

The State of South Carolina  
In the Court of Appeals

Appeal from Clarendon County  
Court of Common Pleas  
R. Ferrall Cochran, Jr. Circuit Court Judge  
Case No. 2024-CP-14-00548

South Carolina Dept. of Corr; Respondent,  
v.  
Christopher M. Kennan, Appellant.

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SC Court of Appeals

Brief of Appellant (pro se)

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Table of Authorities

- Case Law: <sup>2000 WL 1718517, Buford v. U.S. United States Supreme Court Petitioners Brief</sup>  
• Boddie v. Connecticut, 401 U.S. 371 (1970)  
• Booker v. SeDC, 855 F.3d 533 (4th Cir. 2017)  
• Carlson v. Green, 464 U.S. 14 (1981)  
• Carolina Nat. Bank v. Homestead Building & Loan Ass'n, 56 S.C. 12 (S.C. 1895)  
• Ex Parte Martin, 321 S.C. 533, 535 (1995)  
• Hiers v. South Carolina Power Co., 198 S.C. 280, 17 SE 2d 698 (1941)

SC Statutes

- SC Const. Art. I, §15 and SC Const. Art. I, §2  
SC Const Art. V, §5

2024-001861

## Statement of Issues on Appeal

- I qualified as indigent when I submitted my complaint to the Cleveland County Court of Common. I had zero income and zero assets. I now can pay though.
- My complaint concerns fundamental state and Federal violations of my Constitutionally protected rights.

I was sexually assaulted by multiple inmates who were sent to attack me by an SDC Corrections officer. He was later fired and arrested for assaulting another inmate.

When I reported my PREA assault, SDC staff punished me for months by withholding outside recreation. I showered in my cell. I only left my cell for 1/4 hour in seven months. I was held in solitary confinement w/o a review board. I begged for sexual assault counseling for months and still haven't received any at all! I was punished for asking for the help by Associate Warden at <sup>1st</sup> <sup>3</sup>.

Leading up to my sexual assault, I wrote to SDC staff for 3 weeks reporting rape/murder threats and three actual assaults. I endured. I reported an SDC C.A. as being responsible. This led to more staff retaliation. This is violation of my state and Federal rights to Free Speech. (1st U.S.C.A.) + SC

The state Court is held out as the sole remedy for SERCA claims and South Carolina Constitutional violations. This remedy is my only chance to redress certain state violations.

I was ignored for weeks while I reported being assaulted, threatened with rape and murder and left to fend for myself. I made these reports both in writing and in person. I was mocked in person.

I settled some Federal claims for \$55K and I can pay all fees now though when originally submitted I could not.

The S.C. Supreme Court held in Ex Parte Martin, 321 SC 533, 535 (1985) that indigent inmates should be allowed to proceed as indigent when certain fundamental rights are involved. Free Speech, Due Process and the right to be free from cruel and unusual punishment are fundamental state and Federal Constitutional rights.

- This appeals court did approve my in forma pauperis application even though the lower court did not.

## Statement of the Case 2024-001861

On 8/30/24 I sent two copies of my 1983 Complaint, in forma pauperes application, summonses etc. for each defendant, to the Clarendon County Court of Common Pleas (In addition to earlier attempts to file noted in my complaint).

On 9/12/24, Judge R. Ferrell Cothran denied me my in forma pauperes application and returned me the complaint unfiled. I received this denial on 9/19/24.

On 9/28/24 I sent notice of appeal to that court, Defendant "SCDC" and I have been granted the motion to resubmit this updated info within 30 days (from 5/27/25) - Notice of Appeal, Initial brief and Designation of matter. I received this order on 6/2/25. On 10/18/24 I sent my initial brief to all parties.

On 11/06/24, the lower court was ordered by this Appeals Court to file-stamp my submission, provide a case number and the Clerk was ordered to "perform her ministerial duties of filing... the appeal will be held in abeyance." I have never received word that my case is no longer being held in Abeyance.

On 3/19/25 Ms. Shanita Brangman - Clerk of Clarendon County Court of Common Pleas wrote to tell me that my case's (2024-CP-14-00548) appeal was denied by Judge Cothran on 11/14/24. This is not accurate and we are in the appeal right now. I have had previous attempts to appeal turned down for inapplicable reasons here. (see history section of complaint).

When I submitted my Complaint I qualified as indigent (Zero assets and zero income for 12+ months). The Clarendon County Court of Common Pleas denied my in forma pauperes application and refused to file my case. Until this court ordered they do so, they refused to even provide a case number.

No defendants have been served summons nor complaint to date. This is the basis of the remaining appeal. I need my defendants served and the appeal period to toll.

I was sexually assaulted despite the fact that I wrote various SCDC employees (including TCF Warden) telling them I'd been attacked 3 times and threatened with rape/murder. No one took a single step to intervene for me. In fact, they aggressively retaliated on me. (see Complaint).

The State Court remains my sole remedy for SCDC and state Constitutional violation.

## Standard of Review

"De Novo review usually governs when the issue does not turn on credibility assessments; when relevant legal principles acquire meaning only through application to particular facts." 2000 WL 1718517, Boford v. U.S., United States Supreme Court Petitioner Brief.

I am an incarcerated, pro se Plaintiff/Appellant and I beg this Court to liberally construe my argument here. This is the most succinct statement I found relating to my case.

