

RECEIVED

APR 18 2025

State of South Carolina
County of Richland
Ricardo Fishburne 2796601
v. Plaintiff
S.C. Dept. of Corrections
Defendant.

In The Court of Common Pleas
5th Judicial Circuit
CIA# 2018-CP-400-3700
59e motion To Alter Judgment
From 1-2-25
Perjury or Subornation of Perjury
Law be enforced Request

1) Stacey E. Richardson declared in A declaration submitted in this case on 12-13-24 incorrectly stated that SCOC does not have A policy "OP-2104 48-48.2" that states Non STG inmates shall not be housed in A cell with STG inmates because they are not compatible or do not have similar characteristics... See Exh. D herein.

This subornation of perjury induced Claude E. Herdin to present Stacey E. Richardson's perjured declaration to A 12-18-24 hearing. which caused the Judge to grant SCOC summary judgment based on A perjured declaration. Because "OP-2104 48-48.2 is in place for the safety and security of inmates. SCOC violating this policy is Gross Negligence... And caused injury ~~to~~

2) Exh. D OP-2104 48-48.2 mandates: Inmates shall be matched with inmates with similar characteristics to other inmates. Security Threat Group is one of the listed characteristics that cell assignment should be based on, to determine similar characteristics when compatible, cell housing Partners.

CLERK OF COURT
JAN 28 PM 12:33
CLERK OF COURT

State of South Carolina
County of Richland

Ricardo Fishburne 2796661
Plaintiff,

v.

S.C. Dept. of Com.
Defendants.

In The Court of Common Pleas
5th Judicial Circuit

Case # 2018-CP-400-3700

59 e motion To
Alter/Amend Judgment

FILED
RICHLAND COUNTY
2023 FEB 19 PM 4:05
JANETTE W. MCCOY
CLERK, S.C.

Plaintiff now moves the court reasserting a 59 e motion that was filed on 1-28-25. This motion is to make sure the Judge Daniel Coble gets this motion, that I filed 1-28-25 59 e motion to Alter Judgment

The motion to Alter Judgment is based on the fact that the order incorrectly alleges I did not present a 21.04 vs. - vs. 2 policy that Proves ~~see~~ violated its policy and caused injury. Plaintiff addresses this court to a 59 e filed on 1-28-25 on this case. And the evidence thereon because Paul Gaurten At Common Pleas says the Judge needs to be aware of the 59 e motion. I filed the 59 e to Judge Coble. However, out of an abundance of caution Plaintiff is submitting this 59 e supplement asking Dr. Coble to take notice of the 59 e on file. It was filed 1-28-25... The order is dated 1-27-25, Plaintiff re-asserts the 1-28-25 59 e on file...
I did mail 59 e to Judge Coble on 24-25.

Certificate of Service

2-4-25

Ricardo Fishburne
Ricardo Fishburne

A Non STG "Security Threat Group" inmate is no similar to A STG inmate that non caffeinated coffee is similar to caffeinated coffee... They're opposites

Stacey E. Richardson's declaration was perjury or subornation of perjury. Causing the court to grant SCA Summary Judgment based on perjured evidence. See Exh. D that proves the declaration was/is perjured and subornation of perjury...

3.) The court shall hold Stacey E. Richardson and Claude E. Hardin accountable for perjury and subornation of perjury... Contempt of court, and,

4.) The court shall Alter/Amend the order and deny SCA Summary Judgment pursuant to Rule 59 e... Because the perjured evidence caused the order - Ruling to not match the evidence at Exh. D that Plaintiff submitted with at the 12-18-24 hearing. Claude E. Hardin should this policy to the court via Zoom as well. The court shall Alter/Amend this 1-7-25 order because it's not based on specific findings and facts or conclusions of law.

Centric of Service
Perjury heard be enforced to Richland Clerk
Ricardo Fishbone
Box 205

State of South Carolina
County of Richland

Ricardo Fishburne
Plaintiff,

v.
S.C. Dept. of Cor.
Defendants.

In The Court of Common Pleas
5th Judicial Circuit

CA# 2018-CP-400-3202

Rule 59e Motion

Alter and/or Amend

Judgment / Abuse of discretion

FILED
2025 JAN 20 PM 1:33
MAGISTRATE COURT
RICHLAND COUNTY

Plaintiff now moves the court with A Rule 59e Motion to Alter and/or Amend the 1-7-25 order per Rule 59e because the order fails to state the findings of facts and conclusions of Law as to Plaintiff's arguments at 12-18-24 hearing.

1) Defendant SCDC's Stacey E. Richardson submitted a declaration incorrectly alleging that SCDC does not have a duty to refrain from housing a non STG inmate with a STG inmate. And that a inmate that's been transferred to a prison for being stabbed is not considered a vulnerable inmate. See Stacey E. Richardson's Declaration submitted with SCDC Summary Judgment on 12-13-24, incorrectly stating such

on 12-13-24, incorrectly stating such

Stating that A non STG inmate shall not be assigned to A cell with A STG Security Threat Inmate because they are not compatible with similar characteristics. A brief look at OP 2104 48 declares these policies are precautionary measures to see to inmates safety. To house A Non STG inmate with A STG inmate causing injury is Gross Negligence because OP 2104 48, 48.2 foresaw the assaults. And the injury was preventable had some conduct duties/Responsibility.

