

New Case

STATE OF SOUTH CAROLINA

CASE NO. 2018CP3574

COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS ²⁰¹⁸ 28 F 2:17 STATE OF SOUTH CAROLINA

Bryantavious Murray
PLAINTIFF(S)

SCDC
DEPENDANT(S)

CHECK ALL THAT APPLY:

RE: INMATE FILING OF CIVIL SUITS:

() THE PLAINTIFF, AN INMATE WITH THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, (HAS/HAS NOT) COMPLIED WITH SECTION 24-27-100.

() THE CLERK OF COURT IS HEREBY ORDERED (TO FILE/NOT TO FILE) THE WITHIN ACTION.

THE SCDC SHALL DEDUCT THE FILING FEE FROM THE PRISONER'S TRUST ACCOUNT PURSUANT TO SECTION 24-27-100 AND SHALL FORWARD THE FUNDS TO THE CLERK OF COURT FOR MCCORMICK COUNTY, SOUTH CAROLINA. *This includes service fees.*

Dated at McCormick, SC, this 28th date of August, 2018

RECEIVED

May 28 2024

SC Court of Appeals

Al Greenlee

Chief Administrative Judge

Attorney(s) for Plaintiff

Attorney(s) for Defendant

Emailed &
mailed to
Judge Hamilton

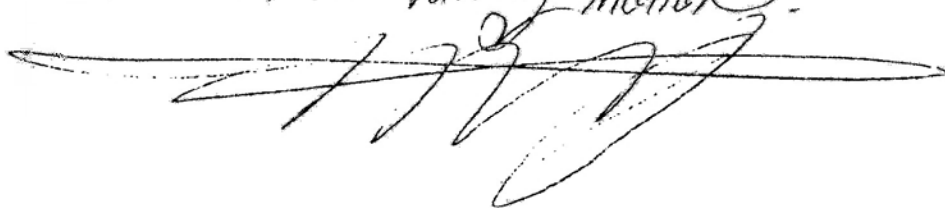
Bobby Hodge
Clerk of Court
Deputy

3/16/18

Cover letter attached please PNC

- 1.) Civil Action Cover sheet.
- 2.) 2 copies of the court reports.
- 3.) motion and affidavit to proceed ex parte purposes...
- 4.) Declaration in support motion to proceed ex parte purposes...
- 5.) SUMMONS..
- 6.) COMPLAINT with two lettered affidavits..
- 7.) Declaration in support of injunction and of a temporary restraining order. .. letter to JUDGE ... see exhibit
- 8.) Injunction A temporary restraining order...

1 On available time request a copy
of each of the following motions.



STATE OF SOUTH CAROLINA

COUNTY OF McCormick S.C.

Byrdwain Jones Murrell Murrell #356248
Plaintiff(s)

vs.

South Carolina Department of Corrections
Defendant(s)

Submitted By: Byrdwain M. Murrell - 336248
Address: 1057 Revolution Road
Furber S.C. 29821

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

-CP-

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | | |
|--|--|---|--|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20 -NI- <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input checked="" type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) | |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Other (799) | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) | |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | | | | |

Submitting Party Signature: Byrdwain M. Murrell

Date: March 8, 2018

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.

Norshel
C.I

Cyp31

K

INMATE TRUST FUND ACCOUNT REPORT

for SOUTH CAROLINA COURT FILING FEES

FEB 16 2018

SCDC-FINANCIAL ACCOUNTING

INSTRUCTIONS TO INMATE: Complete top portion then **MAIL** to Court. When referred from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Bryan James H. Murray Bryan James Murray

SCDC# 3256248 INMATE SIGNATURE: Bryan James Murray

I plan to file this action in the SC County of McCormick South (Inst. #)

The section below is for SCDC - Financial Accounting Branch's use ONLY.

(1) Total deposits to inmate's account for preceding six months' period* \$ 0

(2) Twenty percent (20%) of line 1 \$ 0

(3) Account balance - current date \$ 0

(4) PAYMENT AMOUNT **
(lesser of line 2 or line 3)
Enclosed check # _____ \$ 0

**NOTE to COURT: If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections
Financial Accounting - Room 234
PO Box 21787
Columbia, SC 29221-1787

RECEIVED
FEB 27 2018

*Admission date is noted here if inmate incarcerated less than six months _____ / _____ / _____

[Signature]
Prepared by Financial Accounting Branch - SCDC

2/22/18
Date

© 1997

State of South Carolina
County of McCormick
Blumenthans K. Murray # 3-20018
Plaintiff

-VS-

South Carolina Department of Corrections
Defendants et al

IN THE Court of Common Pleas
motion AND Affidavit to
Proceed IN FORMA PAUPERIS
Case NO. _____

Rule 3. SC R. 3.02

I Blumenthans K. Murray 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 Com-
plaint be filed and service made without cost.

