

THE STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM CLARENDON COUNTY
COURT OF COMMON PLEAS

R. FERRELL COTHRAN, JR., circuit court Judge

Case No. 2024-CP-14-00548
(Appellate Case No. 2024-001861)

Christopher M. Kennan, Appellant
v.

South Carolina Department of Corrections, Respondent.

RECORD ON APPEAL

Christopher M. Kennan
Pro Se Appellant
TYRCI
200 Prison Road
Enoree, SC 29335-9308

RECEIVED

OCT 17 2025

SC Court of Appeals

- Letter dated 8-30-2024 2
- Order from Clarendon County Court denying in forma pauperis application dated 9-12-2024 3
- Letter and reply dated 9-28-2024 4
- Notice of Appeal dated 9-28-2024 5
- Order remanding to lower Court, to file this action dated 11-06-2024 6
- Letter and Court reply dated 12-16-2024 Confirming Case Number has been assigned 7

- Letter from Clarendon County Court of Common Pleas dated 3-19-2025 8

- Complaint 9-34
- Answer 35

- Exhibits
 - In forma pauperis application showing indigency 36-38
 - Certificate of Appellant 39
 - Certificate of Service 40

The Honorable Beaulah Roberts
Clerk, South Carolina Charleston County Court of Common Pleas
P.O. Box 136
Manning, SC 29108

8/30/24



Dear Ms. Roberts and Your Honor,

Enclosed to file are: (in mixed order from list) (Court case has no writing on back page and is marked on top of page)
(2) copies of my complaint (26 pages each) - please clock and stamp one copy and remit to me
(3) USM-285 forms; (3) Summons; one Informa pauperis application that was included in the 1983 Packet, (4) handwritten version of South Carolina's Informa pauperis application;
(1) Financial Certificate (state version) signed by appropriate staff and an affidavit.

Please note that I am asking the \$150 fee to be waived, but it is possible I'd like to pay it later as a restitution. My poverty prevents my payment ability, but not my intentions to pay.

I am facing an impending statute of limitations and I did not have your court's Informa pauperis application and I hope what I provided is acceptable to you, as it was with the higher court.

Around June of 2023, I submitted a complaint and that court denied my Informa pauperis application which I appealed to the S.C. Court of Appeals and the S.C. Supreme Court. I was assigned Case Number 2023-001275 and both courts allowed my appeals to proceed in Informa pauperis while citing Ex Parte Martin v. State, 321 S.C. 533, 471 S.E.2d 134 (1995) and while approving my application. I hope this court does the same.

This time around I narrowed my complaint a bit while highlighting the violations I endured that the South Carolina and U.S. Supreme Courts hold to be fundamental rights under the S.C. Constitution and the U.S. Constitution (e.g. Art. I, § 3 of S.C. Constitution - the right to due process and be free from cruel and physical punishment under S.C. Const. Art. I § 15 and corresponding BAs and 14th U.S.C.A. rights) like deliberate indifference to medical needs and prolonged solitary confinement. During the appeal process the S.C. Supreme Court assigned a second, newer case number, currently that info. is in Evans C12 property room and I will update that info ASAP.

That case was dismissed because I never effected service of process on defendants (even though they had never been served a summons), when I appealed.

Out of an abundance of caution, I am serving the defendants and the S.C. Attorney General with every document I submitted to this court in order to have a better, more streamlined, appeal process, should that become necessary. I beg this court, in the event that my Informa pauperis application is not approved, to issue a certificate of appealability please.

This case includes the above mentioned fundamental constitutional rights violations, various claims under SCTCA under § 15-78-10 et seq. and some Federal claims which I expect to be removed to Federal Court, but I included for expediency, overall.

My presentation is not the best, but I tried to streamline the complaint so it's clear that given these fundamental S.C. Constitutional rights being at issue and according to guidelines set by the South Carolina Supreme Court in Martin v. State (supra), my Informa pauperis application should be approved (unsubstantiated).

Thank you kindly for your time and effort and that of the Honorable Judge who will review this complaint.

Sincerely yours,
Christopher M. Kennan

Christopher M. Kennan SCDC# 35546
Evans C12
610 Hwy 4W
Bennettsville, SC 29512

P.S. You can tell by my lettering that my pen is not always working properly and I thank you for bearing with me.