2) Exh: D OP 2104 48-48.2: "Cell Assignment will be made on the basis of an inmates prior history of Assaultive behavior, STG Security Threat Group Affiliation and Separation Requirements. Inmates should be matched with respect to similar characteristics to other inmates in order to determine cell assignment partners. The ICC will compare these characteristics when determining compatible cell housing partners." End Quote.

Inmate offense History Exh: E

See Exh: E for evidence that the inmate that assaulted Plaintiff and housed with Plaintiff was STG. Page 11 of Defendants 12-13-24 Summary Judgment admits this.

The Plaintiff argued it was negligence to house A Non-STG inmate with A STG inmate at the 12-18-24 hearing. Because it was violation 2104 47.5 Duty Exh: C

OP 2104 47.5: "The ICC will be responsible for making and monitoring cell assignments... The

Committee will ensure that vulnerable inmates are separated to the extent possible from those inmates with histories of Assaults. See Exh. C Inmate Classification Plan 21.04-47.5, See Exh. E inmate that Assaulted Plaintiff was Assaultive 35TG

This policy was referenced in the Plaintiff's Summary Judgment that was pending since May 2022 and Plaintiff supplemented that Summary Judgment on 10-10-24. See Exh. —

Supplement to Summary Judgment. Filed on 10-10-24 on this case docket. The order shall be altered/Amended.

At the 12-18-24 hearing Plaintiff argued that SCDC breached its duty by housing Plaintiff in cell ^{with an inmate} ~~the cell~~ with a history of Assaultive behavior and a Security Threat Group affiliation. The OP-21.04 48.2 and 47.5 policy was submitted on 12-18-24 to substantiate Plaintiff's claims. Which is clearly a genuine issue of material facts. where Steacy E. Richardson declaration Admitted Gross Negligence and breach of duty that caused the 6-16-17 injury ~~and~~ in violation

Of said policy. Therefore the 1-7-25 order shall be Amended, altered because it does not reflect what Steacy E. Richardson Declaration admits. Judgment Notwithstanding the verdict, due to Abuse of discretion.

45 This 1-7-25 order does not state specific Findings of facts and conclusions of Law because Steacy E. Richardson's declaration admits SCOC violated 24-1-130 / 24-1-40 State / Federal Code of Law via violating OP-2404 47.5, 48.2 at Exhs A-D.

The Court Judge Coble Failed to Rule on Plaintiffs Counter Suit And Summary Judgment. He incorrectly alleged that Cassey Manning denied Plaintiffs Summary Judgment. That's not possible Casey Manning Retired years ago on 7-31-24 Coble promised he would hear it.

Plaintiff Filed Counter Summary Judgment 12-4-24. It was placed in prison officials custody 12-4-24. Its prejudice and abuse of discretion to not hear the Plaintiffs Summary Judgment And Counter claims.

5) Plaintiff did not have proper 30 days to respond to Defendants Summary Judgment they filed on 12-13-24. which deprived Plaintiff time to defend it.

However, Steacy E. Richardson's Declaration admitted to housing a Non-SCOC Security Threat Group inmates together, incorrectly Alleging its not Against SCOC Policy. This Alone is reckless, wanton, incompetence, And Grossly Negligence. because inmates are not compatible... This injury was foreseeable, preventable.

had SCAC adhere to its own policies, duties and Responsibilities. Violations of SCAC's duties and Responsibilities proximately caused injuries on 6-16-17. "Exhib D 21.04 policy" demonstrates inmates must be compatible to be housed in a Cell together. STG and Non STG is incompatible clearly. That's a Genuine issue of material fact.

SCAC violated "21.04 47.5 Exhib C policy" as well. This Assault was foreseeable because 47.5 Mandates a duty for SCAC to keep assaultive inmates with histories of Assaults separated from vulnerable inmates. See "Exhib A 21.04 47.5 policy."

Plaintiff had been transferred to Tyger River from Broad River due to a couple stabbings. See "Exhib F SCAC Health Services" for Reason for transfer to Tyger River. Which makes Plaintiff susceptible, prone to assault - vulnerable... SCAC housing Plaintiff with a inmate with Assaults on his record and STG affiliation ~~at~~ Exhib E was careless, reckless, wanton, Gross Negligence. It also violates 24-1-130 / 24-1-140 S.C. Code of Law. See Exhib A pg 1 state / Federal Statute. Genuine issues.

6) Clearly a Genuine issue of material facts were litigated and argued at the 12-18-24 Summary Judgment hearing that requires SCAC be denied Summary Judgment. Exhibits A-F proves it. AS A matter of Law.

The Court shall either Amend this Judgment because the verdict does not match what evidence proves. public discretion.

7) There's the evidence At 12-18-24 hearing where Plaintiff alleged SCOC operating the Prison short of staff on 6-16-17 proximately caused no officer to be in sight and sound of the living area. on 6-16-2017 when the officer went to the restroom. Due to SCOC operating Tiger River with one officer on 6-16-17 no officer was within sight and sound of the living area to prevent the stabbing. Had a officer be in sight and sound they would have seen (A. Williams) the inmate that stabbed Plaintiff walking back and forth in the living area, throwing Plaintiff's property on the Rock. SCOC has been in violation of "Exhibit D post orders" where no officer was in sight and sound on 6-16-17. To curtail this assault.