Sworn to and subscribed before me

THIS 3-8-18 day of 3-8-18 2018

Blumenthans K. Murray
Signature of Plaintiff
Person filing Complaint and
Behalf of Plaintiff

~ BUREAU ~

- 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 fee.
- leave is denied to proceed in forma pauperis...

DATE: . . . , 2018

. South Carolina

Judge / Clerk of Court

notice to Plaintiff: the Court may assess cost against either party
or her/his...

State of South Carolina
County of McCormick.

Brunstadius H. Murray #356248
Plaintiff.

-VS-

South Carolina Department of Corrections
Defendant.

IN the Court of Common Pleas
Case No. _____

DECLARATIONS
IN SUPPORT motion TO
Proceed in FORMA
PAUPERIS

I, Brunstadius H. Murray, am the Plaintiff in the above entitled case. IN support of my motion to proceed without being required to prepay fees or costs or give security therefore, I state that because of my poverty I am unable to pay the costs of said proceedings or to give security therefore, and have prout. therefore I am entitled to redress.

I declare that the responses which I have made below are true.

- 1.) If you are presently employed, state the amount of your salary wage per month, and give the name and address of your employer. now available
- 2.) If you are not presently employed state the date of last employment and amount of salary per month that you received and how long the employment lasted...
- 3.) Have you received, within the past twelve months, any money from any of the following sources:

A. Business, profession or firm of self-employment?

Yes _____ NO X

B. Rent Payments, interest or dividends?

Yes _____ NO X

C. Pensions, annuities, or life insurance payments?

Yes _____ NO X

D. Gifts or inheritances?

Yes _____ NO X

e. Any form of Public assistance?

Yes _____ NO X

f. Any other sources?

Yes _____ NO X

If the answer to any of Questions (a) through (f) is Yes, describe each source of money and state the amount received from each during the past month 0.00 Balance.

4. Do you have any cash or money in a checking or savings account? none available. If the answer is Yes, state the total value...

5. Do you own any real estate, stock, bonds, notes, automobiles, or other valuable property (including ordinary household furnishings and clothing)? Yes. If the answer is Yes, state the total value owned. \$ 900.00

6. List the persons who are dependent on you for support, state your relationship to those persons, and indicate how much you contribute toward their support at the present time. none available

7. If you live in a rented apartment or other rented building, state how much you pay each month for rent. Do not include rent contributed by other people. none available

8. State any special unusual circumstances which the court should consider in this application. S.S.I History "check" Problems thru birth mental health history 2018 Williams Hall, Beckman mental health, vancouver, sovi

I understand that a false statement or answer to any questions in this declaration will subject me to the penalties of perjury...

I declare under penalties of perjury that the foregoing is true and correct...

Signed this 3 day of 8, 2018.

[Signature]
SIGNATURE

4-7-1994

Date of Birth 251-93-6372

Social Security Number

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

Dr. YOUNG V. MURRAY #356248

Plaintiff

- VS -

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,
Defendants.

IN THE COURT OF COMMON PLEAS

CASE NO. _____

SUMMONS

TO: South Carolina Department of Corrections, Defendants

You ARE hereby summoned and required to serve upon the Plaintiff an answer to the Complaint which is served herewith thirty (30) days after service here of, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint...

From: Dr. Young v. Murray #356248

B. J. V. L.

STATE of South Carolina
County of McCormick

Braden K. Murray #356248
Plaintiff

-VS-

South Carolina Department of Corrections
Full Capacity, etc.,
Defendants

In the Court of Common Pleas
Case No. _____

NO. 1

Complaint

JURY Trial Demanded

Comes NOW the Plaintiff Braden K. Murray, do hereby state
this Complaint against the above-named defendants in accordance to
Rule 10 SCRPC and South Carolina Rules of 1976 Annotated South
Carolina Rules of Civil Procedure, support here of Plaintiff Murray
could ALL be and show unto the Court...

