

The state of South Carolina
IN The Court of Appeals
IN The Supreme Court

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SC Court of Appeals

Appeal From Dorchester County
Court of Common Pleas

Maitte Murphy, Circuit Court Judge

Case NO. 2023-000920

South Carolina Department of Corrections, Respondent,

v,

Benjamin Heyward, Appellant.

Designation of matter To be Included
IN The Record on Appeal

Benjamin Heyward
Allendale Corr Inst
1057 Revolutionary Trail
Fairfax, SC 29827

See transcript page 4 Line 2 where Court reporter tampered with transcript by stating the motion hearing were held on May 11, 2023, when the hearing were held on April 10, 2023, See record on Appeal, Exhibit-A.

See transcript page 8, Lines 1-4 where Appellant state Respondent Attorney Mr. Evan Sobocinski came to talk to him wanting to settle this suit out of court and Appellant refused, and the Court reporter failed to state in the transcript Mr. Sobocinski admitted to the trial court he went to see Appellant and there is no response from Mr. Sobocinski in the transcript.

See transcript page 8 Line 13, where Court reporter stated Appellant used a "milk Jug" when Respondent Attorney Ms. Ganes stated at the hearing Appellant used a plastic Cut Jug, see Exhibit-B, the "unsafe Plastic Cut Jug".

See transcript page 8 Lines 16-18 where Court reporter stated Appellant put the Jug on the table and he leaned down to clean the bottom, During the hearing Ms. Ganes stated Appellant placed the Jug on the counter top and he went under the counter top to clean. See initial Brief page 2, paragraph 2.

see record on Appeal, Exhibit S, C, D and E, where the trial Court failed to signed the orders.

see record on Appeal, Exhibit - G, where trial Court erred in failing to find Appellant failed to state a claim for which relief may be granted against Respondent, Hackworth v. Greywood, LLC 385 S.C. 110, 115, 682 S.E.2d 871, 874 (2009), Doe v. Gibson 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007), Conley v. Gibson 355 U.S. 11, 78 Ct 99 2d 80 (1957).

See record on Appeal, Exhibit - H, where Respondent is not immune from liability from suit under South Carolina tort claims Act, S.C. Code 15-78-60(25), and S.C. Code 15-78-70(b).

See record on Appeal, Exhibit - I, where it stated Appellant's Action is not governed by the South Carolina Worker's Compensation Act, pursuant to S.C. Code 42-1-160(A) and S.C. Code 42-1-160(F), Cook v. Mack's Transfer and Storage 352 S.E.2d 296, 298 (1988), Estate of Covington by Montgomery v. AT & T Nassau Metal Corp. 405 S.E.2d 393, 394 S.C. (1991).

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Maite Murphy, Circuit Court Judge

Case No. 2023-000920

South Carolina Department of Corrections, Respondent,
v,

Benjamin Heyward, Appellant.

PROOF OF SERVICE

I certify that I have served the Designation of Matter to be included in the record on Appeal of Appellant by depositing a copy of it in the United States mail, postage pre-paid, on October 31, 2023, to Respondent's Attorney Addressed to Ms. Ellore A. Ganes, AAD Law Firm LLC, 172 Meeting Street, P.O. Box 1508, Charleston, SC 29402.

Benjamin Heyward
Alternate contact
1057 Revolutionary Trail
Fairfax, SC 29827

SC Court of Appeals
PO Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Heyward V. SCDC
Case No. 2023-000920

Dear Ms. Kitchings,

Enclosed For Filing is Appellant's Designation of
Matter to be included in the record on Appeal.
Thank you,

Sincerely,

Benjamin Heyward

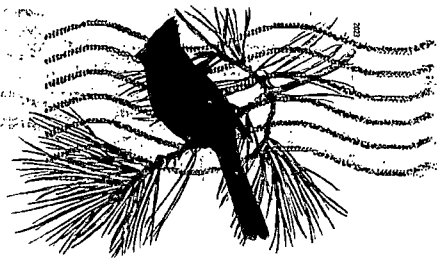
Dated 10-31-23

cc: Ellore A. Ganes, Esquire

Benjamin Hayward #165514-FL2
Attendale Corr Inst
1057 Revolutionary Trail
Fairfax, SC 29827

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S.C. Court of Appeals
Jenny A. Withings, Clerk
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