

Dear Clerk of Court and Your Honor,

Enclosed you will find a Motion to Reconsider / Amend judgement asking that your Honor approve applicants motion and affidavit to proceed in forma pauperis, which you denied on July 6th, 2023.

Within this motion and the original complaint, is evidence that my Complaint contains assertions that plaintiff's fundamental rights to Due Process and to be free from Cruel and unusual punishment were violated by the defendants. <sup>IF shown,</sup> These fundamental Constitutional rights and their subsequent violations assures the plaintiff the right to be allowed access to the courts and "requires waiver of filing fees"; Pursuant to Rules Civ. Proc., Rule 3(b) as well as South Carolina's Supreme Court's holdings in Ex Parte Martin, 321 S.C. 533, 535 (1995); id ("Further, where certain fundamental rights are involved, the Constitution requires that an indigent be allowed access to the courts."); Please note my citation referring to paragraphs 43-57 in my Complaint that SCDC staff admitted to retaliating on me because I filed a grievance related to a sexual assault, and the S.C. Court of Appeals holding that such retaliation is fundamentally unconstitutional and violates an inmate's First U.S.C.A. rights under the Petition clause. <sup>(Booker v. SCDC, 855 F.3d 533 (S.C. App 2017))</sup> The retaliation, including the majors admission in writing, went on for months and will be substantially corroborated.

The Courts denial on 7/6/23, and my subsequent receipt of it a few days later started the (30) thirty day period in which I have to send "Notice of Appeal". Should this Court decline to reconsider and approve my motion ~~for~~ to proceed in forma pauperis I will need the spelling of your honor's name (the signature, though well-stylized and neat, isn't well discerned by plaintiff). Also, I'm not sure if there's any reference # the court can provide in lieu of a case #, I'd appreciate having something more, if possible, should I need to file an Appeal and/or a writ of mandamus with the higher court(s), it might make the appropriate forms more complete, in addition to including six copies of the complaint and appeal to the S.C. Supreme Court.

I am sending two copies of the Complaint. Please return one to me <sup>proce</sup> clocked and timestamped if the court allows the case to proceed w/ plaintiff in forma pauperis status approved, and either way please remit the printed name of your Honor

Thank you for your time and reconsideration,  
Christopher Kennan SCDC # 385016  
Evans CI / FSC-116  
610 Hwy 9W  
Bennettville, SC 29512

**RECEIVED**  
AUG 10 2023  
S.C. SUPREME COURT

- Also included are: 3 summons (AO 440)
- The Financial Certificate
- The Courts Denial of motion to proceed in forma pauperis
- 3 USM-285
- 1 motion to Amend

Clerk of Court (Ms Roberts)  
\* Also, please remit another SCCA 405CP (10110) Motion and Affidavit to Proceed in forma pauperis.

STATE OF SOUTH CAROLINA, )  
 )  
COUNTY OF Clarendon )  
 )  
Christopher M. Kennan )  
 )  
Plaintiff )

IN THE COURT OF COMMON PLEAS  
third JUDICIAL CIRCUIT

**MOTION AND AFFIDAVIT TO  
PROCEED IN FORMA PAUPERIS**

vs. )

South Carolina Dept. of Corrections )  
 )  
Defendant. )

FILE NO. \_\_\_\_\_

I, Christopher M. Kennan being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me )  
this 22 day of June, 2023 )

Sandra Outlaw )  
Notary Public for South Carolina )

My Commission expires 2/17/24 )

Christopher M. Kennan )  
Signature of Plaintiff or )  
Person Filing Complaint on Behalf of )  
Plaintiff )

**ORDER**

Leave is *granted* to proceed in forma pauperis without payment of the filing fee.

Leave is granted to proceed in forma pauperis without payment of the service cost.

Leave is *denied* to proceed in forma pauperis.

Dated: July 6, 2023  
Morning, South Carolina

R. Inell Cochran  
JUDGE/CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

In the state of South Carolina County of Clarendon  
Court of Common Pleas Third Judicial Circuit

Christopher M. Kennan  
Plaintiff,  
v.  
South Carolina Dept.  
of Corrections, et al.,  
Defendants

Civil Action No. \_\_\_\_\_

Jury Trial  Yes

MOTION TO Reconsider / Amend Judgement

Plaintiff Christopher M. Kennan, pursuant to Rule 59, SCRPC, requests court to amend decision to deny plaintiffs: MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS

1. The Court is obligated, per the Supreme Court, "where certain fundamental rights are violated the Constitution requires that an indigent be allowed to access the courts and requires waiver of filing fee. Rules Civ. Proc., rule 3(b) and EX Parte Martin, 321 S.C. 533, 535 (1995) id at 535, 471 S.E. 2d at 135 citing Boddie v. Connecticut, 401 U.S. 371 (1970)
2. This pro se Complaint isn't very neatly written and may be disorganized, but there certainly are violations of fundamental rights cited; some are as follows:
3. In Booker v. South Carolina Department of Corrections, 855 F.3d 533 (S.C. App 2017), the court held "Inmates possess a First Amendment right to be free from retaliation for filing a grievance" under its Petition Clause. In Plaintiff's complaint, paragraphs 50-57, he specifically stated SCDC staff admitted punishing him for filing a grievance ("ARTSM") and that plaintiff has this admission in writing. He lists multiple examples of such retaliation related to filing grievances in violation of Fundamental 1st U.S.C.A. rights under its petition clause, and argues this treatment was also cruel and unusual punishment.
4. Plaintiff also cites in his complaint that Fundamental rights to Due Process were violated when he was held in solitary confinement, under extreme conditions, for seven months - 55% of which he didn't receive a hearing despite policy calling for him to get one within seven days (see paragraphs 43-57). He argues he was denied due process as punishment for filing grievances.
5. In paragraphs 43-57, plaintiff also claimed he received inadequate medical treatment - and mentioned a suicide attempt due to this inadequate care <sup>and poor treatment</sup>. Carlson v. Green, 466 U.S. 14 (1981) holds that Fundamental rights to be free from Cruel and unusual Punishment and that inadequate medical care can rise to a level of cruel and unusual Punishment. A hearing should be held to decide these issues on their merits. The South Carolina Constitution also prohibits cruel and unusual punishment.
6. Without being allowed to file this complaint and proceed in forma pauperis - justice will be denied to plaintiff ~~and his fundamental rights~~ <sup>and his Access to the courts</sup> and Due Process would be withheld. If he can't assert his claims that fundamental rights were violated by defendants, and have defendants be held accountable, then this is an appealable issue.
7. This court should reconsider its denial of Plaintiff's motion to proceed in forma pauperis and allow plaintiff to proceed in forma pauperis. Please.

2/14/23  
Respectfully submitted,  
Christopher M. Kennan SCDC# 385016  
EVAWS CII  
610 Hwy 9W  
Bennettsville, SC 29512

II. "Basis for Jurisdiction" under 28 U.S.C. sections 1331 and 1343 (a)(3) and (S) ①  
SC ST § 15-77-50

⑬ 1. All incidents within this complaint occurred between 9/17/21-5/13/22.

In incidents one, two, three, four and five listed in this complaint SCDC is liable in its official capacity under S.C. Code Ann § 15-78-10 et seq. for all <sup>official capacities</sup> actions and inactions of its employees in both their individual and collective <sup>in the aggregate</sup> ~~and in their individual and collective~~ which equates to:

2. Gross Negligence and reckless disregard to the very specific threats and physical injuries I reported and presented to them (and becomes apparent by their actions and inactions in response to the dangers known to them) ~~to the extent that~~ ~~new assault and battery on me which is known by SCDC staff, and the threats and damages are claimed and increased with every new assault and battery I endured due to SCDC staff's reckless disregard to these known threats.~~

3. Failure to Supervise or control confinement and protect plaintiff (inmate) in a proper manner which amounts to gross negligence. SCDC policy, regulations and Post orders dictate to staff what the "proper" way to supervise and control confinement. Everytime staff abandons their posts and leaves inmates with known predilections for violence, unattended, and out of their cells in a prison setting, they exhibit gross negligence. The liability is increased for SCDC in direct relationship to the length of time and frequency of their staff's absence (absconding) in a dorm while inmates are left out of their cells, and ~~with~~ for any injuries sustained by an inmate during this absence/abandonment of Post.

4. Employee(s) conduct outside the scope of his (or her) duties or which constitute actual fraud, malice, intent to harm, and or a crime of moral turpitude described in the complaint; as may be evidenced when staff lies about their rank with a purpose of preventing an inmates report of a staff initiated violent attack by inmates from being filed to minimize SCDC's liability, and, when an employee orders a "hit" on an inmate (for any reason), etc. and when two or more employees engage in:

5. (Any) Civil Conspiracy named/cited/referenced in this complaint and/or elaborated upon during and after "discovery commences. Conspiracy also is shown in writing or verbally (between 2 or more staff members) while attempting to injure plaintiff (i.e. staff's attempts to bury reports of assaults and batteries or ~~otherwise punish~~ plaintiff for using SCDC's grievance system; when staff makes a concerted effort to violate SCDC's procedural <sup>requirements</sup> due process, and other policies in a manner that serves little to no penological purpose and/or doesn't <sup>outweigh</sup> the public good in policy adherence. My time in solitary confinement w/ a "PC Board" <sup>for 5 months</sup> (10/4/21-10/20/21) <sup>indicates</sup> <sup>evokes</sup> SCDC's liability during the time period of 10/14/21-11/10/21 for:

7. Intentional Infliction of emotional distress and gross negligence which rises to the level of a "Conversion/trespass to chattel" violation when an SCDC officer intentionally destroyed plaintiff's personal property. Liability increases for SCDC when it's shown that destruction of personal property was in retaliation for plaintiff using SCDC's grievance process, (or) while attempting their <sup>informal resolution step</sup>.

8. 9/21/21-5/13/22 - Sgt Montgomery violated plaintiff's First and Eighth U.S.C.A. rights and was sadistic in her punishment of him for filing PREA related and other grievances. Sgt Montgomery is liable ~~for~~ her individual capacity and SCDC is liable for her official capacity actions and inactions, rights while punishing, and retaliating towards, inmate for attempting to use SCDC's grievance process; and when she filed a false Dito "major" charge against me on 11/10/21. SCDC is liable in its official capacity for all of Oliver's actions and inactions which were violative of my rights under SCRA.

LEGAL CLAIMS

### IV. Statement of Claim:

- 10. C. Time period of 9/17/21 - 9/18/21 covers all incidents mentioned in this complaint.
- 11. D. (Please include any facts referenced in section ~~II~~ (B) in this section)

"Incident one" - on 9/17/21 and throughout most of 9/18/21 (up to 11:30pm), Plaintiff was left out of his cell overnight - mostly unsupervised, in violation of SDC's safety protocol and numerous SDC policies and procedures which were in place to protect both inmates and staff; C.O. Brown was in charge of the dorm (for the nightshift).