~ PART I AS ~ AND ~ JURISDICTION ~

- (A) Plaintiff Braden K. Murray is an inmate within the South Carolina Department of Corrections and was incarcerated in McCormick Correctional Institution located in McCormick, S.C. at all time relevant...
- (B) Defendant, South Carolina Department of Corrections is a Juvenested Authority of the State...
- (C) This Court has Jurisdiction over the subject matter of this action pursuant to the South Carolina Tort Claims Act, § 15-178-10 et seq...

PRELIMINARY STATEMENT

This action is brought against the SCOC alleging Gross Negligence And Neglect of A Vulnerable adult where SCOC officials and employees (1) Failed to provide me protective custody after I informed mental health MS. Goodwin 6/22/2016, after a documentation of (1): ORIGINAL COPY of an officers incident report. THAT WAS TOOK IN ON 6/22/2016. AT PERRY CORRECTIONAL INSTITUTION BY mental health MS. Goodwin. THAT I FEARED FOR MY LIFE AND SAFETY AFTER BEING THREATENED, AND BEATEN BRUTALLY THREE PHYSICALLY PARTICIPATED BY SCOC EMPLOYEES. (2) THEY USED UNNECESSARY MK-4 NOTED AS OTHER TEAR GAS. TO INCLUDE UNNECESSARY AMOUNT OF EXCESSIVE PHYSICAL FORCE AGAINST ME WHILE I WAS SECURED IN RESTRAINTS (3) THEY FAILED TO PROVIDE ME ADEQUATELY BUT INTENTIONALLY DELAYED ME DELIBERATE MEDICAL ATTENTION AFTER HAVING USED MK-4 PEPPER SPRAY, AND OTHER PHYSICAL FORCE AGAINST ME. (4) THEY FAILED TO PROVIDE SAFETY MEASURES TO PREVENT UNAUTHORIZED TOUCHMENTS TO INMATE WHICH EXCEEDED TO AN EXCESSIVE FORCE HISTORY WHICH IS NOT RULED FAVORABLE BUT WAS USED IN A MALICIOUSLY INTENT ACT WHICH ONE (1) INMATE WAS RESULTED TO UNWANTED INJURIES TO BELIEVE HIS GROSS NEGLIGENCE CLAIMS. (5). THEY UNNECESSARILY DESTROYED MY AUTHORIZED PERSONAL PROPERTY THREE PHYSICALLY INSTITUTION THREE THREE INSTITUTIONS (5) TO INCLUDE A WHEELIE BOARD FRAME SET. (6). THEY FAILED TO COMPLY WITH MEDICAL INSTRUCTIONS REGARDING MY HEALTH - AFTER CARE WHEN I WAS RELEASED FROM THE HOSPITAL. AND. (7). THEY FAILED TO PROVIDE ME PROMPT MENTAL HEALTH ASSESSMENTS, TREATMENT, AND COUNSELING TO INCLUDE RELEASE FROM RPHU FOLLOWING THE TRAUMATIC BLOW THAT I SUFFERED DURING THE TIME OF THIS USE OF FORCE. . . . TO INCLUDE RETALIATION, AND HARASSMENT THROUGHOUT THE TIME OF THIS INCIDENT AND AFTER. . . . WHICH MEET THE STANDARDS FOR A GROSS NEGLIGENCE CLAIMS. . . .

LAWSUIT. . . .

LEGAL

Statement of Facts

1). ON APRIL 8, 2016, AT McCormick Correctional Institution ("McCormick") I WAS ASSIGNED TO THE F-2 HOUSING UNIT. DUE TO MY MENTAL HEALTH ILLNESSES (CLASSIFICATION). ON THE MORNING OF APRIL 8, 2016, I INMATE BRYANSTAN MURRAY #356248, WAS SCHEDULED TO FOLLOW UP WITH AN APPOINTMENT CONCERNING DENTURES WITH #166 FOLLOW-UP DENTAL APPOINTMENT AT 6:50 A.M. WHICH WAS SPANNED OFF BY WILLIAM F. WREBS "DENTIST" WHO RESCHEDULED INMATE'S ORDER TO REPORT TO "DENTAL" TO BE APPROXIMATELY AT 8:00 AM hrs. - 8:15 AM.