8) Plaintiff argued on 12-18-24 that the TOM Both Report caused SCOC to be denied Summary Judgment at ~~XXXX~~ ^{District Court} Battle v. SCOC 9:19-cv-1739-TMC and Milan v. SCOC 2020 WL 4888473 at 19 for operating the Prison short of staff... SCOC also has settled lawsuits for these Exhibit D policy violations not being within sight and sound and operating the prison with one officer in the unit At Ronnie Drake v. SCOC 9:19-cv-574-JD 3
Ronnie Drake v. SCOC 9:19-cv-572-JD leaving wing unattended

See The Counter Summary Judgment that Plaintiff filed on 12-4-24. These motions are considered filed when they ~~were~~ placed in the prison officials hands. on 12-4-24 A Counter Summary Judgment / Response to SCOC Summary Judgment was mailed out.

The SCOC attorney on 12-18-24 admitted allegedly, this motion that Plaintiff filed on 12-4-24 was lost and the clerk found it on 12-18-24. However, Plaintiff argued this Counter Suit - Summary Judgment on 12-18-24 but the court has not issued an ruling on the Counter suit for "post orders" on 21.04 4/8.2. The policies litigated therein the 12-4-24 Counter Suit. The court shall alter/Amend Judgment because the verdict does not reflect what the Evidence alleges. where SCOC breached several policies. e.g. such as Stevey E. Richardson Admitted they housed a Non-STG inmate with a STG Security THREAT... That's clearly A genuine issue of material fact... Not to mention the pre-existing Tom Roth precedent laws denying SCOC Summary Judgment for operating a prison short of staff with one officer manning

A dom. See *Mulren v. SCAE* 2020 WL 4888973 at 19
Beattie v. SCAE 9:19-cr-1739-TMG. *Matthew Gilliland*
v. SCAE. In these cases District Courts have
issued pre-existing precedents denying SCAE
Summary Judgment on this ground alone. Because
The Tom Roth Report demonstrates operating a
Prison with one officer creates and encourages
Prison violence and opportunity to commit assaults.

The court had to notice Stacey E.
Richardson's declaration admitted to Gross
Negligence by housing inmates that are not
compatible caused injury. The inmate pled
guilty to stabbing Plaintiff. Due to violation of policy.

Lastly, Plaintiff argued on 12-15-24 that
the video evidence will prove no officer was
in sight and served in violation of "Exh. D post
orders." Unfortunately, see Deposition pg 33 that
SCAE submitted on 12-17-24. The video evidence
is lost. Which in itself deprives critical
evidence to prove violations of policies ~~that~~ that
will prove one officer operated the unit. This video
being lost is SCAE's problem and it requires Jackson/Gross
evidence could be proven with that video. Its lost.
... answer for Appeal.

Because due to SCOC destroying critical evidence that's needed to prove only one officer was assigned to the unit AND that officer was not in sight AND sound of the living area is depriving the Plaintiff evidence to prove Gross Negligence.

This alone is genuine issue of material fact to deny SCOC summary Judgment.

See An Affidavit filed on 12-17-24. The complaint is verified. Verified complaints and affidavits based on personal knowledge is considered evidence and defeats summary Judgment standing alone.

This Court shall Alter this summary Judgment and deny it because SCOC did not put forth ANY evidence... Plaintiff did see OP 2104, OP-22-24 policies. violations. The Court abused its discretion. Bias. *Protest Fishburn Records Fishburn 1-21-25*

Certificate of Service
I did mail this file motion to Alter/Amend Judgment to Richland Clerk of Court on 1-21-25. *Records Fishburn Pro Box 205 D. Leeville SC*

2018CP4003700 Exhibits

The McKay Firm, P.A.

3700 Forest Drive
Columbia, South Carolina 29204

Post Office Box 7217
Columbia, SC 29202

(803) 256-4645 Telephone
(803) 765-1839 Fax

www.McKayFirm.com

C. E. "Skip" Hardin, Jr.
Of Counsel

chardin@McKayFirm.com

EXHIBIT A

December 18, 2024

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
9589 0710 5270 1601 9723 59

Ricardo Fishburne, #279661
Lieber Correctional Institution
P.O. Box 205
Ridgeville, SC 29472

Re: Ricardo Fishburne, #279661 v. South Carolina Department of Corrections
Civil Action No.: 2018-CP-40-3700
Our File No.: 9-541

Dear Mr. Fishburne:

Enclosed please find a copy of **OP 21.04: Inmate Classification Plan**, that I am sending to you as discussed in court this morning.

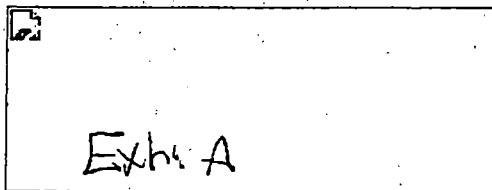
Thank you,

Sincerely yours,

s/C.E. "Skip" Hardin, Jr.

C. E. "Skip" Hardin, Jr.

CEH/bmj
Enclosure



SCDC POLICY/PROCEDURE

Change 1 to OP-

21.04; 2.7; 5.1.8; 6.1; 8; 10.6; 12.1; 15; 16; 21; 24.2; 27.2; 27.3; 27.5; 27.6; 27.8; 28.1; 28.2; 28.5; 28.7; 29; 29.2; 30.4; 37.2; 37.5; 37.9; 37.11; 37.12; 38.1; 38.4.1; 39; 39.1; 39.2; 39.3; 39.4; 44; 47.1; 47.3; 49; 50; 50.3; 51.2; 52.5; 53.1; 54.1; 63.1; 67.8;

Change 2 to OP-21.04: 8; 10; 10.6; 10.8; 15; 38.4.1; 43; 44; 68.1

NOTE: WITH THE UPCOMING DELETION OF SCDC POLICIES OP-22.12, "SPECIAL MANAGEMENT UNIT," AND OP-22.11, "MAXIMUM SECURITY UNIT (MSU)," AND THE REPLACEMENT OF THESE TWO (2) POLICIES WITH A NEW POLICY, OP-22.38, "RESTRICTIVE HOUSING UNIT (RHU)," ALL MENTION OF THESE TWO POLICIES HAVE BEEN STRUCK THROUGH AND REVISED TO REFLECT THESE CHANGES THROUGHOUT OP-21.04.