12. On 9/17/21, SDC officer Charles "Peanut" Brown made countless racist verbal attacks and threats against Plaintiff. He escalated his assaults to violent physical punches and feigned punches designed to intimidate me and try to get me to respond in a way that would give him, as he said, "an excuse to beat [my] ass... get [you] five years" if I hit him (reflexively).

13. I reported a small bit of Brown's threats to "SDC" immediately (on 9/17), via SDC's online portal "Automated Request to Staff Member (ARTSM)". When I told C.O. Brown about this ARTSM reporting his threats ~~and~~ he assured me that he will have other staff and inmates "get" me ... "You don't know who I am" and that, "the gangbangers [he] sold [contraband and] cellphones to ... [will get me] so [he] won't have to [put] a finger on [me himself]."   
 (actually said: "Fuck you up")

14. [Removed text]

15. SDC escalated this ARTSM to "Security Level 2" on 9/20/21, but then never followed up on the "Co on duty... threatens to kick my ass and more... currently no injuries" <sup>complaint</sup>. I was assaulted and battered on either 9/19/21 or 9/20/21. The exact date will be ascertained when I am able to listen to the calls I made to my wife, on SDC's recorded phone line, in which I told her about staff having sent gangs after me, my fear of a broken jaw I've sustained and I repeatedly mentioned my fears of staff trying to get me murdered. ~~if the staff had been present...~~

16. During this attack I was approached by an inmate who was recording me on his cellphone, and he told me that "Brown sent [him]" and yelled, "Black Power" as he sucker punched me in my jaw. No staff was present in the dorm, but eventually when staff did come back to the dorm, that inmate came back to warn me that, "if [you] snitch, [you] will be ~~raped and murdered~~ - fucked w/ a broom" and "slayed by the little homies". I could tell my jaw was fractured so I went to my room to manage the swelling. While going to the room the C.O. did inquire, "What happened to your face" but I had to stay quiet to not appear to be snitching - though it was obvious by her responses that she understood I'd been assaulted. She even asked "Who hit you?" To which I didn't respond. When she was in the dorm she seemed competent.

17. "Incident Two": occurred on 9/18/21, and could have been prevented if my prior reports of threats, assault and battery had been heeded by SDC. No staff was in the dorm during this attack either.

18. On 9/21 I went to "Medical" to get treatment for my jaw injury (which I later found out was a hairline fracture). I complained of breathing difficulties, and that I choked on food earlier because I couldn't chew it. I planned on reporting "incident one" to security staff while there and to seek protection.

19. During this visit to medical I eventually spoke to a woman who falsely told me she was a "major" and who I later found out was actually Sergeant Montgomery (and C.O. Brown's friend). During this entire interaction, Sgt. Montgomery refused to provide me her name despite multiple requests.

20. I told her that C.O. Brown allowed me to stay out of my cell overnight, unattended; that he threatened to "Beat [my] ass" and subsequently had another inmate punch me in the face; and I eventually ~~bragged~~ mentioned the gang bangers' threats to [rape] me with a broom and [kill] me if I snitch. I then repeated my earlier pleas to her that I be taken inside Administration's "B-Building" so other inmates couldn't see me talking to her outside. Instead of letting me go inside, she instead mocked me openly and told me, among other things, "Call CBS [to report the danger I mentioned] and she told other staff, "... he needs mental health" when they came up to ask her what was happening.

21. Even after finally being allowed into B-building - Montgomery <sup>continued</sup> to prevent me from having my complaint documented and she refused to tell me her name. I believe she was reluctant to give her name because she lied about her rank, but at the time I was bewildered and suspicious of some shadiness going on. I couldn't understand ~~that~~ <sup>why</sup> even after she spoke to medical about my clearly swollen jaw and the reported threats and attacks I endured and spoke to her about, she would continue to ~~deny~~ prevent me from filing a complaint with her. She chose to ignore these obvious threats and dangers.

22. she knew I was clearly fearful and upset and presented obvious injuries, and there are later reports of Sgt. Montgomery telling staff and other inmates that she was "waiting for [me] to check into PC; yet she refused to let me properly make this PC request and instead ordered me back to my dorm with instructions to take the form with me - and without documenting my complaint, which is against known SCDC policies and protocol involving crimes and rape threats.

23. When I got back to my dorm I wrote SCDC two ARTSM's describing my encounter with "Major" [Montgomery], her refusal to take a report on the attack and threats I <sup>received</sup> as well as other specific dangers. SCDC escalated these two ARTSM's to a higher level of SCDC's Investigations ~~off~~ the same day, but otherwise no SCDC staff member ever effectively followed up with me on these reports. (Every SCDC employee ~~who~~ <sup>accesses</sup> these ARTSM's are recorded by time and the "Author ID" they logged in with, this will be presented later when arguing "prior knowledge/discovery phase). SCDC policy considers the ~~report~~ <sup>incident in which an</sup> an ARTSM is sent ~~it's~~ <sup>received</sup> ~~eligibility~~ <sup>starts</sup> ~~there.~~

24. Minutes after writing these ARTSM's to SCDC I was punched in the <sup>injured</sup> ~~side~~ <sup>side</sup> by a second assailant, who wasn't sent by Brown, but who nonetheless knew of Brown's threats and my subsequent attack and who opportunistically tried to blame me for his bad debt; he was surprised to see me return to the dorm after he saw me "talking to police" outside B-building - he thought I'd "check out" as is typical protocol in my situation as he understood it. This assailant later told me he was scared and had to hit me to make his lies plausible.

Had Montgomery acted competently, OR, had other staff even done basic follow-up with me after I reported my assault rape and murder threats etc to them - I would have strongly advocated to be removed to another dorm for my safety and this assault should have been prevented; w/ a modicum of urgency on SCDC's (staff's) part. They ignored prior knowledge of the dangers I reported. No C.O. was present in the dorm during my attack, and this failure to supervise enabled my attacker(s). In the case of Montgomery I specifically did try to get moved out of my dorm.

25. "Incident Three" - occurred on 9/23/21 and continued through 10/10/21 without any SCDC staff following up on the attacks and dangers I notified them of.

26. On 9/23/21, ~~after~~ plaintiff returned from a medical run in which a 3-D xray was used to diagnose my jaw fracture. I was placed on a soft food diet and ordered to return to this office 4x in the subsequent six weeks - (of) which SCDC did not allow me to go to (any).

Choking concerns were some of the safety concerns the Doctor addressed with SCDC staff. Plaintiff was returned to his dorm, and aside from the soft food diet, no additional safety measures were taken nor was I medically isolated as is common protocol for inmates who sustain fractured jaws or other serious injuries - in order to prevent that inmate from being <sup>injured</sup> prey to certain predatory inmates.

27. (9/23) When my dorm went to the cafeteria for lunch I approached Major Meeks and told her that I needed to change dorms because I feared for my life and I gave her my I.D. to check into PC. She handed my I.D. to a Captain and told me to go back to my dorm with assurances I'd be moved.

28. (9/23) After lunch I returned to my dorm and soon encountered an inmate who jumped out at me while wearing a brown ski-mask fashioned from a winter hat ("hoboggin") SCDC issued. When he jumped out I reflexively struck him in the face and I started to apologize profusely. He took off his ski mask and said, "You think we forgot... this is from Brown."

29. As I told him I didn't want to fight and I mentioned my fractured jaw, he immediately punched me in my jaw and knocked me down. He was pulling on the shank in his shorts while angling to attack me as I kicked my legs, tried to remove my shower shoes and get up from off of my back. A dorm worker yelled out to him, "Let the man live" and the assailant walked away quickly to check the hallway to see if any staff was coming back to the dorm. Staff was not around, and my attacker came back, mentioned C.O. Brown again and repeated the threats from the assailant in "Incident one" nearly verbatim that, "If [I] snatched the little homies [gang members] will slay you... fuck you in the ass."

30. After an extended \*absence, a staff member came back to the dorm and I went into my cell to nurse my new jaw pain, and for my safety.

\*"Absence" = period of time in which ~~this~~ officer <sup>is</sup> was completely out of eyesight and earshot of unattended inmates left out of their cells in the dorm in violation of their post orders and other known SCDC policies - which require a staff member be relieved by another officer prior to leaving the dorm; and that all inmates be secured in their cells should an unavoidable staff absence become necessary - typically in emergency scenarios. Also to be considered "dereliction of duty" in this complaint/without proper supervision."

31. On 9/14/21 - still no action was taken by staff to move me to another dorm, as I thought Major Meeks assured me would happen the previous day, so I refused to go back into my cell and requested the Major be called, who finally did okay my move.

32. As soon as I was moved to the opposite wing of the same dorm I was assaulted by gangmembers with the same affiliation as those sent by C.O. Brown. They "screamed in front of Lt. McFadden that they saw videos of me on YouTube/Facebook of [my] fight" with my assailant from "Incident one", who apparently flouted his attack on me by posting it online. I was run out of the dorm and brought back to another cell in my old dorm. My resistance was futile at this point because I would have had to openly snitch after my hand was already played, I did write SCDC to let them know about the video posted online but they never followed up on this evidence. My I.D. went "missing" for weeks and prevented my efforts to "check out" again - aside from what I wrote via ARTSM.

33. On 9/28/21, I wrote SCDC's "Investigation" division, via ARTSM, to report <sup>(5)</sup> the three assault and batteries I endured because C.O. Brown orchestrated <sup>(due to)</sup> the hits. I specifically wrote of murder and rape <sup>(threat)</sup> and other details. These threats were read, and forwarded to multiple staff members (and the ARTSM retains these timestamps.) Some of the departments and people who received this ARTSM <sup>(prior to 10/13/21)</sup> include SCDC's Investigations level OII, security, Warden Sharp and other TBD - and they all received it prior to "Incident Four". No effective measures were taken by SCDC staff to mitigate the dangers and threats I faced (in addition to forwarding, and paper shuffling these complaints). No one even bothered to ask a single basic <sup>follow-up</sup> question that I could reply to, in violation of multiple SCDC policies and procedures. The warden, ~~and~~ other staff at lower levels were aware that my dorm had one of the prison yards highest rates of inmate stabbings and other violence including murders and sexual assaults. The weapons confiscation rate was higher than the yard average - though even this rate was extremely low compared to their prevalence in reality due to severe understaffing throughout SCDC and the Contraband dept. ~~leading to~~ infrequent searches and substandard <sup>also</sup> protocol adherence ~~(due to issues known prior to the covid outbreaks which exacerbated staffing problems)~~. SCDC was privy to the stats and known dangers I faced in my dorm and prison yard via innumerable sources including frequent/weekly meetings w/ staff and teams; MIFs; a court ordered Roth Report mentioned very specific dangers caused by TCI's severe understaffing and other issues; compiled stats displayed in aggregate on SCDC.gov and elsewhere all go a long way towards proving the prior knowledge portion of deliberate indifference standards and the lower standard of gross negligence in ignoring these dangers. Some parts of the prison, and dorms in particular, had functioning video cameras because

SCDC recognized the importance in them of mitigating known danger; my dorm had none until well after my batteries and assaults (installed sometime in 2022).