2). THE MCCORMICK CORRECTIONAL INSTITUTION TO INCLUDE VARIOUS "SEC" INSTITUTIONS HIGHERS A NUMBER OF UNTRAINED PUBLIC EMPLOYEES WHO ARE VERY AGGRESSIVE AND ASSAULTIVE. WHO HAVE HIGH INTENTS OF PREMEDITATED/PRO-SENSITIZED TOWARDS VIOLENCE, AND WHO ARE GENERALLY DISRUPTIVE TO THE OPERATIONS AT THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS....

3). ON THE DATE OF APRIL 8, 2016, I INMATE BRYANSTAN MURRAY #356248, WAS LET OUT OF HOUSING UNIT DORM F-2, TO ATTEND A DENTAL APPOINTMENT AT 8:00 AM hrs. THE OFFICER OVER THE DORM STATED PRECISELY TO INMATE, (A) TO TAKE THE SIDE WALK TOWARDS THE CHAPEL, (B), AS I INMATE BRYANSTAN MURRAY WAS NEARLY HOUSING UNIT F-3 WHEN (C), I NOTICED LT. GEOFFREY RICE, Lt. RONALD COOK, LT JAMES THOMPSON, AND SGT. JEREMY MURRAY PATROLLING ABOUT THE CAFETERIA. (D). AS I WAS NEARING THE CHAPEL, I (E), SAW OFFICERS LT. GEOFFREY RICE, LT. RONALD COOK, LT. JAMES THOMPSON, AND SGT. JEREMY MURRAY RUNNING TOWARDS ME.... (F). I THEN OBEYED ORDERS BEFORE ANY DIRECTIVES WAS GIVEN TO 1). (G), GET DOWN ON BOTH OF MY KNEES AND PLACE BOTH OF MY ARMS BEHIND MY BACK....

4). THE RESTRAINTS WERE PLACED ON BY OFFICER LT. GEOFFREY RICE. Lt. GEOFFREY RICE THEN FORCEFULLY PUSHED INMATE ON THE GROUND UNAPPROPRIATELY, FACE FIRST, THEN (B), WENT ABOUT TO PUNISHMENT, AND THROU THE PLACED (C). THE PLAINTIFF WAS PUNCHED SEVERALLY NUMEROUS TIMES IN THE FRONT, AND BACK OF HIS HEAD NUMEROUS TIMES, WHICH COULD HAVE CAUSED ABOUT AN CONCUSSION..

LEGAL

At the time of this planned use of force, an officer with the rank of Sgt. Jeremy McCarty intentionally and deliberately used excessive force on the Plaintiff by using some bodily injury in results of battery he intentionally (D) kicked, and went about punching the Plaintiff numerous times about the body to be (3) three hits exact. The Plaintiff intended to be some what of that of an concussion but in visualization to see (E). To include sometime during this planned or unplanned use of force the Plaintiff was punched about the body to include face by Correctional officer who goes by the name of Lt. Ronald Cook to be about (2) times with the mind of that to be some what of maliciously intent motives that constituted the amount of an planned use of excessive force. (F). At during one around this planned use of excessive force the Plaintiff was to include some what of abusive slaps, by an officer who goes by the name of Lt. James Anonkoves who at the time intentionally in full awareness used battery on the Plaintiff to not be in the amount of SCOC's use of force policy's 1500.40. (CAMERA VIDEO). to include the amount of handcuffs that were used as battery on the Plaintiff, and direct in counter hits of right blows on the Plaintiff. (G). The Plaintiff was then intentionally walked to cuffs by an officer by the name of Sgt. Jeremy McCarty who did (H) with evil intents used battery on Plaintiff by going about to punch the Plaintiff in the face twice which was a known now matter of a premeditated cross religious assault battery excessive force claim. to include the amount of blows on Plaintiff (2), with one being in the back of his head, and two one (1) directly to the front of his skull.....

5). Once the Plaintiff was inside of operations, it was under color of state law for the Major Frank Musser to intentionally grab the Plaintiff and run the Plaintiff up against the operations slide to include that of some what favorably used the Plaintiff was intentionally hooked by camera control both side to R.H. side (B). He was met and hit with battery amount of blow once (1) intentionally to the right brow, by an officer known by the name of Capt. Michael Joseph Stevens, who was (C). Also present at the beginning played amount of excessive (H) DP have within a hold knife that he used to deprive the Plaintiff with purpose of the operations.....