NUMBER: OP-21.04

TITLE: INMATE CLASSIFICATION PLAN

ISSUE DATE: OCTOBER 21, 2013

RESPONSIBLE AUTHORITY: DIVISION OF CLASSIFICATION AND INMATE RECORDS

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: OP-21.04 Change 3 (September 26, 2012); Change 2 (February 10, 2011); Change 1 (February 3, 2011); (JANUARY 1, 2011); (JANUARY 1, 2010); (AUGUST 1, 2006); (JANUARY 1, 2005); Change 1 (March 28, 2005); Change 2 (October 1, 2005)

RELEVANT SCDC FORMS/SUPPLIES: 18-1, 18-3, 18-6, 18-34 18-39, 18-68, 18-69, 18-78, 18-79, 19-11, 19-17, 19-29, 19-30, 19-45, 19-47, 19-54, 19-97, 19-100, 19-123, 19-141, 27-4, 27-9, 27-10, 27-16, 27-17, 27-18, 27-23, 27-49, 27-53, 27-67, 27-70, M-14, M-31, S-13, S-15, S-28, S-32, B-19, 447-SC-DMV

RELATED HEALTH SERVICES PROCEDURES: 300.9, 300.25, 300.27

ACA/CAC STANDARDS: 4-ACRS-2A-07, 4-ACRS-2A-08, 4-ACRS-3A-03 through 4-ACRS-3A-06, 4-ACRS-5A-01, 4-ACRS-5A-03 through 4-ACRS-5A-06, 4-ACRS-5A-11 through 4-ACRS-5A-16, 4-ACRS-6A-10 through 4-ACRS-6A-12, 4-ACRS-6B-01, 4-ACRS-6B-02, 4-ACRS-7B-03, 4-ACRS-7D-07 through 4-ACRS-7D-10, 4-ACRS-7D-32, 4-ACRS-7D-33, 4-ACRS-7F-01, 4-ACRS-7F-04, 4-ACRS-7F-05, 4-ACRS-7F-08, 4-4017, 4-4095, 4-4096, 4-4235, 4-4250, 4-4253, 4-4255, 4-4285, 4-4286, 4-4287, 4-4288, 4-4289, 4-4290, 4-4291, 4-4292, 4-4295, 4-4296, 4-4297, 4-4298, 4-4299, 4-4300, 4-4301, 4-4302, 4-4303, 4-4304, 4-4305, 4-4344, 4-4442, 4-4444, 4-4449, 4-4499.

STATE/FEDERAL STATUTES: *Section 17-25-65, South Carolina Code of Laws, 1976; Section 24-1-140, South Carolina Code of Laws, 1976, as amended; Prison Rape Elimination Act (PREA) Statute 42 USC 15601; PREA Standards 115.41, 115.42, 115.43, 115.81.*

PURPOSE: To provide a general outline of the Agency's inmate classification plan and to establish the general criteria by which inmates will be classified and assigned to housing within the Agency.

- Exh-B
- **L3 Area Mental Health** - Inmates' ability to function in a general population is moderately impaired due to mental illness. They are easily overwhelmed by everyday pressures, demands, and frustrations, resulting in disorganization, impulsive behavior, poor judgment, delusions, hallucinations or other exacerbations. They are seen by mental health professionals at least monthly, and require treatment update every six months.
 - **L4 Outpatient** - Inmates may be housed in general population or structured living unit. Inmates' ability to function in general population is mildly impaired or needs monitoring due to change in medication, recent move from higher level of care, or history of self-injurious behavior. They are seen by mental health professionals at least every 90 days.
 - **L5 Stable** - Inmates carry a mental health diagnosis, symptoms in remission, eligible for KOP (carry on person) medication. Inmates' ability to adjust and function in general population is not impaired due to mental illness. They are seen by mental health professionals at least every six months.
 - Inmates are considered admitted to Mental Health Services after the Health Summary has been revised to indicate MI status. They will subsequently be assigned to institutions that provide the appropriate level of mental health care.

16. ~~SPECIAL MANAGEMENT UNIT (SMU) RESTRICTIVE HOUSING UNIT (RHU) SECURITY DETENTION:~~ For more specific details, refer to ~~SCDC Policy/Procedure OP-22.12, "Special Management Unit."~~ **SCDC Policy OP-22.38, "Restrictive Housing Unit (RHU)."** (Changes in BLUE are amended by Change 1 to OP-21.04, dated March 30, 2015.)

16.1 When reviewing inmates for release from security detention to a less restrictive custody, the reasons for initial placement in SD and overall behavior while in ~~SMU~~ RHU will be taken under consideration. If this review indicates that the inmate was placed in SD for life threatening circumstances, serious injury/assault, or criminal charges as a result of the incident, the inmate will be placed in medium custody. Inmates may be placed in minimum custody if disciplinary convictions/incidents are of a less serious nature.