34. "Incident Four" started on 10/11/21 during a dorm-wide Covid quarantine - during which inmates were let out, a few cells at a time, to shower and, while under direct supervision. (We were on an extended quarantine going on/over two weeks).

35. While out for my shower, another gangmember affiliated with assailants from Incidents one and three, told me, "[I] shouldn't have fucked with Brown" and he ordered me to go directly back to my cell after my shower or, "things won't work out well for you." I took the threat seriously and complied.

36. When I got back to my cell I was relieved to see (OII) 'Investigations' again responded to some ARTSMs from 9/21 reporting my attacks and I saw that after those replies my detailed ARTSM listing three separate attacks and multiple rape threats - (written on 9/28) was forwarded to another department (I later was told was Warden Sharp). I understand SCDC staff was required to act on the rape and murder threats by both SCDC and South Carolina law - since the three attacks and my fractured jaw made my claims <sup>boldly</sup> <sup>significantly</sup> <sup>extremely</sup> more credible. Despite the flurry of activity and the fact that Warden Sharp received my ARTSM on his cell phone - after such a long delay - my <sup>battered</sup> ~~life~~ was fake and short-lived.

37. No one followed up with me and I was sexually and brutally ~~assaulted~~ at shankpoint during shower time in the AM of 10/13/21 by two inmates - one of which was previously mentioned as threatening me on 10/11/21, while no C.O. was present in the dorm.

38. During this PREA assault/battery I was nearly choked out with a towel or

shirt in a successful attempt to stifle my screams, I was beaten <sup>and</sup> sexually assaulted <sup>6</sup> twice - once with an unknown object I strongly suspect to have been the curved, long, bottom part of a plastic hanger; I sustained 2nd degree burns on my buttocks when I was scalded with some sort of liquid; received neck, shoulder and more personal injuries that were later documented and photographed at the Emergency Room and elsewhere. I was also made to swallow bleach and was told that if I snitched I'd be murdered.

39. During this entire attack and for approximately thirty minutes after this PREA attack, Co. Singleton abandoned his post and left the entire wing unsupervised.

40. When Co. Singleton finally came back to the dorm he found me sitting on the floor telling him I couldn't stand up and that I needed medical attention. Rather than inquire as to what happened, and why I had visible red marks around my neck - he instead recruited another inmate to help him put me in my cell - untreated.

41. For the next 24 hours I was left in my cell fearing for my life, dealing with the blisters and burns and other injuries I sustained. I tried to call ~~911~~ - The PREA Hotline, but due to technical difficulties I could not, and due to my poverty I hadn't any money on my books to call anyone else who I might have tried to call for help. I wrote multiple versions of a note to my [insulin] nurse begging for help - which I couldn't give her until the next day. I also wrote seven plus ARTSM's to SDC begging: for a rape kit because I feared AID's treatment for the burns which were oozing and expressed fears of being murdered if thought to be snitching. This period of time was terrifying and emotionally draining, for me. "Help" was very slow to come, and I'm pretty sure I saw Co. Brown smirking at me later that night, as he came by my cell.

42. Late the next evening I finally was brought to the ER, where I saw a Sexual Assault nurse who photographed and extensively documented my injuries. My burns were cleaned, treated and wrapped and I received STD regimens. I received some sort of Xray/CAT scan to check if anymore of the pieces of the object I was assaulted with still remained in my rectum - and bloody cotton swabs were collected to check for DNA. I was brought back <sup>to ICE</sup> under the label of "PC" or Protective Concerns - located in the <sup>Dorm</sup> ~~part~~ of the Restricted Housing Unit ("RHU") - just before midnight on 10/14/11 where I was soon faced with a new onslaught of terrifying attacks by staff which left me feeling hopeless and despondent and which culminated in my ill-advised suicide attempt.

43. "Incident Five" occurred between 10/14/11 - 5/13/12. While I was held in "PC" I experienced an extreme form of solitary confinement which was drastically atypical to the general population's treatment and much of my treatment served very little to no real penological purpose - since intentionally retaliating and <sup>punishing</sup> ~~punishing~~ me for filing PREA and other related grievances are not allowed as a matter of law, and much of my treatment <sup>was retaliatory in nature.</sup>

44. Despite the State of South Carolina's alter ego - SDC (staff in their official capacities) <sup>has</sup> ~~has~~ policies and requirements/mandates that a "PC Board" be given to all inmates held in RHU under the "PC" label, within seven days to

evaluate my "PC needs" and concerns and to determine what would happen to me and where I'd live and at what security classification <sup>level</sup> I was routinely denied, and misled as to the status of, my "PC Board" for 5.5 months without any function <sup>truly</sup> resembling procedural due process - and this was denied me in order to punish me for making PREA grievances and other grievances against staff, which I will show, as the case is furthered.

45. I was held in solitary confinement for seven months under 24 hours/day lockdown. Inmates in the general population were allowed out of their cells at least three times a week to shower (even during lockdown conditions). I was never let out of my cell to shower - not one time in seven months - because my cramped, moldy, little cell had a shower in it which took up nearly half of the cell. I wasn't allowed any meaningful exercise due to my small confines, bodily injuries that went mostly untreated and because of my fears of touching the black mold which covered my cells walls, floors (and ceilings) I was denied direct sunlight and had to be medically treated for Vitamin D deficiencies that a lack of direct sunlight and a poor diet leads to.

46. I was denied some of the most basic mental health treatment any victims of sexual assaults should be afforded, and that of inmates held in solitary confinement for an extended period of time for that matter. I was also denied most medical treatment for my injuries for months. I did receive adequate treatment for my 2nd degree burns and for blood sugar maintenance for my diabetes; but nothing for my neck and shoulder injuries except some naproxen/ibuprofen; nothing - not even one follow-up for my fractured jaw - and I had to <sup>eventually</sup> remove myself from the soft-food diet my doctor placed ~~me on~~ <sup>me on</sup> because I wasn't being given adequate caloric counts. I eventually went to see a dentist who knew nothing of my jaw injury and <sup>(separately)</sup> got X-rays for ~~non-assault-related reasons~~ <sup>at K Oakland CA</sup> ~~at K Oakland CA~~. During this time I wrote a paper <sup>ARTSM's</sup>, and made verbal requests to anyone who ~~came~~ <sup>would listen</sup> that I urgently needed "Mental Health" treatment and meds (as well as "PREA" Counseling to combat the severe depression, nightmares, anxiety and suicidal ideations I was battling related to both my assaults and SOCs subsequent <sup>torments</sup> <sup>conditions</sup> treatment towards me). My neck and shoulder injuries were exacerbated by my poor living <sup>in a concrete slab and thin mat for bedding and a lack of meaningful exercise</sup> conditions.

47. During my seven months in solitary confinement, the social isolation, a lack of mental stimuli and near daily staff antagonism caused me to become despondent and to feel hopelessly depressed. I became lethargic and went between periods of not being able to sleep at all to periods where I couldn't get out of bed even to shower in my cell. I experienced audio and visual hallucinations that made me fear I was losing my sanity - I did a short <sup>hour</sup> hunger strike to protest being skipped (again) for outside rec.

48. I lost ~30 pounds of muscle and body weight over this time period. These conditions coupled with staff's sadistic treatment and actions towards me culminated in <sup>my</sup> ~~an~~ ill-advised suicide attempt. I wanted to escape the torture by any means possible; and they <sup>custody</sup> told me I was in "protective

49. There's an extensive paper trail proving: Sgt. Montgomery, who worked almost every day in Riti and who was the daily face of my torturer, got inmates to threaten my life; stole my personal property (including my spoon which's proven stolen on ARTSM's; other staff members wrote back to me); intentionally threw away my meds; threw sugary substances on my door to attract roaches; mocked and ridiculed me while she made me stay in a cell (and eat in it) ~1 week smelling like the human skat my neighbor, who shared with me an unfiltered vent, ate and

smeared all over his cell; (Montgomery) mocked me when I complained and she repeatedly refused to clean that cell OR move me to a room that didn't share an unfiltered vent with the biological hazard; Montgomery refused to provide me my basic hygiene and indigent supplies I qualified for and was entitled to receive; she conspired with Ms. Durant to deny me basic legal supplies in order to prevent and thwart my abilities to complain to the courts about ~~my~~ <sup>the</sup> perceived Constitutional violations I was forced to endure; (she) didn't let me send my socks or underwear to get laundered for ~~the~~ <sup>the</sup> entire seven months in RTHU; and she conspired with Major Meeks, Cpt. McFadden and upon information and belief - Aw Brightnarp, starting on 11/21/21 - to deny me outside recreation. The rest of the dorm went to outside rec. approximately 2x a month and gen pop got upwards of 3x/week of outside recreation. I only received between 4-5 hours of cumulative outside recreation for the entire seven months I was in solitary confinement - due to a PREA attack, and not for punitive reasons.

50. Major Meeks admitted in person and corroborated in writing that she ordered her staff in RTHU to deny me recreation specifically because she received the ARTSMs from 10/13/21 and 10/11/21 in which I reported my sexual assaults - and she thought I deserved to be punished because she somehow misconstrued the facts to mean I was accusing Cpt. McFadden of the vicious attack. <sup>Even if true, her treatment and punishment would have been illegal, and a violation of my constitutionally protected rights.</sup>

51. On 11/3/21, Aw Brightnarp acknowledged he received my ARTSM on his cell phone reporting my assault from 10/13/21, but ~~he~~ still waited an entire day to check on me - the never asked staff to check on me the day before, I noted his adversarial treatment on 11/3/21 in the new "victims statement" he forced me to write for what ended up being a non-new incident. <sup>I'm still shocked by SCDC's lack of urgency while waiting 9 days to check out claims of violent sexual assaults they perceived and believed to have happened the day prior.</sup>

52. Over the next few months Aw Brightnarp proceeded to help fabricate false disciplinary charges to which he ~~later~~ <sup>(11/19/21)</sup> admitted on an audio DHO recording to not having witnessed at all. I tried to ban be from the SCDC grievance system when I followed his instructions to write "PREA's Ms. Walker" to request outside PREA assistance and contact numbers - <sup>(March, 2022)</sup> There's a long paper trail here showing Brightnarp purposely ~~was~~ <sup>inflicted</sup> emotional distress on me to prevent my exhaustion of PREA related grievances - in order to minimize his and SCDC's liability and or to IED.

53. After I wrote a complaint reporting Aw's inaction's - he and his

Staff ordered my PREA victimizer, Co. Brown, to work my dorm in the middle of the night shift - sending Sgt. Lowery to work elsewhere. <sup>the exact same night I complained about and trying to falsify my "PC evaluation" statements upon information and belief that Brighton had Co. Brown sent to my dorm in retaliation for my grievance.</sup>

54. Over the next couple of nights Brown constantly antagonized me, flicked my lights on and off and made ~~seemingly~~ threatening remarks to me. He eventually came to my cell around mid-night with Cpt. Johnson to improperly serve me a disciplinary charge which they escalated to a "major". They walked away laughing and I had no idea that I had any real charges until weeks later. Luckily, this "major" charge, and all ~~the~~ associated charges were dismissed by DHO when it was blatantly clear that Johnson and Brown violated SDC procedures and protocol and that there never was any "Major" violation that they claimed.