6). The Plaintiff was then escorted out of operations Back door Sally Port by officers by the name of officer MAJOR Frank MUSIER, and officer UNITA MANAGER Joseph Stevens. (B). Shortly after by the name of LT. Stanley TERRY, AND A unknown officer took Plaintiff to lock-up 'RAU Sally Port. Where the Plaintiff was seen by mental health MS. MADDOX. Plaintiff was then examined by P.N. Nurse, E. COURSON prior to her medical present report. Written on April 8, 2011 she examined Plaintiff to be at 10:30 AM hrs. which is indifferent to the fact as to the use of force being done at 9:00 AM hrs was enough for deliberate indifference ⁽²⁾ Correctional officers or Public official to deny Prisoner to serious medical needs to Plaintiff.

7). Prior to Plaintiff's TAN SCOC uniforms, they were cut off by officer LT. Stanley TERRY, and intentionally mistreated noted that they (B). had blood all over them (C). There never out presence of contraband's evidence to preference Jeffrey Scott's investigation. Prior to Scott's treatment it should have not exceeded the amount of 11 years to be on Comaral Video Aid; 0... See Law Police 1500.40 and 16-19.08

8). Also as a result to the above. The Plaintiff was taken by emergency transportation to Self Memorial Hospital in Greenwood S.C. by officers LT. Stanley Terry, and Sgt ANNECOURT A Lisdeman by vehicle # tracking # 2666. Followed by Unit manager Eddie CALLAWAY. Tracking vehicle # 2655. Along with the Plaintiff's property contents. The Plaintiff remained in Self Memorial Health Care for approximately (1) one day. During this time, the Plaintiff was (B). treated for approximately the amount of sixteen (16) stitches, AND underwent surgery by Doctor Hadwin for 19 nails after CT....

9). Additionally the Plaintiff suffered both mental and physically to include permanent scarring, permanent impairment, and permanent disability.....

10). Additionally each and every defendant listed threw this complaint here in mentioned had a (M). Constitutional duty to protect inmates from violence at the hands of other persons when they knew intentionally that certain conditions within the Department of Corrections presented a substantial safety risk. To include that at all times relevant, the Defendants were not only on site at the Prison, but also they were well aware that they had supervisors to include TANK. AND had been individually been involved in a excessive use of force.....

- 11). Additionally they were also well aware that this created a highly dangerous situation for all inmates to include the Plaintiff located in that area. Even though they had the opportunity and obligation, they consciously failed to take any steps to ensure the Plaintiff's safety. (LB) Documents by Sgt. Jeremy Mearl later revealed on the date of April 18, 2017, there were around 50-60 inmates on the yard during a meal time... See exhibit: (D) Attachment...
- 12). Prior to April 2016 the Plaintiff filed, and filed hand written "inmate complaint" to staff member forms with the appropriate SCDC administrators S. Marshall #016449, and Frank Meiser; (2) written request notifying them of this issue and the overall lack of inadequate security. Additionally all of the Plaintiff's request were either ignored or denied. These actions and/or inactions further exposed the Plaintiff to a substantial risk of harm in the future. ... (B). Plaintiff ever least about re-submitted to the appropriate staff members; S. Marshall #016449, and Frank Meiser about on date of: 3/14/2017; and again has denied a response....
- 13). Additionally further more the Plaintiff is informed and believes that prior to the incident in question the investigation conducted by SCDC investigator Albert Jeffery Scott, revealed without evidence that repeatedly violent outbreaks occurred to be substantial at the McComick Correctional Institution. AS WELL AS THE FACT THAT THE INADEQUATE SECURITY WAS NOT APPROPRIATE SECURITY PERSONNEL IS DEALING WITH THE PLAINTIFF, AND WAS IN DEED ON SITE AT THE TIME THIS INCIDENT HAPPENED... OR OCCURRED....
- 14). Additionally upon the information and belief the Defendants were also each equally aware of the potential outbreaks of violence, and additionally intentionally deprived the Plaintiff, the Defendants even each consciously failed to take reasonable measures to abate the risk of harm done to the Plaintiff. So therefore the Plaintiff suffered serious injuries as a direct result thereof....
- 15). On or about the year of 2016, the Plaintiff was placed in the custody, and care of McComick Correctional Institution - which is part of the South Carolina Department of Corrections, at institutional level (MCC) was run by a warden by the name of Warden LeRoy Curtledge. The Plaintiff had remained in the McComick Correctional Institution until on and about the date of April 8, 2016. After his release from self memorial was affirmed by Dr. Head to discharge the Plaintiff. He was immediately van vehicle transported by transportation van vehicle #2666, by officers who go by the names of Stanley Terry, and Annetta Wideman. Both being considered as public officials, but government state employees under the Eleventh Amendment immunity followed by vehicle #2650, of which contained an SCDC staff member