17. PROTECTIVE CUSTODY: For more specific details, refer to SCDC Policy/Procedure OP-22.23, "Statewide Protective Custody."

18. SEPARATIONS/CAUTIONS: To establish guidelines to flag the records of inmates for whom special caution must be taken for certain actions involving these inmates.

18.1 State Classification will be responsible for issuing the official caution to be placed in the inmate's records when conditions or circumstances exist that would potentially jeopardize the safety and security of the inmate, employee(s), or other persons. SCDC Form 19-141, "Separation/Caution Memorandum," will be submitted to the State Classification Committee (SCC).

18.2 The reasons an inmate may be identified with a Separation/Caution include:

- The inmate has testified against another inmate, and this is verified through court documentation, solicitor's office, or law enforcement.
- The victim, victim's family members, or known associates are incarcerated or employed at the inmate's assigned institution, and this is verified through court documentation, solicitor's office, law enforcement, victim/witness office, or employee.
- There are known strong hostilities between inmates, and this is verified by MINs and/or SCDC Form 19-29, "Incident Report."
- The inmate has physically assaulted and/or caused *serious* injuries to an SCDC employee who works at an institution, and this is verified by MINs and/or SCDC Form 19-29.
- The inmate makes written or verbal threats against an employee(s) or other inmate(s) that are found to be credible by institutional or Agency personnel. A relative of an inmate is employed at the institution or with the SCDC.

46.2 If the Warden disagrees with the recommendation of the ICC, the Warden must submit his/her concerns in a memorandum, through Division Director of Classification and Inmate Records, to the **Deputy** Director of Operations. The **Deputy** Director of Operations will be responsible for resolving any disagreements.

Ex. C
46.3 The State Classification Committee (SCC) will have the authority to override Institutional Classification Committee decisions when such overrides are deemed by the SCC to be necessary in the interests of good correctional practice, i.e., in order to ensure the safety, security, and orderly management of offenders and institutions. In the event of such an override, the SCC will clearly state the reasons for the override and explain the reasons in sufficient detail. The ICC may appeal the SCC decisions to the Division Director of Classification and Inmate Records.

47. INMATE HOUSING ASSIGNMENTS: It is the policy of the South Carolina Department of Corrections that each inmate will be housed in such a manner so as to ensure, to the maximum extent possible, that the safety, security, and treatment needs of all inmates are being met, and the safety and security of staff and the institution are maintained. All inmate housing assignments, to include assignment to an institution and to specific housing areas, will be made on the basis of rational, objective criteria. The ICC for inmate housing and cell assignment will consist of the Classification Case Manager/Caseworker assigned to the inmate and the Unit Lieutenant/Security Designee. All ICC hearings for cell assignments will be documented on the SCDP Form 18-3 Cell Assignment.

47.1 General Housing Guidelines: The following guidelines for inmate housing assignments, to include assignment to the institution and to a specific housing area, will be followed by all classification committees and by all individuals with authority to make specific decisions related to inmate housing. Housing assignments will be made on the basis of an inmate's total record, as required by the inmate's current needs and circumstances as documented in the inmate's institutional record, medical and health summary, cell assignment form, and automated record. The Division of Classification and Inmate Records will identify housing areas to separate inmates *in cells* by custody designation. ~~Inmates will only be housed with inmates of like custody designations.~~ (Changes in BLUE, amended by Change 1, dated March 30, 2015.)

47.2 Inmates Assigned Out of Custody Level: If a bed in an inmate's assigned custody is not available or the custody designation itself is not available at the institution, the inmate will be assigned by the Institutional Classification Committee (ICC) to housing which can best provide for the safety and security of the inmate, other inmates and staff, and the institution. The Case Manager/designee will monitor inmates housed out of custody for more than 30 calendar days and assure that appropriate action is taken. Inmates assigned to cells will be assigned to share a cell only with inmates of the same custody designation.

47.3 Special Considerations: ~~In making housing assignments, consideration will be given to characteristics such as violent or passive tendencies, criminal sophistication, disciplinary history, separation/cautions, and current institutional adjustment. Consideration may also be given to an inmate's job assignment if such consideration is consistent with the inmate's needs and requirements relative to safety, security, and treatment. Assignments to cells will be made consistent with the inmate's current cell assignment status.~~ (Changes in BLUE, amended by Change 1, dated March 30, 2015.)

47.4 No inmate will be assigned to any housing area solely on the basis of race, color, or ethnic origin.

47.5 The ICC will be responsible for making and monitoring cell assignments. The committee will ensure that vulnerable inmates are separated to the extent possible from those inmates with histories of assaults.

47.6 Housing-related restrictions and recommendations of health services professional treatment staff, as noted on the MEDCLASS Screen, will be followed by all classification committees and classification and security staff. If the ICC determines that conflicting security and treatment concerns exist in terms of an appropriate housing assignment for an inmate (e.g., single-celling vs. double-celling), the committee will immediately refer the matter to the Warden or designee and the Institutional Health Care Authority for resolution.

47.7 Housing restrictions and recommendations of health services will be followed by the ICC. A representative from the treatment staff will be included on all ICC reviews of cell assignment in special needs units. Inmates assigned to special needs units will be housed according to their treatment needs. The ICC will continue to work with the treatment staff to ensure that inmates with patterns of assaultive or disruptive behavior are separated from more vulnerable inmates.