State of South Carolina
Clarendon County Court of Common Pleas

Kennan,
Plaintiff,
v.
SCDC, et al,
Defendants

Case #:

The Plaintiff's Motion to proceed without payment of costs and
Fees

The Plaintiff, Christopher M. Kennan, moves the Court for an order permitting him to proceed in this action without payment of fees or costs on account of his poverty.

In support of the motion, the Plaintiff submits the attached, notarized declaration and signed Financial Statement (South Carolina's State version).

Wherefore, the Plaintiff respectfully requests the Court to allow him to proceed without costs or fees in this action and for such other and further relief in favor of the Plaintiff that the Court deems just and proper, and if possible to create a restitution for plaintiff.

The Plaintiff believes his complaint includes certain fundamental South Carolina Constitutional rights violations that the South Carolina Supreme Court holds merits the waiver of such fees as cited in Ex Parte: Martin v. State, 321 SC, 533, 471 S.E. 2d 134 (1995).

Executed This 30th day of August, 2024

at Evansville
610 Hwy 9W
Bennettsville, SC 29512

Christopher M. Kennan
Christopher M. Kennan #385016
~~Evans~~ In se Plaintiff.

Denise
Denise
9-13-2024

9/28/24

The Honorable Beulah Roberts (Clerk)
S.C. Clarendon County Court of Common Pleas
P.O. Box 136
Manning, SC 29102

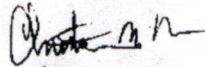
2024-CP-14-00548

RE: Kennan v. SCDL, et al.
civil action #: (not filed).

Dear Ms. Roberts,

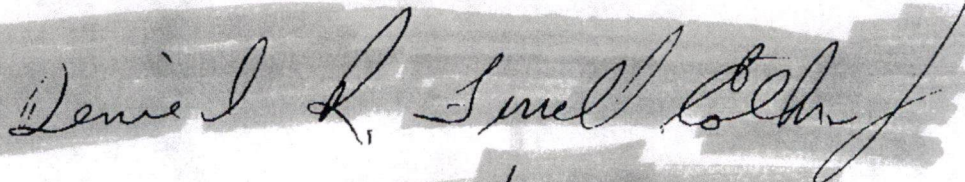
I am enclosing a notice of appeal in this matter for you to file.

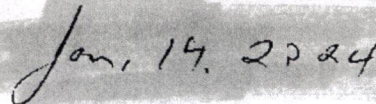
With best wishes, I remain
very truly yours,



Christopher M. Kennan #385066
Evans CLI
610 Hwy 9W
Bennettsville, SC 29512

P.S. Sorry for the red pen - my only other pen stopped
working.




Jan. 14, 2024

↑

[This was an earlier case -
not the one assigned

Case # 2024-CP-14-00548
The earlier case never was filed and no case # provided]

In the South Carolina Court of Appeals
Appeal of Clarendon County Court of Common Pleas
Judge R. Ferrell (last name difficult to read) "Col..."
Re: denial of in forma pauperis application

Kennan,
Plaintiff.
v.
SCDC, et al
Defendants.

Case #: (unfiled)

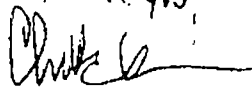
Notice of Appeal

Plaintiff, Christopher Kennan, (herein "I", "me" or "my") send this notice of appeal of the Clarendon County Court of Common Pleas denial of my in forma pauperis application and refusal to file my case without prepayment of filing fees.

On 9/19/24 I received a denial of my in forma pauperis signed by the Honorable R. Ferrell "Col..." (last name hard to read) of Clarendon County Court of Common Pleas dated 9/12/24. My complaint was not filed.

I am now in the process of appealing this decision to the S.C. Court of Appeals and will send a copy of this appeal when it's ready as required under S.C.R.Civ.P.

Thank you,



Christopher M. Kennan #385016
Evans CF
610 Hwy 9W
Bennettsville, SC 29512

Cert of Service: sent

to: SCDC office of General Counsel
4444 Broad River Rd
Columbia, SC 29210

Executed on this 28th day of September 2024
Evans CF
610 Hwy 9W
Bennettsville, SC 29512

The South Carolina Court of Appeals

Christopher M. Kennan, Appellant,

v.

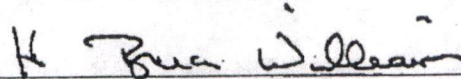
South Carolina Department of Corrections, Respondent.

