

To V. Claire Allen
Deputy Clerk
1015 Sumter St
Columbia, SC 29801

August 12, 2013

From: Michael J. Ferola #291941

ECI F-4-286

610 Hwy 9 West

Bennettsville, SC 29512

RE: Michael Ferola v SDC

Appellate Case No # 2013-001379

RECEIVED

AUG 14 2013

SC Court of Appeals

Subject Your letter dated 8-8-13

Dear Clerk,

Pursuant to your letter dated 8-8-13 I have enclosed a the complaint as requested. I would respectfully request you send me back the original as it is the only copy I have.

Sincerely Yours,

cc: David Tatarsky

Michael J. Ferola

State Of South Carolina In The Court Of Common Plea
County Of Clarendon

Case No

Michael J. Ferola #291941

Jury Trial Demand

Plaintiff

-VS-

SC. Department Of Corrections

Joseph Cannon #295844

Complaint

Officer Fulton

Michael Bowers

Kenneth Sharp

et al Defendants

1) Preliminary Statement;

Plaintiff a prisoner confined in the South Carolina
Department of Corrections seeks redress for Gross
Negligence and Assault + Battery

2) Administrative Remedies;

Plaintiff has exhausted all administrative remedies
available under the prison grievance system.

3) Jurisdiction;

This court has jurisdiction pursuant to South
Carolina Tort Claim Act Sections 15-78-10, 15-78-60
(5), (25).

1) On July 11, 2018 plaintiff and another inmate [Joseph Cannon] got into a verbal altercation over a request plaintiff submitted to the Associate Warden on Inmate Cannon illegal Activities.

Defendant Cannon in the presence of officer Fulton threaten plaintiff stating "I'll beat your Ass" however, Officer Fulton took no corrective action against Inmate Cannon for said threats.

Officer Fulton failure to take corrective action against Inmate Cannon for threatening plaintiff was in violation of SCDO policy and a contributing factor in plaintiff being assaulted.

Had officer Fulton took corrective action against Inmate Cannon and/or notified the unit lieutenant plaintiff would not have been assaulted.

While plaintiff was speaking with Inmate Cannon roommate, Inmate Cannon entered the room and struck plaintiff in the face knocking plaintiff into the wall.

The defendant [Cannon] attempted to pin plaintiff arms against the wall and at this time plaintiff head butted inmate Cannon in the side of the face to free his arms, to leave the room, while calling for the unit officer [Fulton].

As plaintiff attempted to leave the room Inmate Cannon Struck plaintiff numerous times in the face, head, nose, and body until plaintiff fell to the floor
"UNCONSCIOUS."

While plaintiff was being assaulted numerous inmates gather around the room to watch the assault and at one point while plaintiff was calling for help a inmate shut the room door.

At no time during plaintiff calling for help while the assault took place maybe (50) feet from officer Fulton desk did officer Fulton get up to investigate the numerous inmates gathering at the room door, nor did she respond to plaintiff calls for help.

Upon information and belief officer Fulton was on the phone while plaintiff was being assaulted.

The defendants [Bowers + Sharp] have received numerous complaints on officer Fulton not making security checks and constantly on the phone for personal calls.

Plaintiff laid in his room for a two hour period and officer Fulton failed to make any security checks after a two hour period A inmate informed officer Fulton plaintiff was injured.

At approximately 1:30pm plaintiff was escorted from Sebe unit to medical where he was met by Defendant Sharp and the Contraband Lieutenant, who took (3) three pictures of plaintiff injuries.

Plaintiff was examined by a Doctor Paul Drago who had plaintiff transferred by Ems to Toomey Hospital, where plaintiff suffered from "Head Injury with Concussion" and "Facial Contusion".

Plaintiff upon returning to prison was met by the S.C.D.C. Investigator who took a series of pictures on the injuries plaintiff suffered.

On July 19, 2012 plaintiff was seen at Evans by the S.C.D.C. Investigator and Inmate Cannon was identified as the inmate who assaulted plaintiff.

The failure of Defendants [Bowers + Sharp] failure to take corrective action against officer Fulton failure to follow S.C.D.C. policy was a contributing factor in plaintiff being assaulted.

The failure of Defendant Sharp to keep plaintiff information of illegal activities confidential as promised was a direct result of plaintiff being assaulted.

Relief:

- 1) Trial by Jury
- 2) Compensatory Damages of \$ 25,000.00
- 3) All Costs.

Respectfully Submitted

Michael J. Ferola

Michael J. Ferola #291941

Evans Correctional Inst

610 Hwy 9 West

Bennettsville, SC 29512

Verification

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

Executed at Bennettsville, South Carolina on this
25th day of February 2013.

Michael J. Ferola

Michael J. Ferola.