48. CELL ASSIGNMENT FORM: The SCDC Form 18-3, "Cell Assignment Form," will be used to determine the appropriate cell assignment for inmates and will be completed on all inmates housed in cells. The SCDC Form 18-3 is not used for wards or open bay areas. The cell assignment checklist consists of a series of questions designed to record pertinent information which will affect the inmate's housing assignment. The SCDC Form 18-3 and other relevant information and criteria will be used by the ICC or individuals with authority to make specific decisions related to inmate housing (e.g., Warden, Associate Warden, or Major) to determine the inmate's cell assignment. All inmate cell assignments should be made on the basis of rational, objective criteria, taking into consideration each individual inmate's safety, security, treatment, and rehabilitation needs. The SCDC Form 18-3 of all cell partners must be reviewed and updated to ensure compatibility. The SCDC Form 18-3, "Cell Assignment Form," must be updated each time that inmates are moved. Inmates in specialized treatment programs who are assigned to a cell will be exempt from the cell assignment process and completion of the SCDC Form 18-3, "Cell Assignment Form." Inmates in specialized treatment programs will be assigned to cells in accordance with their respective treatment. 1B inmates housed in labor crew dorms and specialized work units at Level 2/3 institutions will be exempt from the cell assignment process (designated dorms must house labor crew inmates only).

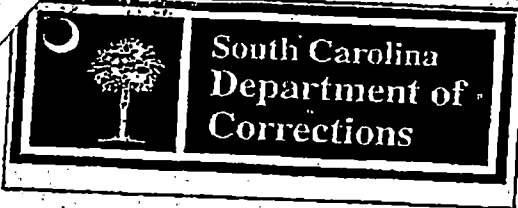
48.1 PROCEDURES: Upon arrival at the institution, each newly received inmate will appear before the Institutional Classification Committee within 72 hours (excluding weekends and holidays). The ICC chairperson or classification caseworker assigned to the inmate will complete the SCDC Form 18-3 and determine the inmate's cell assignment status. The following guidelines for cell assignment will be observed by the ICC or individuals with authority to make specific decisions related to inmate housing (e.g., Warden, Associate Warden, Major, Operations).

48.2 GENERAL HOUSING GUIDELINES: Cell assignment will be made on the basis of an inmate's criminal and behavior profile, physical and mental health restrictions, prior history of assaultive behavior, Security Threat Group affiliation, and separation requirements. Inmates should be matched with respect to similar characteristics to other inmates in order to determine cell assignment partners. The ICC will compare these characteristics when determining compatible cell/housing partners. Housing restrictions and recommendations of health services professional staff as noted by Health Services will be followed by the classification committee and security staff. Any inmate identified by the classification committee as being too assaultive or too vulnerable to be safely housed with another inmate will be housed in a cell alone. The inmate can request a cell change once a year at his/her annual review. The ICC will review the inmate's request and make a decision related to inmate housing.

48.3 CELL ASSIGNMENT: Cell assignments will be made on the basis of the criteria listed below. Consideration will be given to all criteria to ensure that the safety and security of all inmates and the institution are maintained.

INSTRUCTIONS FOR COMPLETING

Exhibit D



PO# 35

Number: 35
 Title: Housing Unit
 Date Issued: January 9, 2018
 Supersedes: December 16, 2016
 Approved By: Michael McCall
 Deputy Director for Operations

POST ORDERS

AUTHORITY: DEPUTY DIRECTOR FOR OPERATIONS

PURPOSE: To specify the duties of the Housing Unit Officer in supervising the inmates assigned within the duty post. This officer will maintain inmate accountability, movement, and control within the duty post.

NOTE: Multi-Threat Vests must be worn at all times by Housing Unit Officers within Level II and Level III Institutions. This Officer will maintain a clear, factual, concise and permanent log of all events to include all staff assigned, all visitors, all equipment/keys assigned, inmate count, all inmate activities conducted, and any other incidents or emergencies related to this unit.

I. DUTIES AND RESPONSIBILITIES:

The Housing Unit Officer will:

Shift Change

- A. Exchange inmate count information as well as any other vital information with the oncoming officer. An inventory of all security equipment will also be performed prior to the shift change.

Inmate Movement Control

- A. Prepare the inmates for scheduled activities prior to the execution of that particular activity.
- B. Ensure that all inmates released for activities are properly dressed, groomed, supervised and displaying an SCDC identification card.
- C. Maintain an accurate count of all inmates (i.e., pass books, inmate roster, destination sheets, out-count) etc.
- D. Ensure all releases for controlled movement of inmates occur only as prescribed by the "Institutional Controlled Movement Schedule".