Appellate Case No. 2024-001861

ORDER

This appeal arises out of the appellant's attempt to file a motion to proceed without payment of costs and fees in the court of common pleas in Clarendon County. It appears the Clerk of Court refused to file the documents, as it does not appear a CP case number has been assigned. The motion to proceed without payment of costs and fees bears the signature of a circuit judge, R. Ferrell Cothran, Jr., and a date of September 12, 2024. There is no indication on the documents filed in this Court that any of these documents were file-stamped received by the Clarendon County Clerk of Court.

We remand this matter to the Clerk of Court for Clarendon County to perform her ministerial duty of filing this action as contemplated by S.C. Code Ann. §24-27-100 (2025). The appeal will be held in abeyance pending the issuance of a CP case number and acceptance of the appellant's filings by the circuit court.



FOR THE COURT

Columbia, South Carolina

FILED
Nov 06 2024

cc:

Christopher M. Kennan, 00385016

Christina Catoe Bigelow, Esquire

[The Honorable Beulah G. Roberts
" R. Ferrell Cothran Jr.]

6.

The Honorable Beulah G. Roberts

P.O. Box 136

Manning, SC 29102-0136

12/16/14

Re: Appeals Court order to file my complaint

Dear Ms. Roberts,

Recently the South Carolina Court of Appeals sent notice to the Clarendon County Court of Common Pleas with an order that you perform your "ministerial duties" and file the case/complaint I had sent to you previously. The S.C. Court of Appeals is holding my appeal in abeyance until this is done.

Could you please send me notice of when this is done along with the case number so I can send a certified copy of my complaint to the South Carolina AG, as required under SCTCA?

I assume that you can access my complaint from the Appeals Court's electronic filing system, but if you need me to resend it to you I will do so. (I would not advertise this fact to the higher court if you need me to resend it). I have temporarily misplaced my Appeals-case number but below is my information

Thank you so much

Sincerely,
Christopher M. Kennan #385016

Evans CRT

610 Hwy 9W

Bennettsville, SC 29512

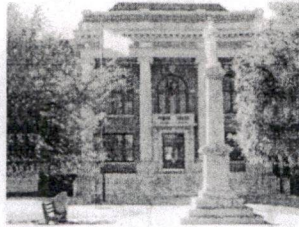
Send to AG
Complaint

Note:

For future reference, your case number on the civil court docket is 2024-CR-14-00548.

Clerk of Court Office
Clarendon County

Clarendon County Clerk of Court Office



SHANITA BRANGMAN
CLERK OF COURT
POST OFFICE BOX 136
MANNING, SC 29102
PHONE: (803) 435-4443
FAX: (803) 433-4435

CYNTHIA HENRY
FAMILY COURT
POST OFFICE BOX 490
MANNING, SC 29102
PHONE: (803) 435-4210
FAX: (803) 433-8008

March 19, 2025

Christopher M. Keenan #385016
Evans Correctional Institute
610 Hwy 9 W
Bennettsville, SC 29512

Dear Mr. Kennan,

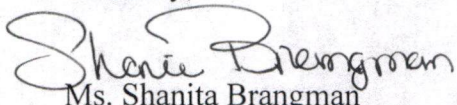
Thank you for reaching out to the Clarendon County Clerk of Court's office with your concerns.

Upon reviewing the matter, it appears that the Honorable R. Ferrell Cothran, Jr. denied your appeal (file number 2024-CP-14-00548) on January 14, 2024.

For your reference, I am enclosing a copy of the document that was scanned into our system.

Should you have any further questions or require additional information, please do not hesitate to reach out to your attorney.

Sincerely,


Ms. Shanita Brangman
Clarendon County Clerk of Court

This case wasn't filed nor submitted
at the beginning of the year. The
case "denied" in January 14, 2024.
Was never filed by the lower court
and no case # was provided!