55. The day after Brown and Johnson came to my cell, I attempted an ill-advised suicide because I felt powerless to stop their abuses and those of other SDC staff - along with dealing with my PREA assaults afterwards.

The false DHO charge from 11/10/21 stuck and ~~it was then that~~ Officer Constance Oliver conspired with mailroom head MS. Durant to retaliate on me for threatening to file a grievance on Oliver when she refused to follow proper procedure in inventorying my items - some of which was never to be seen again. The false charge was made by Oliver to try to "get in front" of my grievance.

56. MS. Durant conspired with Sgt. Montgomery to withhold my indigent and legal supplies. On 11/15/21 she sent me a sticky note telling me she would no longer allow me to get legal supplies from her. She escalated her retaliation against me by withholding my mail, opening privileged mail, <sup>upon info. from the prison</sup> "losing" / stealing a letter I wrote SLED reporting hazing and other staff retaliating on me for filing PREA related grievances - and she <sup>deliberately</sup> used white-out to edit future complaints mentioning this missing letter. When I made a complaint about my mail being improperly opened Ms. Durant filed a false "property damage" charge against me that took an inordinate amount of time and effort to reverse.

57. Throughout my seven months in solitary confinement I wrote the warden, "Legal" and other departments countless staff requests, ARTSM's grievances, and verbally complained about my treatment, poor living conditions, delays and staff retaliation against me based upon my use of SDC's grievance process - and aside from "Legal" all complaints were ignored, blocked or thwarted by staff in order to prevent / attempt to prevent the exhaustion requirement of PLRA and thus minimize their exposure to liability in federal court.

20. Incident report in prison file

in PC Board

Federal Court.

58. "Incident Six" - occurred between 10/14/21 - 11/10/21 and the extent of this violation was fully realized on 5/13/22 when I received a full inventory of my personal property as I was processed for transfer to Evans C/I.

59. On 11/10/21, Ms Constance Oliver retaliated <sup>by fabricating a Major disciplinary charge</sup> on me because I told her I'd be filing a grievance on her for not adhering to SCDC policy while she inventoried my property (which up until then had been "misplaced" by Oliver for one month). <sup>page</sup> Insert paragraph from previous page ~~located six~~ here.

61. There is an extensive <sup>and other staff</sup> paper trail showing Ms. Oliver <sup>improperly</sup> destroyed or otherwise disposed of <sup>my property</sup> ~~of my property~~ <sup>counters</sup> to SCDC policy and procedure, and SCDC is liable by law.  
62. Upon information and belief - <sup>Oliver</sup> she purposely prevented the inventorying of my items on 11/10/21 in order to cover up her improper and intentional destruction <sup>(or theft)</sup> of some of my personal items.

63. Pursuant to § 15-78-10 et seq of SCTCA, I filed a verified claim with the State Fiscal Accountability Authority naming "SCDC" as the agency employing staff who lost my <sup>itemized</sup> personal property then valued at ~~16,170.00~~ <sup>17,000</sup> on 10/10/21; and on 4/10/23 the claim was denied w/o reply. I am pursuing this claim for "Conversion/Trespass to chattel" under SCTCA, and SCDC is liable in its official capacity, but due to an unclear reading of the law I am also pursuing the SCTCA claim against Oliver in her individual/tactical capacities.

64. Verification

65. I have read the foregoing complaint and hereby verify the matters alleged therein are true, except as matters alleged upon information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

66. Executed at Bennettsville, SC on 6/18/23  
67. Christopher M. Kennan SCDC# 385016  
68. Christopher M. Kennan  
69. Evans C/I FSC-116  
610 HWY 9W  
Bennettsville, SC 29512

70. VI Prayer For Relief

- 71. Wherefore, Plaintiff respectfully prays that this court enter a judgement granting Plaintiff:
- 72. - A declaration that the acts and omissions described herein violated plaintiff's rights under the South Carolina <sup>Constitution</sup> and United States Constitutions.
- 73. - Nominal damages against all defendants, jointly and severally be awarded.
- 74. - Compensatory damages of \$250,000 per incident, which is the maximum under SCSA, ~~is~~ against each defendant jointly and severally. This calculation factors in physical injuries and future treatment costs: mental health treatment estimates at today's rates for my 51st year of age (at my ~~with~~ <sup>age at my</sup> release) to my 77th Year which is the average American male life expectancy in today's post-covid state <sup>at an average rate for a psychiatrist in my geographic location</sup> associated loss of wages and income due to time <sup>one hour</sup> ~~at~~ <sup>required of work for treatment of</sup> ~~injuries and treatment~~ using minimum wage rates of ~~only~~ \$7.25/hour; body disfigurement and scars caused by the injuries sustained and other appropriate costs and calculations, which will be filed as needed to help calculate these amounts/damages
- 75. • Punitive damages of 4x <sup>are requested</sup> Compensatory damages <sup>for</sup> all Federal claims only. Many appeals courts in the U.S. have upheld 4x compensatory damages for punitive ones; punitive damages are non-bankruptable and should be sufficient to guarantee recurrences of cited <sup>Plaintiff</sup> Federal violations don't happen again and should be sufficient to help compensate <sup>for</sup> the mental and physical pain and suffering ~~Plaintiff~~ <sup>he</sup> has, and will likely continue to experience, with a minimum of \$1 million dollars in punitive damages against each defendant, jointly and severally. Money won't fix me but I hope it helps show SCDC they have important problems they must fix so that future inmates don't needlessly suffer.
- 76. • A jury trial on all issues <sup>and also the</sup> triable by jury.
- 77. - Plaintiff's cost in this suit ~~including~~ <sup>and also the</sup> value of "lost property" claimed within <sup>this complaint.</sup>
- 78. - Any additional relief this court deems just, proper and equitable

79. Respectfully submitted on 6/18/23

80. Christopher M. Kennan SCDC # 385016

81. ~~Christopher~~ M. Kennan

82. EVANS CLF FSC-116  
610 Hwy 9W  
Bennettsville, SC 29512

83.

# VIII Previous Lawsuits

(12) (14)

84. B.

85.

1. Defendants: Case 9:23-CV-02313-SAL-MHC

- Sgt. Montgomery
- Kenneth Sharp
- William Brightarp
- Major Meeks
- Captain McFadden
- Constance Oliver
- C.O. Singleton
- MS. C. Black
- MS. Durant
- Felecia McKie
- Captain Johnson
- SCD
- Charles "Beau" Brown

86. D.

87.

1. Defendants: Case 9:23-cv-01213-SAL-MHC

- MS. Squire
- Donnie Stonebreaker
- Felecia McKie \*
- Bryan P. Stirling \*

\* I don't believe claims for these defendants overlap claims made in case: CV-02313-SAL-MHC - but it would be prudent to listen to claims by the defence if they assert otherwise

In the State of South Carolina County of Clarendon Court of Common Pleas Third Judicial Circuit

~~IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA~~

Christopher M. Kennan

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-against-

South Carolina Dept. of Corrections (Sec)  
& Constance Oliver  
"Sergeant" Montgomery

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)*

**Complaint for Violation of Civil Rights**

(Prisoner Complaint)

Case No. \_\_\_\_\_  
(to be filled in by the Clerk's Office)

Jury Trial:  Yes  No  
(check one)

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Christopher M. Kennan

All other names by which you have been known:

\_\_\_\_\_

ID Number 385016

Current Institution Evans C/I

Address 610 Hwy 9W  
Bennettsville, SC 29512

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name South Carolina Dept. of Corrections (SCDC)

Job or Title (if known) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer SCDC is an alter ego of the state of South Carolina

Address 4444 Broad River Rd

Columbia, SC 29210

Individual capacity  Official capacity

Defendant No. 2

Name Constance Oliver

Job or Title  
(if known)

officer in the property Room

Shield Number

Employer

SCDC

Address

1578 Clarence Coker Hwy  
Turbeville, SC 29162-9419

Individual capacity

Official capacity

Defendant No. 3

Name

"Sergeant" Montgomery

Job or Title  
(if known)

Sergeant

Shield Number

Employer

SCDC

Address

1578 Clarence Coker Hwy

Individual capacity

Official capacity

Defendant No. 4

Name

Job or Title  
(if known)

Shield Number

Employer

Address

Individual capacity

Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

This Court has Jurisdiction under 28 U.S.C. Section 1331 and 1343(a) and SC ST. § 15-77-50.

A. Are you bringing suit against (check all that apply):

- Federal officials (a *Bivens* claim)
- State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

<sup>14th Amendment U.S.C. Rights to Due Process</sup>  
First Amendment of the U.S. Constitution's Petition clause  
Eighth Amendment of the U.S. Constitution's Cruel and Unusual  
Chuse, and State tort violations under § SCTCA § 15-78-10 et seq  
This Court has jurisdiction under 28 U.S.C. section 1331 and 1343(G)(3) and SC ST § 15-77-50.  
(see attached pg 1)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ NIA \_\_\_\_\_

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

At all times, all defendants acted under color of state  
law, mentioned in this complaint.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee

- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (explain) \_\_\_\_\_

**IV. Statement of Claim**

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Turbeville CI 9/17/21 - 5/13/22

- C. What date and approximate time did the events giving rise to your claim(s) occur?

See attached pages <sup>3-10</sup> 9-18 for details  
9/17/21 - 5/13/22

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See attached pages 3-10

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V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. (No follow-ups allowed)

Fractured jaw - received soft food diet and 3-D X-ray, injured lft + rt shoulder, neck and back received multiple X-rays and <sup>no follow-up</sup> ibuprophen; sexual assault - little to no treatment after emergency room visit, cat scan, STD regimen; and degree burns on lft buttock and injuries to surrounding areas treated for burns and <sup>ang</sup> tears; forced to swallow bleach - no treatment; PTSD - eventually received mental health meds and basic mental health counseling - no outside PREA or other PREA counseling; suicide attempt due to horrible conditions and treatment

VI. Relief

no follow-up on this - I need physical therapy and was set to see an orthopedic surgeon over a year ago - but haven't seen one

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See attached p5 11

~~Actual Damages for <sup>physical + mental</sup> injuries, future loss of income due to medical and mental health treatment and injuries as well as future cost of treatment (see attached) \$250,000 per incident - the max allowed under SCICA + Punitive damages of \$4.8 million ~~per~~ against each defendant jointly and severally - (see attached) + on Federal claims - nominal damages against SCAC~~

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

- Yes
- No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Turbeville C/I  
\_\_\_\_\_  
\_\_\_\_\_

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

- Yes
- No
- Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

- Yes
- No
- Do not know

If yes, which claim(s)?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

- Yes
- No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

- Yes
- No

E. If you did file a grievance:

1. Where did you file the grievance?

Turberville C/I and Evans C/I

2. What did you claim in your grievance?

All pertinent claims were claimed and exhaustion is an affirmative defense and not required under SCTCA. However, all claims were completely and properly exhausted when available.