- E. At Secure Level II and Level III Institutions, all inmates will be searched utilizing a hand-held metal detector/ scanner prior to being released from unit. In the event a hand-held metal detector/ scanner is temporarily unavailable, inmates will be thoroughly frisk searched.**
- F. Ensure inmates who fail to report for required activities without proper authorization will be reported to the appropriate supervisor.**
- G. Ensure wing doors are secured except while allowing entry or exit. In addition to wing doors, all entrance/exit doors, which directly access the yard at level II and III institutions with "Controlled Movement" will be secured no later than 9:30 PM until breakfast release the next morning. The keys to the entrance/exit doors will be retained by the Yard Officer. Where applicable, see "Specific Institutional Post Orders" for further information.**

Key Control

- A. Maintain Housing Unit keys at all times. Keys will be affixed to an agency key lanyard and secured to the officer's belt. The belt will be threaded through the lanyard ring as per Agency policy and procedure and the keys will be carried inside of the BDU upper pants pocket or approved SCDC Key Pouch. Keys will not be attached to a Karabiner, D-Ring, hook, etc. at any time. At no time will Unit keys be given to inmates.**
- B. Officers will only possess those keys necessary to access doors, storage, and other security related items within their assigned work area/ wing. Officers will not possess keys which would allow access into other wings within the housing unit or keys which would allow egress from the housing unit during the night shift.**

Count

- A. Announce count time and require all inmates to report to their appropriate locations, i.e., cells, work stations, etc.**
- B. PERSONALLY count and record his/her findings on the count sheet.**
- C. Ensure that inmates are counted independently by two (2) employees, during formal/roll call counts.**
- D. Tally, verify, call in, and turn over the count sheets to the appropriate supervisor. When the count is clear, normal activities will resume.**

II. OTHER DUTIES AND RESPONSIBILITIES:

- A. Randomly frisk search inmates before allowing entrance to or exit from the Unit.**
- B. Allow only assigned inmates entrance to the Unit.**

- C. Supervise the inmate workers assigned to clean the Unit.
- D. Conduct frequent inspections/searches of the Unit/rooms/cells to ensure safety, security and cleanliness as designated in the Specific Institutional Post Order.
- E. Supervise day room activities.
- F. Report all incidents to his/her immediate supervisor.
- G. Distribute over-the-counter medications and document distribution on the Medication Log Sheet.
- H. Be thoroughly familiar with the institutional evacuation procedures.
- I. Provide general assistance to inmates assigned to his/her Unit regarding agency or institutional questions or concerns. The officer may refer inmates with personal problems to an appropriate staff member.
- J. During unit/ institutional lock down, due to disturbance or for disciplinary reasons, all cells will remain locked and secured at all times. Cell doors will only be opened and secured, one at a time, for feeding, showers, medical issues, or as directed by the Major or above. When cell doors are opened there must be at least three (3) uniformed security staff members present, one being the rank of Sergeant or above. Two of the uniformed security staff will be present at the cell door when opened and the third will remain a safe distance away and will be armed with an MK-IX or Ispra chemical munitions dispenser. When activated the third or "Cover Officer" post is not a pull post and should remain in place until the lock down has been cleared.

III. GENERAL DUTIES:

- A. This officer will remain within sight and sound of the inmates to ensure constant supervision within the living area.
- B. When a staff member or visitor enters the unit which is of the opposite sex of the inmates, and there is no other individual of the opposite sex currently present within the housing unit, the staff assigned to the unit will make an announcement of such. This announcement may be made by public address system or by clear and loud voice command that an individual of the opposite sex is in the area. No additional announcements are required as long as the member of the opposite sex is on post. These announcements must be recorded in the unit log book each time they are conducted.
- C. This officer will be responsible for any other duties as may be assigned by a Supervisor.

Exh. D

PO# 35

4

- D. Employees are not permitted to have reading materials on this post other than that which pertains to their duty. There will be no sleeping on this post, consumption of alcoholic intoxicants or other drugs, watching television or listening to commercial radios. Housing Unit Officers may not leave this post until properly relieved.
- E. Employees assigned to this post are not permitted to possess or utilize any personal electronic devices (i.e. cell phone, black berries, computer, I-Pods, games, blue tooth devices, Fitbit, Cell phone watches, or any combination thereof).

Michael McCall
Signature on File

SPECIFIC INSTITUTIONAL POST ORDERS AS APPROVED AND DATED BY THE WARDEN:
TURBEVILLE CORRECTIONAL INSTITUTION
INSTITUTIONAL SPECIFIC POSTERS TO HOUSING UNIT #35

Officers assigned to this post will be equipped with chemical munitions, handcuffs, two way radio and the necessary keys.

Note:

Keys are to be attached to the officer's belt at all times (under most belt not duty belt), by inserting the belt through the big key ring.

This officer is responsible for:

1. Exit doors will be checked immediately upon assuming post and log in the Logbook.
2. Ensuring all area of the building are always clean seven days a week. A daily inspection of the buildings and inmates are adhered to as per policy and procedures.
3. Conducting and inspection of the recreation field before and after their wing receives recreation privileges and log in the Logbook.
4. Conduct radio and phone checks with the control room within the first hour of duty and log into the Logbook.
5. Allowing only assigned unit inmates in the building/dayrooms.
6. Conduct inspections that will take place on all shifts.

PO# 35

5

E.W.D.