17). Then Additionally failing to provide the Adequate and/or Proper number of Trained Adequately Security Staff Personnel at numerous locations throughout the AGENCY'S Facility... States that each and every Allegation of Fact in these Paragraphs above is again re-instated, and re-Alleged herein, as if herein re-instated verbatim, literally word for word. (B). THAT the so said listed defendant's was indeed, and was acting under (1). the color of or or Pretense of State LAWS, State Customs, State Practices, State Usage, and/or State Policies, (2). to be at all times mentioned herein as Correctional officers who are State employees, and (3) or all known Supervisors who had certain duties imposed upon their Commissions under the Agency's Staff with regard to the Plaintiff's dignity. to Additionally and during the time of this incident of an excessive amount of use of force to cure which they did not. the Defendants were well aware of the Plaintiff's Constitutional rights to be free from cruel and unusual Punishment Per Policy, 1500-2-1, and 1500.40 (1967 STATE V. PAMBLE...

18). Additionally inconsciously ministerial duty has to be taken out. the Defendants cannot argue nor bring forth any excuse that they intended to intentionally follow and not deprive the Plaintiff because it is clearly established (B). that these Policies have not been followed, and that all Allegations mentioned above or above (2) twice actual... (C). also the defendants were consciously and deliberately indifferent to deny the Plaintiff to medical treatment on the Plaintiff. then so acted in evil to carry on such small amount of force to restore order but rather to inflict bodily harm on the Plaintiff which the Agency's Policies and Procedural Guidelines do not allow. see: 1107, 1500.40 @ 5000...

19). IN THE FACTS FOLLOWING PARTICULARS:

(A). These listed SEC employees inconsciously intended to allow premeditated excessive (1) amount of an use of force to alone without the Adequate trained Staff for an inmates safety to be in exact coexistence with SEC'S Policies and Procedures to insure the safety of the Plaintiff. (B). to be inconsciously and deliberately, and failing to provide the Appropriate number of adequately trained Staff members at various locations throughout the McCOMICK Correctional Institution to such Adequately insure to A inmates safety... (1). inconsciously and deliberately failing to provide the next not minimum amount of Adequate and Appropriate amount of security officers personal in and at McCOMICK Correctional Institution (2) to include the proper yard supervision... (D). inconsciously and deliberately failing to properly monitor the Plaintiff so as much to not criticize... but there are much more intend to premeditatedly harm the Plaintiff... (E). inconsciously

and deliberately failing to protect the Plaintiff from an assault and battery across
Netherlands claim against officers employed by SOCC agencies... (F) in consciousness and
deliberately failing to properly supervise the employees so as to ensure the safety of
the Plaintiff, and inmates violated at the maximum correctional institutions. (G).
in consciousness and deliberately failing to protect the Plaintiff from any and all serious
harm... (H) in consciousness and deliberately failing to provide any level of high or minimum
to the Plaintiff of a minimum security facility adequately to ensure safety of the Plaintiff...
(I) in consciousness and deliberately not really clearly recognizing or acknowledging a clearly
non-harmful, but dangerous situation without (1st) first the thought to (1) analyze the sit-
uations, and (2) how serious it appeared to the Plaintiff... (J) in consciousness and de-
liberately failing to take any reasonable amount of action to prevent the inmate from be-
coming severely bodily injured... (K) in consciousness and deliberately failing to properly in-
vestigate, by (1) clothing inspections, (2) to include camera, (3) any cover up, and all documented
statements written by overall staff and use of force staff, (4) not following institutional head
instructions policies and procedures to follow the proper instructions to write all inmates listed
mentioned, and warded through SOCC agencies policies, to include proper chain of command,
that states any officers mentioned within a use of force should do to copies, (5) not properly
supervising 1500.40 and (6) first 1500.2-1. at wardens head by subordinates to not see
that they did not meet and outside agencies institution by Agent Jeffrey Scott...
and (6) not establishing a clear right to personally cover up and falsely incriminate
the Plaintiff to Agency's investigator Agent Jeffrey Scott to secure (land) second
conviction. After the Plaintiff served a long term (60 days, with one process reference,
and upheld inadequate work paper work, which cause him excessive sanctions. (L) in-
consciously and deliberately failing to adhere to the SOCC agency's policies and
procedures, per 1500.40, 1500.2-1, and 200-25 (M) Additionally a guard being consciously
and deliberately indifferent to the Plaintiff's health and safety (N) again in awareness.
(N) intentionally being in consciousness and deliberately indifferent to the Plaintiff's health
and safety after having full knowledge of the dangerous conditions, and still failing
to take the least reasonable amount of measures to prevent it from stopping or occurring
on the Plaintiff... (O) in consciousness and awareness not attending the proper training
academics... (P) in consciousness not supplying the appropriate on site rendered staff
to have Agency's pocket camera to properly patch recordings of inmate use of force...
(Q) include camera, and British camera footage documentation to be available... (R) failing
to not hold within the 11th Amendment to be considered as public employees, nor public
officers signed to their appropriate duties to maintain good faith in their official jobs
officer or duties. (R) failing to properly calculate the amount of hits used as battery
on the Plaintiff, in incident reports done by officers, Lt. Howard Cook, Lt. Geoffrey etc.