3. What was the result, if any?

See #2 above

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Exhaustion of a grievance is an affirmative defense and need not be argued here and doesn't apply to SCTCA claims and violations.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

- Yes  
 No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

- Yes  
 No

\* B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) ~~Christopher M. Kennan~~ Christopher M. Kennan  
Defendant(s) (see attached)  
PO 12 (BX)

2. Court (if federal court, name the district; if state court, name the county and State)

US District Court of South Carolina (Beaufort)

3. Docket or index number

9:23-CV-02313-SAL-MHC

4. Name of Judge assigned to your case

Magistrate Judge Molly H. Cherry

5. Approximate date of filing lawsuit

5/31/23

6. Is the case still pending?

- Yes  
 No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes

No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Christopher M. "Keenan" (typo being corrected to Kennan)

Defendant(s) See attached pg. 12(D)(1)

2. Court (if federal court, name the district; if state court, name the county and State)

United States District Court of South Carolina (Beaufort)

3. Docket or index number

9:23-01213-SAL-MHC

4. Name of Judge assigned to your case

Molly Hughes Cherry

5. Approximate date of filing lawsuit

5/08/23

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

### IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

#### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6/17, 2023

Signature of Plaintiff Christopher M. Kennan

Printed Name of Plaintiff Christopher M. Kennan

Prison Identification # 385016

Prison Address 610 HWY 9W

Bennettsville, SC 29512

City State Zip Code

#### B. For Attorneys

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address

Telephone Number

E-mail Address

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①

500116

JUN 20 A.M.

JUN 09

FINANCIAL CERTIFICATE  
FOR THE  
DISTRICT OF SOUTH CAROLINA  
(for use in § 1983, *Bivens*, and non-habeas civil actions filed by prisoners)

I request that an authorized officer of the institution in which I am confined, or other person designated to review financial information in relation to inmate trust funds, complete this Certificate. If I have insufficient funds in my account that prohibit me from paying the full filing fee required by 28 U.S.C. § 1914 (currently \$350.00), I will send with my complaint an initial installment payment, required by 28 U.S.C. § 1915, equal to the amount calculated and entered on line four by the authorized officer signing this form.

I recognize that by filing this case, I am required to pay the full filing fee (or the remaining unpaid portion of the filing fee by installments if necessary) under 28 U.S.C. § 1915(b) even though I am requesting to proceed *in forma pauperis*. I authorize and consent to collection of the filing fee in accordance with 28 U.S.C. § 1915 until the filing fee is paid in full.

Christopher Kennan  
INMATE NAME (PRINTED)

385016  
INMATE (PRISONER) NUMBER

Christopher M. Kennan  
INMATE SIGNATURE

Evans CI  
PLACE OF CONFINEMENT

- ◆ (1) Average monthly deposits to the inmate's account.....\$ 0
- ◆ (2) Average monthly balance in the inmate's account calculated for the prior six months period. ....\$ 0
- ◆ (3) Current Balance .....\$ 0
- ◆ (4) Initial Installment Payment (Take 20 percent of the greater of lines 1 or 2).....\$ 0

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

Peggy Cawthon  
Authorized Officer's Signature

6/13/2023  
Date

P. Cawthon, Fiscal Analyst I  
Authorized Officer's Name and Title

UNITED STATES DISTRICT COURT

State of South Carolina County of Clarendon

Court

District of

Common Pleas Third Judicial Circuit

Christopher M. Kennan

Plaintiff

v.

SCDC, Constance Oliver, and Sgt. Montgomery

Defendant

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

CASE NUMBER:

I, Christopher M. Kennan declare that I am the (check appropriate box)

petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration Evans C/I - Bennettsville, SC

Are you employed at the institution? NO Do you receive any payment from the institution?

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. N/A

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer. N/A

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment Yes No
b. Rent payments, interest or dividends Yes No
c. Pensions, annuities or life insurance payments Yes No
d. Disability or workers compensation payments Yes No
e. Gifts or inheritances Yes No
f. Any other sources Yes No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

4. Do you have **any** cash or checking or savings accounts?  Yes  No

If "Yes," state the total amount. N/A

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value?  Yes  No

If "Yes," describe the property and state its value.

N/A

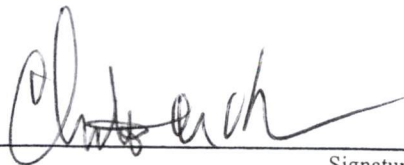
6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

N/A

I declare under penalty of perjury that the above information is true and correct.

6/17/23

Date



Signature of Applicant

**NOTICE TO PRISONER:** A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

State of South Carolina ~~United States District Court~~ County of Charleston for the Court of Common Pleas Third  
Judicial Circuit District of

Christopher M. Kennan  
Plaintiff(s)

v.

Civil Action No.

SCDC, Constance Oliver, and  
Sgt. Montgomery  
Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Sgt. Montgomery  
Turbeville CFI  
1578 Clarence Coker Hwy  
Turbeville, SC 29162-9419

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Christopher M. Kennan SCDC # 385016  
EVANS CFI FSC-116  
610 HWY 9W  
Bennettsville, SC 29512

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

clarendon Court of Common Pleas for the State of South Carolina County of Third Judicial Circuit District of

Christopher M. Kennan

Plaintiff(s)

v.

SCDC Constance Oliver, and Sgt. Montgomery

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Constance Oliver
Turbeville CF
1578 Clarence Coker Hwy
Turbeville, SC 29162-9419

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Christopher M. Kennan SCDC # 385016
Evans CF F5C-116
610 Hwy 9W
Bennettsville, SC 29512

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

~~UNITED STATES DISTRICT COURT~~  
State of South Carolina County of ~~for the~~ Clarendon  
Court of Common Pleas Third ~~Judicial Circuit~~  
~~District of~~

Christopher M. Kennan  
Plaintiff(s)  
v.

Civil Action No.

SCDC, Constance Oliver & Sgt. Montgomery  
Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

South Carolina Department of Corrections ("SCDC")  
4444 Broad River Rd, Columbia, SC 29210

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Christopher M. Kennan SCDC # 385016  
Evans CIE FSC-116  
610 HWY 9W  
Bennettsville, SC 29512

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

**PROCESS RECEIPT AND RETURN**  
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF <u>Christopher M. Kennan</u>	COURT CASE NUMBER
DEFENDANT <del>Constance</del> <u>Sgt. Montgomery</u>	TYPE OF PROCESS
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN	
SERVE AT	<u>Sgt. Montgomery</u>
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <u>1578 Clarence Coker Hwy, Turbeville SC 29162-9419</u>	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	<u>1</u>
<u>Christopher M. Kennan SCDC#385016</u> <u>Evans Ct FSC-116</u> <u>610 Hwy 9W</u> <u>Bennettsville, SC 29512</u>	Number of parties to be served in this case	<u>3</u>
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold Sgt. Montgomery is an older African American woman whose appearance often changes dramatically due to wig changes. As of 10/13/21 - 5/13/22 she often worked in excess of 60 hours/wk in "RHU" of the Murry Unit. She sometimes was made to work the front gate when reprimanded, typically worked days shift. Has an ongoing feud with the Honorable Sgt. Lloyd and she's friends w/ Sgt. Lowery, please get 1st name of Montgomery

Signature of Attorney other Originator requesting service on behalf of: Christopher M. Kennan  PLAINTIFF  DEFENDANT TELEPHONE NUMBER NA DATE 6/17/23

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. <small>(Sign only for USM 285 if more than one USM 285 is submitted)</small>	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. _____	No. _____		

I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only different than shown above)	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
	Signature of U.S. Marshal or Deputy	

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)

REMARKS:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

**PROCESS RECEIPT AND RETURN**  
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF <b>Christopher M. Kennan</b>	COURT CASE NUMBER
DEFENDANT <b>Constance Oliver</b>	TYPE OF PROCESS

**SERVE AT** { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
**Constance Oliver**  
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
**1578 Clarence Coker Hwy, Turbeville, SC 29162-9419**

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	<b>1</b>
<input type="checkbox"/> Christopher M. Kennan SCDC#385016 Evans Ct F5C-116 610 Hwy 9W Bennettsville, SC 29512	Number of parties to be served in this case	<b>3</b>
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

*Fold* MS. Oliver is an officer at Turbeville C/I; she typically works in the property room. She can be located in or around the Administrative building "B-Building" she ran the property room on 5/13/22. IF she is not at this location please have admin call SCDC Columbia "HQ" located at 444 Broad River Rd, Columbia, SC 29210 *Fold*

Signature of Attorney other Originator requesting service on behalf of: <b>Christopher M. Kennan</b>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <b>N/A</b>	DATE <b>6/17/23</b>
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. <i>(Sign only for USM 285 if more than one USM 285 is submitted)</i>	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. _____	No. _____		

I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)	Date _____ Time _____ <input type="checkbox"/> am <input type="checkbox"/> pm
	Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)

REMARKS:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

**PROCESS RECEIPT AND RETURN**  
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF <b>Christopher Kennan</b>	COURT CASE NUMBER
DEFENDANT <b>South Caroling Dept. of Corrections ("SCDC")</b>	TYPE OF PROCESS

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
**SCDC office of General Counsel**

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
**4444 Broadriver Rd, Columbia, SC 29210**

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	<b>1</b>
<b>Christopher M. Kennan SCDC # 385016</b> <b>Evans CJT FSC-116</b> <b>610 HWY 9W</b> <b>Bennettsville, SC 29512</b>	Number of parties to be served in this case	<b>3</b>
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):  
*Please go to the office of General Counsel for SCDC located in "HQ" to serve to legal counsel.*

Signature of Attorney other Originator requesting service on behalf of: **Christopher M. Kennan**

PLAINTIFF  
 DEFENDANT

TELEPHONE NUMBER: **N/A**

DATE: **6/17/23**

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. _____	No. _____		

I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

Address (complete only different than shown above)

A person of suitable age and discretion then residing in defendant's usual place of abode

Date \_\_\_\_\_ Time \_\_\_\_\_  am  pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)

REMARKS:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

II. "Basis for Jurisdiction" under 28 U.S.C. sections 1331 and 1343 (a)(3) and (5) (D)  
SC ST § 15-77-50

1. All incidents within this complaint occurred between 9/17/21-5/13/22.

In incidents one, two, three, four and five listed in this complaint SCDC is liable in its official capacity under S.C. Code Ann § 15-78-10 et seq. for all actions and inactions of its employees in both their individual and collective ~~official capacities in the aggregate~~ ~~and~~ which equates to:

2. Gross Negligence and reckless disregard to the very specific threats and physical injuries I reported and presented to them (and becomes apparent by their actions and inactions in response to the dangers known to them) ~~by their actions and inactions in response to the dangers known to them~~ ~~and~~ ~~new assault and battery on me which is known to them~~ ~~and~~ ~~the threats and damages are claimed and increased with every new assault and battery I endured due to SCDC staff's reckless disregard to these known threats.~~

3. Failure to Supervise or Control confinement and protect plaintiff (inmate) in a proper manner which amounts to gross negligence. SCDC policy, regulations and Post orders dictate to staff what the "proper" way to supervise <sup>it is to</sup> and control confinement. Everytime staff abandons their posts and leaves inmates with known predilections for violence, unattended, and out of their cells in a prison setting, they exhibit gross negligence. The liability is increased for SCDC in direct relationship to the length of time and frequency of their staff's absence <sup>(absconding)</sup> in a dorm while inmates are left out of their cells, and ~~with~~ for any injuries sustained by an inmate during this absence / abandonment of Post.