- a. Showers will be closed Monday – Friday 8:00-9:00 am for cleaning. Request can be made to or by a Unit Manager to keep the showers closed for more extensive cleaning if necessary.
 - b. Inspection will include all areas of the unit; with emphasis on security, safety, and cleanliness. Notations would be made of anything not in the guidelines of SCDC.
 - c. A daily inspection must be completed on each shift to include weekends and holidays.
 - d. All Safety Data sheets will be located in the closet where the chemicals are being stored. The Unit Manager will verify that the chemicals are being stored properly.
7. All building logbooks will begin at each shift with the following: shift, date, officer and my equipment received.
Statement: I officer, _____, have assumed duties and responsibilities of Post # 35. I have read and understand the post order, conducted a security check and received all keys and equipment of the post. Shift _____ Date _____ Time _____.
8. Anytime a female enters the wing an announcement will be made indicating such and that is to be documented in the logbook in red.
 9. Documentation in the unit logbook each time a Unit Counselor, Manager, Major, AW's or Warden. As well as any outside Agency of Non-Agency staff visit the dorms. These visits will be written in red ink in the logbook along with the time entered and the time exited the unit and the reason for the visit.
 10. Check and document all work orders in the logbook.
 11. Security checks will be conducted at least every 45 minutes to an hour during the shift. All security checks will be written in the Logbook to include the start and the finish time.
 12. Each shift officer will be required to conduct at least two (2) cell searches. All shakedown. Searches will be documented in the logbook to include the room number, the offender's name lining in the cell and who was present during the search. The SCDC form 18-10 Shakedown/Search Report, will be filled out and forwarded to The Shift Supervisor. Searches will be conducted with at least two (2) employees.
 13. Log all fire and emergency drills are to be logged on the date conducted with beginning and ending times and in the back of the logbook in red ink.

_____ on file
Richard Cothran, Warden

01/29/2018
Date

Exhibit **F** Medical Reports

MDCI880D
OMINMDCA

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES; MEDICAL SUMMARY

07/10/18
C041230

SCDC# 275661

RECARDO

FISHBURNE

PAGE 1

** ENCOUNTER: 322 FOLLOW-UP SICK CALL 07/26/16 15:46 TYGER RIVER COMP
TO MEDICAL ON ARRIVAL TO TYGER RIVER TO RECHECK MULTIPLE WOUNDS. CARE GIVEN
AS FOLLOWS:

1. TOP OF LEFT HAND -- 1 STAPLE INTACT. WOUND IS APPROX 1/3 INCH AND IS DRY AND INTACT. NO S/SX OF INFECTION.
2. LEFT THUMB WOUND -- 1 STAPLE INTACT. WOUND APPROX 1/3 IN. AND IS DRY AND INTACT. NO S/SX OF INFECTION
3. LEFT FA WOUND APPROX 1.5 INCHES AND IS GLUED -- INTACT. NO S/SX OF INFECTION.
4. LEFT UPPER ARM WOUND W/ 1 STAPLE -- INTACT. APPROX 1/3 IN. NO S/SX OF INFECTION.
5. 2ND LEFT UPPER ARM WOUND -- GLUED AND GLUE IS INTACT. APPROX 1 INCH. NO S/SX OF INFECTION.
6. LEFT BACK, JUST BEHIND LEFT AXILLA, 2 STAPLES -- INTACT. APPROX 1/2 INCH. NO S/SX OF INFECTION.
7. SMALL WOUND TO LEFT SCAPULA AREA. WAS ONLY COVERED W/ BANDAIDE. APPROX 1/4 IN LONG. EDGES APPROXIMATED. NO S/SX OF INFECTION.
8. LEFT THIGH WOUND -- GLUED. GLUE IS INTACT. APPROX 2 INCHES LONG. NO S/SX OF INFECTIONS.

WOUNDS THAT ARE STAPLED, CLEANED W/ WOUND CLEASER SPRAY AND PATTED DRY. GLUED WOUNDS WERE CLEANED AROUND THE WOUNDS, BUT NOT ON GLUED AREA AND PATTED DRY. NO S/SX OF INFECTION FROM ANY WOUND AND ALL ARE WELL APPROXIMATED. ALL COVERED W/ 1 REG. BANDAIDE EACH EXCEPT FOR THE LEFT THIGH WOUND AND THE LEFT BACK WOUND BEHIND AXILLA. THESE 2 COVERED W/ LARGE BANDAIDE. NO DRAINAGE FROM ANY WOUNDS. ISSUED OTR FOR RECHECK IN A.M. PT ED COMPLETED TO KEEP WOUNDS CLEAN AND DRY AND NOT TO GET GLUED WOUNDS WET. STATES UNDERSTANDING SIGNED OFF ON 07/26/16 @ 15:59 BY TRACEY A FOWLER, NURSE ADMINISTRATOR/MGR II

** ENCOUNTER: 321 DOCTOR'S CLINIC 07/26/16 8:42 BROAD RIVER COMP
SEE LAST NOTES

SENT TO ER PM 7/24/16, RETURNED 7/25/16 ← *stabbing happened.*
PLEASE CHECK ON INMATE WOUNDS TODAY

THOMAS E BYRNE MD
SIGNED OFF ON 07/26/16 @ 8:43 BY THOMAS E BYRNE, PHYSICIAN
INMATE TRANSFERRED TO TYGER RIVER. NURSING STAFF NOTIFIED TO CHECK WOUNDS AND SCHEDULE WITH MD FROM PREVIOUS ENCOUNTER.
SIGNED OFF ON 07/26/16 @ 12:19 BY MATTHEW L HARPER, NURSE ADMINISTRATOR/MGR I

***** END OF SICK CALL NOTES *****

Transferred on

Ricardo Fishburne 2796001
Lic. I MA # 207
Po. Box 205
Ridgeville, SC 29472

RECEIVED
APR 18 2025
SC Court of Appeals

RECEIVED
APR 18 2025
SC ADMIN LAW COURT

FOR LEGAL USE ONLY

Jenny Abbott Kitchings

S.C. Court of Appeals

RECEIVED

APR 07 2025
MAIL ROOM
LIEBER C.J.

Admin
Not
US

Po Box 11629
Columbia SC 29211

1205
Pudleton