LEGAL

1. Lt. James Thomkins, not to include Federal military law incident report wasn't logged, signed, documented, Brief, nor available on the date of April 8, 2016 which expressed the most of due process, and strengthened the case of a gross negligence assault and battery (blow) done by Adult SEC Correctional Officers (SO) failing to properly produce at Ohio hearings on 5/3/2016 for R. L. Mauer, 1.) statement written by Lt. James Thomkins, and MS. M. N. Veri Pearson, which were taken through the proper chain of command to meet US (1st Lt. Brent Free, and 2nd Co. 1st Platoon ~~COPT~~ S. Marshall; hearings took place at State Correctional Institution, which showed a theory of an 816 issue of an excessive use of force cover up (T). Failing to properly meet a full for (US) response was it need for (US) response, and specifically what officer tended to cover-up a full for (US) response being that the plaintiff was in the yard and around available staff personal which would be favorable to the issue of what happened and, how the plaintiff was treated. (U) ... Not properly mentioned that when the defendants came in contact with the plaintiff did he pose as a threat, or that of so higher than a bear to get treated to the harsh amount of cruel and unusual punishment, and the lack of camera and/or video wasn't documented to show that the plaintiff did so betray the image of a threat isn't so pointed for which is the question (V). Failing to properly list in the incident reports on 4-8-2016, by use of force officers the adequacies that once (US) resistance is activated it is so recorded within the SEC agency's that once (US) resistance is called all cameras at headquarters level automatically began to record. (W) Failing to properly state did the plaintiff have a weapon during the take down of plaintiff, or did he have a weapon, and the lack of Aegis video camera is the question as to officers plantation. (X) Failing to properly not mention in use of force incident reports to the amount of blows and why did the plaintiff have a non possession, and had to receive in the amount of (16) strikes of self defense Memorial is another question. (Y) Failing to properly state in incident reports who walked plaintiff up the McCormick Correctional Institution side walk to corrections; ~~documented~~ and why was plaintiff hit with twice (2) battery blows to the face to mention blow; and the words mentioned documentation of lack of hits and incident reports. (Z) and; intentionally intentionally as a direct proximate result the defendants acts of conscious and deliberate interference, jointly, severally, and in combination thereof which deprived the plaintiff to suffer; conscious pain, mental and physical pain and suffering; and loss of his in and out most respect of dignity as a man.

LEGAL

10.) You can refer to documents, affidavits, or other materials that are referred to be attached at A.), B.), C.) D.) from Plaintiff Professor Lize Ronald Coll, James Matthews and Jeremy McCand...

IV. EXHAUSTION OF LEGAL REMEDIES Prison Litigation Reform Act. (F).

11. Plaintiff Brant Lewis Murray used the Prisoner Grievance Procedure available at [McConnell inst. Perry inst. Kershaw inst. Lieber inst. Lee Anneck inst. Broad (or technical inst.)] to try and solve numerous problems. on the date 4-8-2016 - 1-10-2018 Plaintiff Brant Lewis Murray presented the facts related to this Complaint on 4-12-2017. Plaintiff Brant Lewis Murray was sent a response stating that the Grievance has been denied on date filed Appeal. on 4-25-2017, he appealed the denial of the Grievance.