4. Employee(s) conduct outside the scope of his (or her) duties or which constitute actual fraud, malice, intent to harm, and or a crime of moral turpitude described in the complaint; as may be evidenced when staff lies about their rank with a purpose of preventing an inmates report of a staff initiated violent attack by inmates from being filed to minimize SCDC's liability, and, when an employee orders a "hit" on an inmate (for any reason), etc. and when two or more employees engage in:

5. (Any) Civil Conspiracy named/cited/referenced in this complaint and/or elaborated upon during and after "discovery" commences. Conspiracy also is shown in writing or verbally (between 2 or more staff members) while attempting to injure plaintiff (i.e. staff's attempts to bury reports of assaults and batteries or ~~otherwise punish~~ <sup>punish</sup> plaintiff for using SCDC's grievance system; when staff makes a concerted effort to violate SCDC's procedural <sup>requirements</sup> and other policies in a manner that serves little to no penological purpose and/or doesn't <sup>outweigh</sup> the public good in policy adherence. <sup>My time in solitary confinement w/ a PC Board</sup> <sup>for 5 months</sup> <sup>10/14/21 - 10/14/22</sup> <sup>Mar 2022</sup>

6. Incident six - SC. code Ann § 15-78-10 et seq. <sup>indicates</sup> <sup>ensures</sup> SCDC's liability during the time period of 10/14/21 - 11/10/21 for:

7. Intentional Infliction of emotional distress and gross negligence which rises to the level of a "Conversion/Trespass to chattel" violation when an SCDC officer intentionally destroyed plaintiff's personal property. Liability increases for SCDC when it's shown that destruction of personal property was in retaliation for plaintiff using SCDC's grievance process / (or) while attempting their <sup>informal resolution step</sup>.

8. 9/21/21-5/13/22 - Sgt Montgomery violated plaintiff's First and Eighth U.S.C.A. rights and was sadistic in her punishment of him for filing PREA related and other grievances. Sgt Montgomery is liable ~~for~~ her individual capacity, and SCDC is liable for her official capacity actions and inactions.

9. 11/10/21 - Constance Oliver is liable in her individual capacity for violating plaintiff's First U.S.C.A. rights while punishing, and retaliating towards, inmate for attempting to use SCDC's grievance process; and when she filed a false Dito "major" charge against me on 11/10/21. SCDC is liable in its official capacity for all of Oliver's actions and inactions which were violative of my rights under SCRA.

SHARON OLIVER

### IV. Statement of Claim:

- 10. C. Time period of 9/17/21 - 5/12/22 covers all incidents mentioned in this complaint.
- 11. D. (Please include any facts referenced in section ~~II~~ (B) in this section)

"Incident one" - on 9/17/21 and throughout most of 9/18/21 (up to 11:30pm), Plaintiff was left out of his cell overnight - mostly unsupervised, in violation of SDC safety protocol and numerous SDC policies and procedures which were in place to protect both inmates and staff; C.O. Brown was in charge of the dorm (for the nightshift).

12. On 9/17/21, SDC officer Charles "Peanut" Brown made countless racist verbal attacks and threats against Plaintiff. He escalated his assaults to violent physical punches and feigned punches designed to intimidate me and try to get me to respond in a way that would give him, as he said, "an excuse to beat [my] ass... get [you] five years" if I hit him (reflexively).

13. I reported a small bit of Brown's threats to "SDC" immediately (on 9/17), via SDC's online portal "Automated Request to Staff Member (ARTSM)". When I told C.O. Brown about this ARTSM reporting his threats ~~and~~ he assured me that he will have other staff and inmates "get" me ... "you don't know who I am" and that, "the gangbangers [he] sold [contraband and] cellphones to ... [will get me] so [he] won't have to [put] a finger on [me himself]."   
 (actually snitch "Fuck you up")

14. [Removed text]

15. SDC escalated this ARTSM to "Security Level 2" on 9/20/21, but then never followed up on the "Co on duty... threatens to kick my ass and more... currently no injuries" <sup>complaint</sup>. I was assaulted and battered on either 9/19/21 or 9/20/21. The exact date will be ascertained when I am able to listen to the calls I made to my wife on SDC's recorded phone line, in which I told her about staff having sent gangs after me, my fear of a broken jaw I've sustained and I repeatedly mentioned my fears of staff trying to get me murdered. ~~if the staff had been competent...~~

16. During this attack I was approached by an inmate who was recording me on his cellphone, and he told me that "Brown sent [him]" and yelled, "Black Power" as he sucker punched me in my jaw. No staff was present in the dorm, but eventually when staff did come back to the dorm, that inmate came back to warn me that, "if [you] snitch, [you]ll be ~~raped and murdered~~ 'fucked w/ a broom' and 'slayed by the little homies'. I could tell my jaw was fractured so I went to my room to manage the swelling. While going to the room the C.O. did inquire "What happened to your face" but I had to stay quiet to not appear to be snitching - though it was obvious by her responses that she understood I'd been assaulted. She even asked "Who hit you?" To which I didn't respond. When she was in the dorm she seemed competent.

17. "Incident Two": occurred on 9/18/21, and could have been prevented if my prior reports of threats, assault and battery had been heeded by SDC. No staff was in the dorm during this attack either.

18. on 9/21 I went to "Medical" to get treatment for my jaw injury (which I later found out was a hairline fracture). I complained of breathing difficulties and that I choked on food earlier because I couldn't chew it. I planned on reporting "incident one" to security staff while there and to seek protection.

19. During this visit to medical I eventually spoke to a woman who falsely told me she was a "major" and who I later found out was actually Sergeant Montgomery (and C.O. Brown's friend). During this entire interaction, Sgt. Montgomery refused to provide me her name despite multiple requests.

20. I told her that C.O. Brown allowed me to stay out of my cell overnight, unattended, that he threatened to "Beat [my] ass" and subsequently had another inmate punch me in the face; and I eventually braved mentioning the gang bangers' threats to [rape] me with a broom and [kill] me if I snitch. I then repeated my earlier pleas to her that I be taken inside Administration's "B-Building" so other inmates couldn't see me talking to her outside. Instead of letting me go inside, she instead mocked me openly and told me, among other things, "Call CBS [to report the danger I mentioned] and she told other staff, "... he needs mental health" when they came up to ask her what was happening.

21. Even after finally being allowed into B-building. Montgomery <sup>continued</sup> ~~continued~~ to prevent me from having my complaint documented and she refused to tell me her name. I believe she was reluctant to give her name because she lied about her rank, but at the time I was bewildered and suspicious of some shadiness going on. I couldn't understand <sup>why</sup> ~~that~~ even after she spoke to medical about my clearly swollen jaw and the reported threats and attacks I endured and spoke to her about, she would continue to ~~deny~~ prevent me from filing a complaint with her. She chose to ignore these obvious threats and dangers.

22. she knew I was clearly fearful and upset and presented obvious injuries, and there are later reports of Sgt. Montgomery telling staff and other inmates that she was "waiting for [me] to check into PC"; yet she refused to let me properly make this PC request and instead ordered me back to my dorm with instructions to take the form with me - and without documenting my complaint, which is against known SCDC policies and protocol involving crimes and rape threats.

23. When I got back to my dorm I wrote SCDC two ARTSM's describing my encounter with "Major" [Montgomery], her refusal to take a report on the attack and threats I <sup>received</sup> ~~received~~ as well as other specific dangers. SCDC escalated these two ARTSM's to a higher level of SCDC's "Investigations" ~~on~~ the same day, but otherwise no SCDC staff member ever effectively followed up with me on these reports. (Every SCDC employee <sup>incident in which an</sup> ~~also~~ <sup>access</sup> read these ARTSM's and recorded by time and the "Author ID" they logged in with, this will be presented later when arguing "prior knowledge/discovery (hise). SCDC policy considers the <sup>resistant</sup> ~~resistant~~ an ARTSM is sent <sup>it's</sup> ~~it's~~ <sup>liability starts</sup> ~~there~~ there.)

24. Minutes after writing these ARTSM's to SCDC I was punched in the <sup>injured-side</sup> ~~side~~ by a second assailant who wasn't sent by Brown, but who nonetheless knew of Brown's threats and my subsequent attack and who opportunistically tried to blame me for his bad debts; he was surprised to see me return to the dorm after he saw me talking to police outside B-building - he thought I'd "chick out" as is typical protocol in my situation as he understood it. This assailant later told me he was scared and had to hit me to make his lies plausible.

Had Montgomery acted competently, or, had other staff even done basic follow-up with me after I reported my assault rape and murder threats etc to them. I would have strongly advocated to be removed to another dorm for my safety and this assault should have been prevented; w/ a modicum of urgency on SCDC's (staff's) part. They ignored prior knowledge of the dangers I reported. No C.O. was present in the dorm during my attack, and this failure to supervise enabled my attacker(s). In the case of Montgomery I specifically did try to get moved out of my dorm.

25. "Incident Three" - occurred on 9/23/21 and continued through 10/10/21 without any SCDC staff following up on the attacks and dangers I notified them of.

26. On 9/23/21, ~~after~~ plaintiff returned from a medical run in which a 3-D xray was used to diagnose my jaw fracture. I was placed on a soft food diet and ordered to return to this office 4x in the subsequent six weeks - (of) which SCDC did not allow me to go to (any). Choking concerns were some of the safety concerns the Doctor addressed with SCDC staff. Plaintiff was returned to his dorm, and aside from the soft food diet, no additional safety measures were taken nor was I medically isolated as is common protocol for inmates who sustain fractured jaws or other serious injuries - in order to prevent that inmate from being <sup>injured</sup> prey to certain predatory inmates.

27. (9/23) When my dorm went to the cafeteria for lunch I approached Major Meeks and told her that I needed to change dorms because I feared for my life and I gave her my I.D. to check into PC. She handed my I.D. to a Captain and told me to go back to my dorm with assurances I'd be moved.

28. (9/23) After lunch I returned to my dorm and soon encountered an inmate who jumped out at me while wearing a brown ski-mask fashioned from a winter hat ("toboggin") SCDC issued. When he jumped out I reflexively struck him in the face and I started to apologize profusely. He took off his ski mask and said, "You think we forgot... this is from Brown."