In the State of South Carolina
Clerendon County Court of Common Pleas

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

Christopher M. Kennan

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against- Shawanna Porter

SCDC, ~~Porter~~ and

~~Porter ID "012345"~~

Lisa Craft

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: Yes No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Christopher M. Kennan
All other names by which you have been known:

ID Number 385016
Current Institution Evans C/I
Address 610 Hwy 9W
Bennettsville, SC 29512

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name South Carolina Department of Corrections
Job or Title Gov't Agency
(if known)
Shield Number N/A
Employer State Agency of South Carolina
Address 4444 Broad River Road
Columbia, SC 29210
 Individual capacity Official capacity

Defendant No. 2

Name (Ms. Porter) Shawanna Porter

Job or Title (if known) Mental Health Counselor at TCI
Shield Number _____
Employer SCDC
Address 4444 Broad River Road
Columbia, SC 29210
 Individual capacity Official capacity

Defendant No. 3
Name (Author ID "062844") Lisa Craft
Job or Title (if known) Responds to ARTSMIS for "Investigations"
Shield Number _____
Employer SCDC
Address 4444 Broad River Road
Columbia, SC 29210
 Individual capacity Official capacity

Defendant No. 4
Name _____
Job or Title (if known) _____
Shield Number _____
Employer _____
Address _____
 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

SETCA § 15-78-10 et seq.

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

See attached "Section II. B." (pg. 13)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

At all times all defendants acted under color of state law when mentioned in this complaint.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

Pretrial detainee

Civilly committed detainee

Immigration detainee

- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

NA

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Turbeville CII ("TCI") - four inmate assaults between 9/17/21 - 10/13/21; and staff initiated retaliation on me due to PREA claims 10/14/21 - 5/13/22. Evans CII - staff initiated retaliation continued from 5/13/22 - 8/13/22.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

There were four inmate attacks on me (see attached "Section IV, C.") they were on four different dates between 9/17/21 - 10/13/21. (p. 14)

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

(see attached "Section IV, D.") (pp 15-23)

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I sustained a fractured jaw, injured shoulder and neck; 2nd degree burn; forced to swallow bleach; sexually assaulted/related injuries; beaten on my head and back; choked; internal injuries (treated and documented at Toomey Emergency Room / SAHM Nurse); various lacerations; Post Traumatic Stress ^{Disorder} diagnosis w/ limited psychological treatment (mostly med); suicide attempt due to stress of attack and aftermath (no treatment). My shoulder and neck were x-rayed but little else was treated by medical staff aside from my 2nd degree burn on my buttocks, and during the rape kit.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See attached "Section VI" (p. 24)

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Turbeville C/F ("TCF") primarily (Five claims between 9/17/21-
5/13/22; And Evans C/F ("ECF") between 5/14/22-8/31/22

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

All of them

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

At both "TCI" and "ECI"

• ("TCI" is Turbeville C/I and "ECI" is Evans C/I)

2. What did you claim in your grievance?

All applicable Federal claims were grieved and the SCTCA claims were too even though they are not required.

3. What was the result, if any?

Each grievance was fully exhausted to the limits allowed and ^{made} available by SCDC.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Exhaustion is an affirmative defense to Federal claims and need not be established here.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Exhaustion is an affirmative defence

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

Yes

No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

- Yes
 No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Christopher Mc Kennan
Defendant(s) SCDC, C.O. Brown et al,

2. Court (if federal court, name the district; if state court, name the county and State)

U.S. District Court / District of S. Carolina / Charleston Division

3. Docket or index number

9:23-CV-0233-SAL-MHC

4. Name of Judge assigned to your case

Molly H. Cherry

5. Approximate date of filing lawsuit

June of 2023

6. Is the case still pending?

- Yes
 No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Still pending / Summary Judgment phase

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes

No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Christopher M. Kennan

Defendant(s) MS. Squire, et al.

2. Court (if federal court, name the district; if state court, name the county and State)

U.S. District Court, District of South Carolina,
(Charleston Division)

3. Docket or index number

9:23-CV-01213-SAL-MHC

4. Name of Judge assigned to your case

Molly H. Cherry

5. Approximate date of filing lawsuit

5/8/23

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Still pending / Summary Judgment phase
(See attached "Section VII E and F and Section VIII G and H for more cases) (p.25)

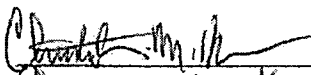
IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11. (see also p.26)

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8/30, 2024

Signature of Plaintiff 
Printed Name of Plaintiff Christopher M. Kennan
Prison Identification # 38506
Prison Address Evans CIT
Bennettsville SC 29512
City State Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____

Section II.B. "Basis for Jurisdiction"

◦ (Fundamental) South Carolina Constitutional Claims:

- Article I, § 3 (Right to Due Process)
- Article I, § 15 (Right to be Free From Cruel and Unusual Punishment)
 - Excessive length, and conditions of confinement while, in solitary confinement while in protective custody
 - Deliberate Indifference to Medical Needs regarding Mental Health care and treatment after sexual assault.