Facts

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When I filed this appeal, it was after Clarendon County Court of Common Pleas denied me my in forma pauperis application. At that time I had zero assets and zero income. My Complaint was not filed, and was returned to me on 9/12/24 (received on 9/19/24).

on 9/28/24 Notice of Appeal was sent to the lower court and Named defendant "SCDC", on 10/16/24 all parties were sent my initial brief.

My case is now filed upon this court's 11/06/24 order to do so, yet my summonses haven't been served because my in forma pauperis application has been denied (repeatedly).

I believe that my case is tolling during this appeals process and I'd like this court to address this.

The South Carolina Supreme Court held in Ex Parte Martin, 321 S.C. 533, 535 (1995) that indigent inmates should be allowed to access the courts where certain fundamental rights are involved.

I had zero income and zero assets when I submitted my rape-related complaint. Certainly, I have a fundamental right to be protected from other prisoners, especially when the state takes away my ability to defend myself. I begged staff to protect me for weeks leading up to my sexual assault but staff refused to step in. In the three weeks leading up to my sexual assault, I reported three separate assaults on me by inmates sent by an officer; I was treated for a fractured jaw, but otherwise ignored. Staff ignored all the reports of attacks, murder and rape threats I received and didn't even write a single incident report.

After my sexual assault, I was kept in solitary confinement for seven months. My Complaint details some of the terrible conditions I endured while in "Protective Custody" following my sexual assault.

\* I can now pay all fees and I want to, I need my summonses issued to!

# Arguments 2024-001861

1. When I filed my complaint with the Clarendon County Court of Common Pleas I qualified as indigent. I had zero assets and income over the previous 12 months. I have zero strikes under PLTA. No reason was given by Judge Cochran for denying my application.

2. My case involves certain fundamental rights as discussed in Ex Parte Martin, 321 S.C. 533, 535 (1995) id at 535, citing Boddie v. Connecticut, 401 U.S. 371 (1970) ("Further, where certain fundamental rights are involved, the Constitution requires that an indigent be allowed to access the Courts.")

I begged for help for 3+ weeks prior to my sexual assaults. I was ignored by SCOC staff. I wrote them and reported these attacks, rapist ransacker threats and more staff refused to follow up and even retaliated on my for filing a PREA grievance related to my assault on 10/13/21.

The complaint also deals with my subsequent seven month stay in solitary confinement. I was only let out of my cell 24 hours during these seven months - not even to shower, since the shower was in the cell. Major Meeks ordered staff skip me for outside recreation for months due to my filing of a PREA grievance. (see complaint for more on this e.g. false discipline charge dismissed)

During the three months following my sexual assault I was prevented from receiving any mental health counseling by Defendant Porter who incorrectly checked that I didn't want treatment. I have an extensive paper trail showing that I continuously requested mental health treatment but got none.

Eventually I grew despondent and attempted suicide. In Carson v. Green, 466 U.S. 14 (1981) and elsewhere, the courts have widely recognized that inadequate medical care can rise to the level of cruel and unusual punishment.

S.C. Const. Art. 1 holds that a citizen's right to be protected from cruel and unusual punishment is a fundamental one as described in Ex Parte Martin, 321 S.C. 533, 535 (1995).

\* When I submitted my complaint I qualified as indigent. Now that SCOC settled with me some Federal claims I can pay all fees in full. When I get an invoice I can submit it to get you paid.

My claims focus on some of the most precious and fundamental state and Federal rights of Due Process, Free Speech and to be free from cruel and unusual punishment.

I beg the court to agree to this point.

## Conclusion

2024-001861

I can now pay all fees since SCDC settled some Federal claims for \$55K. I want to pay - I want my day in court.

I did qualify as indigent when I submitted my in forma pauperis application since I had zero income and zero assets the prior 12 months. My being protected from prison rape and staff assault surely qualifies as a fundamental right as discussed in Ex parte Martin, 321 SC. 533, 535 (1995) as is my right to be protected from retaliation for filing grievances as described in Booker v. SCDC 855 F.3d 533 (4th Cir 2017).  
I beg this court to accept this submission

Thank you.

Sincerely,  
Christopher M. Kennan

Executed on this 23rd day of June, 2025

at Tyger River CFF  
200 Prison Road  
Knox, SC 29335

6/23/25

The Honorable Jenny Abbott Kitchings  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Christopher M. Kennen v. SCDC  
Appellate Case No. 2024-001861

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Dear Ms. Kitchings,

I am enclosing the original copy of the Initial Brief (9 pages including cert. of service).

Please note, I did in fact submit an initial brief to this court on 10/18/24 but I wasn't provided any case number then. This submission is largely identical to my earlier submission. I updated the case no. info. I received from this court and the lower court.

Also, I settled some Federal claims with SCDC so I can pay all fees in full. Please send an invoice.

Furthermore, due to SCDC policy disallowing photocopies of my handwritten legal docs, I don't have an identical copy to be stamped and returned to me. However,

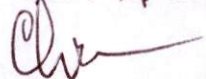
if you would bill me for a stamped copy I will pay for it to be sent to me if you are willing/able to do this for me.

Also included is a "Designation of Matter" (1 page). I don't have access to the court's Electronic filing system, so I couldn't be as specific as I'd have liked.

Thank you so much for your help.

Sincerely,

Christopher M. Kennen #38506



Tyger River CF  
200 Prison Road  
Enoree, SC 29335

Christopher M. Kennan #38506  
TYGER RIVER CTF  
200 Prison Road  
Enoree, SC 29335



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Jenny Abbott Kitchings - clerk  
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