V. Legal Claims.

11.) The Conditions, beatings, deliberate indifference, medical needs, sexual discrimination, violated Plaintiff Brant Lewis Murray's rights and prohibited excessive force violation, and cruel and unusual punishment. is due Process violation, under the 1st, 4th, 5th, 8th, and 14th Amendment to the United States Constitution...

12.) The Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this Court grants the declaratory and injunctive relief which Plaintiff seeks...

* Duty of Care *

The State and its employees, through the Director thereof, owed me a duty of property care and was so responsible for the in proper treatment of me during all times related to, here to Pursuant to section: 24-1-130; of S.C. Code.....

* Cause of Action *

(i) The State is liable to me, and for Pursuant to the and clause of Section 15-78-60 (a5) of S.C. Code; of which where it's employees, or while acting within the or their scope of their official duties; and capacity's for the 11th Amendment as a Government Agent; employee, or other public official, did intentionally subjected Plaintiff to great bodily injury to not include minor abrasions, and harm, as we thought Plaintiff. Pain and suffering, poor conditions of confinement, destruction of property item(s) to include not excessive sanctions.. to include mental anguish by the thoughtless of exercising their official duties, and improper language, to include improper restraints, inhumane and or the proper care, and on the proper care, and to add treatment was used in a cruelly, negligent manner which approximately caused Plaintiff loss of employment and identity... to add not Punishment. But Merely for Accord with to law under: 16-600-3.. Gross Negligence Assault and for Battery Plaintiff...

I have read the Forehand 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 penalty of Perjury that the Forehand is true and correct...

Executed at Allendale Correctional 1057 Residency
Fairfax, Va. 22032

Signature: [Handwritten Signature]
Name: Christopher K. Murray

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Exhibit A

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

Bryantavious Murray, #356248,)	C/A No.: 1:17-220-RBH-SVH
)	
Plaintiff,)	
)	
vs.)	AFFIDAVIT OF GEOFFREY RICE
)	
Geoffrey Rice, Rank Lt.; Jeremey)	
McCary, Rank Sgt.; Ronald Cook, Rank)	
Lt.; and James Tompkins, Rank Lt., each)	
being sued in their individual capacity,)	
)	
Defendants.)	
)	

PERSONALLY APPEARED BEFORE ME, Geoffrey Rice, who being first duly sworn, deposes and says:

1. I am an employee of the South Carolina Department of Corrections (hereinafter referred to as "SCDC").
2. I am a Lieutenant at McCormick Correctional Institution (hereinafter referred to as "MCCT").
3. I recall an incident that occurred on April 8, 2016 at MCCI. On that date, I was a First Responder, who are officers who respond to emergency situations in the prison. I heard a call on the radio for First Responders needed in Unit F-4 and immediately proceeded to that Unit. As I was approaching Unit F-4, I saw the Plaintiff standing outside the Unit waving a knife and stating that he was not going anywhere and would kill anyone who tried to make him. Plaintiff was cursing and belligerent. As I and the other First Responders were approaching the Plaintiff, he threw the knife on the top of the building, but continued to curse and us. The Plaintiff also resisted when we approached him and it took all of us to restrain him and place him in handcuffs. While we were trying to restrain him, the Plaintiff was yelling "tat-tat-tat," which is a gang call for the Bloods.

Essentially, he was asking other Bloods to come and help him. Thankfully, no other individuals came to assist the Plaintiff against the officers.

4. We were able to place the Plaintiff in handcuffs, but even after he was placed in handcuffs he continued to resist. After the Plaintiff was placed in handcuffs, he was taken to the Restricted Housing Unit and was subsequently seen by medical personnel. The Plaintiff appeared to be very intoxicated.

5. I did not strike the Plaintiff and did not observe any of the officers strike him, but we were
required to use force because he continued to resist. At no time did I observe any officer use
excessive force or improper force on the Plaintiff. We used the minimal amount of force necessary
to control and restrain the Plaintiff.

6. I acted appropriately in my dealings with the Plaintiff. At no time did I violate any clearly established constitutional rights of the Plaintiff of which I am aware.


Geoffrey Rice

Sworn to and Subscribed before me
this 20 day of April, 2017.

Dollie G. Williams L.S.
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 7-26-2024