3d at 1332–33. *Cromer* expressly acknowledged uncertainty as to whether any state funds were implicated, and relied on more diffuse and abstract Eleventh Amendment considerations to extend arm-of-the-state immunity while giving no consideration to county funding, county control, or the local nature of the office's functions. *Id.*

The BIO attempts to minimize the holding and analysis of *Lawson* by characterizing that decision as turning “on a failure of proof.” BIO 11. That characterization is not in accord with the court's analysis and judgment. *Lawson* denied immunity based on the facts established in the record and resolved the arm-of-the-state inquiry as a matter of law, relying on considerations that equally apply to Respondent. *Id.* at 250–51.

In *Harter v. Vernon*, the Fourth Circuit likewise recognized that *Hess* reshaped Eleventh Amendment immunity analysis by placing heightened emphasis on state treasury liability. 101 F.3d 334, 343–44 (4th Cir. 1996). Applying that understanding, *Harter* held that a North Carolina sheriff was not entitled to Eleventh Amendment immunity where the State bore no legal responsibility for judgments. *Id.* at 343. In doing so, the court expressly analyzed *Hess* and *Ram Ditta* together, reaffirming that protection of

the State treasury lies at the core of the immunity inquiry.³ *Id.*

The decision below endorsed *Cromer*'s distinctive analysis rather than the analysis applied in *Lawson* and *Harter* that is squarely rooted in this Court's precedent. Respondent's BIO nevertheless characterizes the decision below as a straightforward application of settled Fourth Circuit precedent. That characterization obscures the reality that the circuit has used different analytical frameworks for state constitutional officers that have produced immunity determinations that vary depending on the framework applied.

This variability reflects doctrinal instability, not settled law, and underscores the need for clarification of the governing principles that must guide all Eleventh Amendment immunity decisions. The Fourth Circuit is indicative of the broader uncertainty in arm-of-the-state immunity analyses and determinations that this Court has agreed to address in *NJ Transit*.

III. THIS CASE WARRANTS A HOLD PENDING *NJ TRANSIT*

The BIO does not dispute that *NJ Transit* squarely concerns the same dispute as this case over how courts must assess and weigh state treasury risk and legal responsibility in arm-of-the-state immunity analyses. *Compare Colt v. N.J. Transit Corp.*, 43 N.Y.3d 463, 476

³ The BIO further suggests that North Carolina and South Carolina sheriffs are analyzed differently under Fourth Circuit precedent because of differences in each state's laws. BIO 11. But the BIO does not identify any differences in structure, funding, or state financial responsibility that would justify a divergence. In fact, in both States, sheriffs operate as county-based constitutional officers, are funded at the county level, and expose no state treasury liability.

(2024) (holding that New Jersey’s lack of legal liability outweighs factors supporting arm-of-the-state status), pet. for cert. docketed, No. 24-1113 *with Galette v. N.J. Transit*, 332 A.3d 776, 787–88 (Pa. 2025) (holding that NJ Transit is an arm of the state and declining to accord significant weight to the treasury factor), pet. for cert. docketed, No. 24-1021 consolidated with No. 24-1113 (argued Jan. 14, 2026).

These same considerations are at issue and central to the analysis of the case below, where arm-of-the-state immunity was extended despite the fact the State treasury is legally prohibited from being at risk in any way.

This case presents a clean vehicle for bringing clarity to arm-of-the-state immunity analysis as the relevant facts are undisputed, and state law definitively forecloses any legal obligation of the state treasury. At a minimum, the petition should be held pending the Court’s decision in *NJ Transit*.

CONCLUSION

The petition for a writ of certiorari should be granted. At minimum, the petition should be held pending *NJ Transit*, and then granted and disposed of as appropriate in light of this Court's decision in those cases.

Respectfully submitted,

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