29. As I told him I didn't want to fight and I mentioned my fractured jaw, he immediately punched me in my jaw and knocked me down. He was pulling on the shank in his shorts while angling to attack me as I kicked my legs, tried to remove my shower shoes and get up from off of my back. A dorm worker yelled out to him, "Let the man live" and the assailant walked away quickly to check the hallway to see if any staff was coming back to the dorm. Staff was not around, and my attacker came back, mentioned C.O. Brown again and repeated the threats from the assailant in "Incident one" nearly verbatim that, "If [I] snitched the little homies [gang members] will slay you... fuck you in the ass."

30. After an extended \*absence, a staff member came back to the dorm and I went into my cell to nurse my new jaw pain, and for my safety.

\* "Absence" = period of time in which ~~this officer~~ <sup>is</sup> ~~was~~ completely out of eyesight and earshot of unattended inmates left out of their cells in the dorm in violation of their post orders and other known SCDC policies - which require a staff member be relieved by another officer prior to leaving the dorm; and that all inmates be secured in their cells should an unavoidable staff absence become necessary - typically in emergency scenarios. Also to be considered "dereliction of duty" in this complaint/without proper supervision."

31. On 9/14/21 - still no action was taken by staff to move me to another dorm, as I thought Major Meeks assured me would happen the previous day, so I refused to go back into my cell and requested the Major be called, who finally did okay my move.

32. As soon as I was moved to the opposite wing of the same dorm I was assaulted by gangmembers with the same affiliation as those sent by C.O. Brown. They "screamed in front of Lt. McFadden that they saw videos of me on YouTube/Facebook of [my] fight" with my assailant from "Incident one", who apparently flouted his attack on me by posting it online. I was run out of the dorm and brought back to another cell in my old dorm. My resistance was futile at this point because I would have had to openly snitch after my hand was already played, I did write SCDC to let them know about the video posted online, but they never followed up on this evidence. My I.D. went "missing" for weeks and prevented my efforts to "check out" again - aside from what I wrote via ARTSM.

33. On 9/28/21, I wrote SCDC's "Investigation" division, via ARTSM, to <sup>(5)</sup> report the three assault and batteries I endured because C.O. Brown orchestrated <sup>(type of)</sup> the hits I specifically wrote of murder and <sup>(threat)</sup> rape and other details. These threats were read and forwarded to multiple staff members (and the ARTSM retains these timestamps.) Some of the departments and people who received this ARTSM <sup>(prior to 10/13/21)</sup> include SCDC's Investigations level <sup>(+ Arthur JTB)</sup> "II" security, Warden Sharp and other TBD - and they all received it prior to "Incident Four". No effective measures were taken by SCDC staff to mitigate the dangers and threats I faced (in addition to forwarding and paper shuffling these complaints). No one even bothered to ask a single basic <sup>(follow-up)</sup> question that I could reply to; in violation of multiple SCDC policies and procedures. The warden, ~~and~~ other staff at lower levels were aware that my dorm had one of the prison yards highest rates of inmate stabbings and other violence including murders and sexual assaults. The weapons confiscation rate was higher than the yard average - though even this rate was extremely low compared to their prevalence in reality due to severe understaffing throughout SCDC and the Contraband dept. ~~leading~~ leading to infrequent searches and <sup>(also)</sup> substandard protocol adherence ~~(due to issues known prior to the covid outbreaks which exacerbated staffing problems)~~. SCDC was privy to the stats and known dangers I faced in my dorm and prison yard via innumerable sources including frequent/weekly meetings w/ staff and teams; MFWs; a court ordered Roth Report mentioned very specific dangers caused by TCI's severe understaffing and other issues; compiled stats displayed in aggregate on SCDC.gov and elsewhere all go a long way towards proving the prior knowledge portion of deliberate indifference standards and the lower standard of gross negligence in ignoring these dangers. Some parts of the prison, and dorms in particular, had functioning video cameras because SCDC recognized the importance in them of mitigating known danger; my dorm had none until well after my batteries and assaults (installed sometime in 2022).
34. "Incident Four" started on 10/11/21 during a dorm-wide Covid quarantine - during which inmates were let out, a few cells at a time to shower, and, while under direct supervision. We were on an extended quarantine going on/over two weeks).
35. While out for my shower, another gang member affiliated with assailants from Incidents one and three, told me, "[I] shouldn't have fucked with Brown" and he ordered me to go directly back to my cell after my shower or, "things won't work out well for you." I took the threat seriously and complied.
36. When I got back to my cell I was relieved to see (OTI) "Investigations" again responded to some ARTSMs from 9/21 reporting my attacks and I saw that after those replies my detailed ARTSM listing three separate attacks and multiple rape threats - (written on 9/28) was forwarded to another department (I later was told was Warden Sharp). I understand SCDC staff was required to act on the rape and murder threats by both SCDC and South Carolina law - since the three attacks and my fractured jaw made my claims <sup>(significantly)</sup> more credible. Despite the flurry of activity and the fact that Warden Sharp received my ARTSM on his cell phone - after such a long delay - my <sup>(battered)</sup> letter was false and short-lived.
37. No one followed up with me and I was sexually and brutally ~~assaulted~~ assaulted at shankpoint during shower time in the AM of 10/13/21 by two inmates - one of which was previously mentioned as threatening me on 10/11/21, while no C.O. was present in the dorm.
38. During this PREA assault/battery I was nearly choked out with a towel or

shirt in a successful attempt to stifle my screams, I was beaten <sup>and</sup> sexually assaulted <sup>6</sup> twice - once with an unknown object I strongly suspect to have been the curved, long, bottom part of a plastic hanger; I sustained 2nd degree burns on my buttocks when I was scalded with some sort of liquid; received neck, shoulder and more personal injuries that were later documented and photographed at the Emergency Room and elsewhere. I was also made to swallow bleach and was told that if I snitched I'd be murdered.

39. During this entire attack and for approximately thirty minutes after this PREA attack, Co. Singleton abandoned his post and left the entire wing unsupervised.

40. When Co. Singleton finally came back to the dorm he found me sitting on the floor telling him I couldn't stand up and that I "needed medical attention. Rather than inquire as to what happened, and why I had visible red marks around my neck - he instead recruited another inmate to help him put me in my cell - untreated.

41. For the next 24 hours I was left in my cell fearing for my life dealing with the blisters and burns and other injuries I sustained. I tried to call ~~222~~ - The PREA Hotline, but due to technical difficulties I could not, and due to my poverty I hadn't any money on my books to call anyone else who I might have tried to call for help. I wrote multiple versions of a note to my [insulin] nurse begging for help - which I couldn't give her until the next day. I also wrote seven plus ARTSM's to SDC begging for a rape kit because I feared AID's treatment for the burns which were oozing and expressed fears of being murdered if thought to be snitching. This period of time was terrifying and emotionally draining for me. "Help" was very slow to come, and I'm pretty sure I saw Co. Brown smirking at me later that night as he came by my cell.

42. Late the next evening I finally was brought to the ER, where I saw a sexual assault nurse who photographed and extensively documented my injuries. My burns were cleaned, treated and wrapped and I received STD regimens. I received some sort of Xray/CAT scan to check if any more of the pieces of the object I was assaulted with still remained in my rectum and bloody cotton swabs were collected to check for DNA. I was brought back <sup>to ICE</sup> under the label of "PC" or Protective Concerns - located in the murky <sup>Dorm</sup> ~~part~~ of the Restricted Housing Unit ("RHU") - just before midnight on 10/14/11 where I was soon faced with a new onslaught of terrifying attacks by staff which left me feeling hopeless and despondent and which culminated in my ill-advised suicide attempt.

43. "Incident Five" occurred between 10/14/11 - 10/22/11. While I was held in "PC" I experienced an extreme form of solitary confinement which was drastically atypical to the general population's treatment and much of my treatment served very little to no real penological purpose - since intentionally retaliating and <sup>punishing</sup> ~~punishing~~ me for filing PREA and other related grievances are not allowed as a matter of law, and much of my treatment was retaliatory in nature.

44. Despite the State of South Carolina's alter ego - SDC (staff in their official capacities) <sup>have</sup> ~~has~~ policies and requirements/mandates that a "PC Board" be given to all inmates held in RHU under the "PC" label, within seven days to

evaluate my "PC needs" and concerns and to determine what would happen to me and where I'd live and at what security classification <sup>level</sup> I was routinely denied, and misled as to the status of, my "PC Board" for 5.5 months without any function <sup>truly</sup> resembling procedural due process - and this was denied me in order to punish me for making PREA grievances and other grievances against staff, which I will show as the <sup>case is furthered</sup>.

45. I was held in solitary confinement for seven months under 24 hours/day lockdown. Inmates in the general population were allowed out of their cells at least three times a week to shower (even during lockdown conditions). I was never let out of my cell to shower - not one time in seven months - because my cramped, moldy, little cell had a shower in it which took up nearly half of the cell. I wasn't allowed any meaningful exercise due to my small confines, bodily injuries that went mostly untreated and because of my fears of touching the black mold which covered my cells walls, floors (and ceilings) I was denied direct sunlight and had to be medically treated for Vitamin D deficiencies that a lack of direct sunlight and a poor diet leads to.

46. I was denied some of the most basic mental health treatment any victims of sexual assaults should be afforded, and that of inmates held in solitary confinement for an extended period of time for that matter. I was also denied most medical treatment for my injuries for months. I did receive adequate treatment for my 2nd degree burns and for blood sugar maintenance for my diabetes, but nothing for my neck and shoulder injuries except some naproxin/ibuprofen; nothing - not even one follow-up for my fractured jaw - and I had to <sup>eventually</sup> remove myself from the soft-food diet my doctor placed <sup>me on</sup> ~~on me~~ because I wasn't being given adequate caloric counts. I eventually went to see a dentist who knew nothing of my jaw injury and <sup>(separately)</sup> got X-rays for <sup>non-assault related injuries at K. A. and C.I.</sup> ~~non-injury related reasons~~ <sup>thinkland</sup>. During this time I wrote 67 paper ARTSM's, and made verbal requests to anyone who ~~came~~ <sup>would</sup> <sup>listen</sup> <sup>to</sup> <sup>my</sup> <sup>door</sup>, that I urgently needed "Mental Health" treatment and meds (as well as "PREA" Counseling to combat the severe depression, nightmares, anxiety and suicidal ideations I was battling related to both my assaults and SCDC's subsequent <sup>horrible</sup> <sup>conditions</sup> treatment towards me). My neck and shoulder injuries were exacerbated by my poor living <sup>in</sup> <sup>a concrete slab and thin mat for bedding and a lack of meaningful exercise</sup>.

47. During my seven months in solitary confinement, the social isolation, a lack of mental stimuli and near daily staff antagonism caused me to become despondent and to feel hopelessly depressed. I became lethargic and went between periods of not being able to sleep at all to periods where I couldn't get out of bed even to shower in my cell. I experienced audio and visual hallucinations that made me fear I was losing my sanity - I did a short <sup>hour</sup> hunger strike to protest being skipped (again) for outside rec.

48. I lost ~30 pounds of muscle and body weight over this time period. These conditions coupled with staff's sadistic treatment and actions towards me culminated in <sup>my</sup> ~~an~~ ill-advised suicide attempt. I wanted to escape the torture by any means possible; and they told me I was in "protective custody".

49. There's an extensive paper trail proving Sgt. Montgomery, who worked almost every day in RHO and who was the daily face of my torturer, got inmates to threaten my life; stole my personal property (including my spoon which's proven stolen on ARTSM's <sup>another</sup> staff members wrote back to me); intentionally threw away my meds; threw sugary substances on my door to attract roaches; mocked and ridiculed me while she made me stay in a cell (and eat in it) ~1 week smelling like the human skat my neighbor, who shared with me an unfiltered vent, ate and

smeared all over his cell; (Montgomery) mocked me when I complained and she repeatedly refused to clean that cell OR move me to a room that didn't share an unfiltered vent with the biological hazard; Montgomery refused to provide me my basic hygiene and indigent supplies I qualified for and was entitled to receive; she conspired with Ms. Durant to deny me basic legal supplies in order to prevent and thwart my abilities to complain to the courts about ~~my~~ <sup>the</sup> perceived Constitutional violations I was forced to endure; (she) didn't let me send my socks or underwear to get laundered for ~~the~~ <sup>the</sup> entire seven months in Rtu; and she conspired with Major Meeks, Cpt. McFadden and upon information and belief - Aw Brightnarp, starting on 11/21/21 - to deny me outside recreation. The rest of the dorm went to outside rec. approximately 3x a month and gen pop got upwards of 3x/week of outside recreation. I only received between 4-5 hours of cumulative outside recreation for the entire seven months I was in solitary confinement - due to a PREA attack, and not for punitive reasons.

50. Major Meeks admitted in person and corroborated in writing that she ordered her staff in Rtu to deny me recreation specifically because she received the ARTSMs from 10/13/21 and 10/14/21 in which I reported my sexual assaults - and she thought I deserved to be punished because she somehow misconstrued the facts to mean I was accusing Cpt. McFadden of the vicious attack. Even if true, her treatment and punishment would have been illegal, and violative of my constitutionally protected rights.

51. On 11/31/21, Aw Brightnarp acknowledged he received my ARTSM on his cell phone reporting my assault from 10/13/21, that he thought it was a new assault but ~~he~~ still waited an entire day to check on me - he never asked staff to check on me the day before. I noted his adversarial treatment on 11/31/21 in the new "victim's statement" he forced me to write for what ended up being a non-new incident. I'm still shocked by SCDC's lack of urgency while waiting a day to check out claims of violent sexual assaults they perceived and believed to have happened the day prior.

52. Over the next few months Aw Brightnarp proceeded to help fabricate false disciplinary charges to which he later admitted on an audio DHO recording to not having witnessed at all; tried to ban me from the SCDC grievance system when I followed his instructions to write PREA's "ms. Walker" to request outside PREA assistance and contact numbers - (March, 2022) There's a long paper trail here showing Brightnarp purposely ~~was~~ inflicted emotional distress on me to prevent my exhaustion of PREA related grievances - in order to minimize his and SCDC's liability and or to IDED.

53. After I wrote a complaint reporting Aw's inaction's - he and his

Staff ordered my PREA victimizer, C.O. Brown, to work my dorm in the middle of the night shift - sending Sgt. Lowery to work elsewhere. <sup>the exact same night I complained about</sup> <sup>upon information and belief, Aw Brightman had C.O. Brown sent to my dorm in retaliation for my grievance.</sup> <sup>54.</sup> Over the next couple of nights Brown constantly antagonized me, flicked my lights on and off and made ~~seemingly~~ threatening remarks to me. He eventually came to my cell around mid-night with Cpt. Johnson to improperly serve me a disciplinary charge which they escalated to a "major". They walked away laughing and I had no idea that I had any real charges until weeks later. Luckily, this "major" charge, and all ~~the~~ associated charges were dismissed by DHO when it was blatantly clear that Johnson and Brown violated SEDC procedures and protocol and that there never was any "Major" violation that they claimed.

55. The day after Brown and Johnson came to my cell, I attempted an ill-advised suicide because I felt powerless to stop their abuses and those of other SEDC staff - along with dealing with my PREA assaults afterwards.

The false DHO charge from 1110121 stuck and ~~it was then that~~ <sup>Constance Oliver conspired with mailroom head MS. Durant to retaliate on me for threatening to file a grievance on Oliver when she refused to follow proper procedure in inventorying my items - some of which was never to be seen again. The false charge was made by Oliver to try to "get in front" of my grievance.</sup>

in incident  
in six  
in present

56. Ms. Durant conspired with Sgt. Montgomery to withhold my indigent and legal supplies. On 1115121 she sent me a sticky note telling me she would no longer allow me to get legal supplies from her. She <sup>upon info. of the staff</sup> escalated her retaliation against me by withholding my mail, opening privileged mail, <sup>losing/stealing</sup> a letter I wrote SLED reporting hess and other staff retaliating on me for filing PREA related grievances - and she <sup>definitely</sup> used whiteout to edit future complaints mentioning this missing letter. When I made a complaint about my mail being improperly opened Ms. Durant filed a false ~~the~~ "property damage" charge against me that took an inordinate amount of time and effort to reverse.

57. Throughout my seven months in solitary confinement I wrote the Warden, "Legal" and other departments countless ~~a~~ staff requests, ARTSM's, grievances, and verbally complained about my treatment, poor living conditions, delays and staff retaliation against me based upon my use of SEDC's grievance process - and aside from "Legal" all complaints were ignored, blocked or thwarted by staff in order to prevent/attempt to prevent the exhaustion requirement of PLRA and thus minimize their exposure to liability in federal court.

Federal Court.

58. "Incident Six" - occurred between 10/14/21 - 11/10/21 and the extent of this violation was fully realized on 5/13/21 when I received a full inventory of my personal property as I was processed for transfer to Evans C/I.

59. On 11/10/21, Ms Constance Oliver retaliated <sup>by fabricating</sup> on me because I told her I'd be filing a grievance on her for not adhering to SCDC policy while she inventoried my property (which up until then had been "misplaced" by Oliver for one month). <sup>Insert paragraph from previous page</sup> ~~Insert paragraph~~ here.

61. There is an extensive paper trail showing Ms. Oliver <sup>and other staff</sup> improperly destroyed or otherwise disposed of <sup>my personal property</sup> ~~my property~~ to SCDC policy and procedure, and SCDC is liable by law.  
62. Upon information and belief - <sup>Oliver</sup> ~~she~~ purposely prevented the inventorying of my items on 11/10/21 in order to cover up her improper and intentional destruction <sup>(or theft)</sup> of some of my personal items.

63. Pursuant to § 15-78-10 et seq of SCTCA, I filed a verified claim with the State Fiscal Accountability Authority naming "SCDC" as the agency employing staff who lost my <sup>itemized</sup> personal property then valued at ~~16170.00~~ <sup>17000</sup> on 10/10/21; and on 4/10/23 the claim was denied w/o reply. I am pursuing this claim for "Conversion/Trespass to chattel" under SCTCA and SCDC is liable in its official capacity, but due to an unclear reading of the law I am also pursuing the SCTCA claim against Oliver in her individual <sup>official</sup> capacities.

64. Verification

65. I have read the foregoing complaint and hereby verify the matters alleged therein are true, except as matters alleged upon information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

66. Executed at Bennettsville, SC on 6/18/23  
67. Christopher M. Kenner SCDC# 385016  
68. Christopher M. Kenner  
69. Evans CF FSC-116  
610 HWY 9W  
Bennettsville, SC 29512

70. VI Prayer For Relief

- 71. Wherefore, Plaintiff respectfully prays that this court enter a judgement granting Plaintiff!
- 72. - A declaration that the acts and omissions described herein violated plaintiff's rights under the South Carolina <sup>Constitution</sup> and United States Constitutions.
- 73. - Nominal damages against all defendants, jointly and severally be awarded.
- 74. - Compensatory damages of \$250,000 per incident, which is the maximum under SCTA, ~~is~~ against each defendant jointly and severally. This calculation factors in physical injuries and future treatment costs: mental health treatment estimates at today's rates for my 51st year of age (age at my ~~with~~ release) to my 77th Year which is the average American male life expectancy in today's post-covid state <sup>at an average rate for a psychiatrist at my geographic location</sup> ~~at~~ <sup>one hour</sup> ~~IX~~ <sup>at</sup> ~~week~~ <sup>required</sup> ~~for~~ <sup>work</sup> ~~for~~ <sup>treatment of</sup> 26 years; associated loss of wages and income due to time ~~injuries and treatment~~ using minimum wage rates of ~~only~~ \$7.25/hour; body disfigurement and scars caused by the injuries sustained and other appropriate costs and calculations, which will be pled as needed to help calculate these amounts/damages.
- 75. • Punitive damages of 4X Compensatory damages <sup>are requested</sup> for all Federal claims only. Many appeals courts in the U.S. have upheld 4X compensatory damages for punitive ones; punitive damages are non-bankruptable and should be sufficient to guarantee recurrences of cited Federal violations don't happen again and should be sufficient to help compensate <sup>Plaintiff</sup> for the mental and physical pain and suffering ~~Plaintiff~~ <sup>he</sup> has, and will likely continue to experience; with a minimum of \$1 million dollars in punitive damages against each defendant, jointly and severally. Money won't fix me but I hope it helps show SCDC they have important problems they must fix so that future inmates don't needlessly suffer.
- 76. • A jury trial on all issues triable by jury.
- 77. - Plaintiff's cost in this suit ~~including~~ <sup>and also the</sup> value of "lost property" claimed within <sup>this complaint.</sup>
- 78. - Any additional relief this court deems just, proper and equitable

79. Respectfully submitted on 6/18/23

80. Christopher M. Kennan SCDC # 385016

81. ~~Christopher M. Kennan~~

82. EVANS CLF FSC-116

610 Hwy 9W

Bennettsville, SC 29512

83.

# VIII Previous Lawsuits

(12) (14)

84. B.

85.

1. Defendants: Case 9:23-CV-02313-SAL-MHC

- Sgt. Montgomery
- Kenneth Sharp
- William Brightarp
- Major Meeks
- Captain McFadden
- Constance Oliver
- C.O. Singleton
- MS. C. Black
- MS. Durant
- Felecia McKie
- Captain Johnson
- SCD
- Charles "Beant" Brown

86. D.

87.

1. Defendants: Case 9:23-cv-01213-SAL-MHC

- MS. Squire
- Donnie Stonebreaker
- Felecia McKie \*
- Bryan P. Stirling \*

\* I don't believe claims for these defendants overlap claims made in case: CV-02313-SAL-MHC - but it would be prudent to listen to claims by the defence if they assert otherwise