◦ SCTCA § 15-78-10 et seq. against "SCDC" Defendant:

- gross negligence § 15-78-60 (25) - Defendants' (SCDC) Failure to ~~train~~ supervise, protect, control confinement of prison inmates.
- property claim under § 15-78-70 (Conversion/Trespass to Chattels) et seq.

◦ Federal Constitutional Claims Under 42 U.S.C. § 1983

- 8th Amendment Deliberate Indifference to Medical Needs
- 8th Amendment and 14th Amendment rights to Due Process
- 8th Amendment Failure to Protect Claims with Deliberate Indifference

Section IV.C. "Approximate Dates of Claim" (At all times, no SDC staff was present in the dorm for claims 1-4.)

Claim #1 - While inmates were out of their cells, and no supervisor nor any staff was present in the dorm, on 9/19/21, I was punched in the face and knocked down by another inmate. The inmate told me "Co. Brown sent him and he threatened me with rape and murder if I snitched. My jaw was fractured.

Claim #2 - While no staff was present in my dorm on 9/21/21 I was again punched, by a different inmate, on my already injured jaw. Inmates were out of their cells unsupervised at the time of my attack.

Claim #3 - on 9/23/21 while no staff was present in my dorm (inmates were out of their cells), I was attacked by a third inmate wearing a ski-mask, punched in the face, threatened with a knife, told "Co. Brown sent him" and also was threatened with rape by broom and murder if I snitched.

Claim #4 - on 10/13/21 ~9:30AM-10AM - I was sexually assaulted at knife-point by two inmates while the same officer supervising the dorm, abandoned his post. I was told I'd be killed if I snitched. I sustained injuries to my neck and shoulder, my buttocks and anus - including 2nd degree burns, I was choked and made to swallow bleach. I wasn't treated until the next day (10/14/21)

Claim #5 - occurred 10/14/21 - 8/31/22. Between 10/14/21 - 5/13/22 I was held in solitary confinement under Protective Custody ("PC"). I was denied, largely, mental health treatment, subjected to near daily documented staff retaliation for filing PEFA related grievances; was denied a "PC Board" for 55 months despite official written policy requiring that I receive one within seven days of my placement in solitary confinement. The conditions of confinement were deplorable. This claim includes state and federal claims of medical negligence, deliberate indifference, and mental healthcare for defendant Porter to claimant's claim pursuant to JETCA § 15-78-10 et seq. (Specifically § 15-78-20 (a)). ~~medical~~ losses were realized on both 11/10/21 and upon my transfer to another prison on 5/13/22.

Defendant Author ID "062844" is sued for (in)actions between 9/17/21 - 8/31/22.

* Co. Brown was later fired by SDC and arrested for assaulting an inmate.

1. Throughout the ~~entire~~ periods covered by claims 1-4 (9/17/21 - 10/13/21) I spoke to and wrote multiple SDC employees about the attacks and threats I received, but not a single employee of Defendant SDC followed up with me in any meaningful way.

2. I also wrote hundreds of Automated Request to Staff Member ("ARTSM") and grievances between 10/14/21 - 5/13/22 complaining of my atrocious conditions of confinement while in Solitary Confinement. I will go into more detail now.

Section IV.D. "underlying facts of claim"

On the evening of September 17, 2021, after working all day as the prison baker at Turberville CII ~~CI~~ ("TCI"), I returned to my dorm. Shortly after arriving I approached officer Brown, who was supervising my dorm, and asked him a question. Co. Brown immediately became aggressive and agitated. We had an argument and I asked why he was being so rude. Co. Brown proceeded to call me racist names (e.g. "cracker", "thief who stole black identity" and similar nonsense). He repeatedly threatened to beat me up, have other staff and inmates beat me etc. He started feigning punches and lunging at me while daring me to strike him (which is a crime punishable by up to 5 years in prison). Co. Brown refused to call his superiors and I refused to go in my cell until he did so. I did this passively.

I wrote an Automated Request to Staff Member ("ARTSM") during this time, to SCDC staff, on the kiosk about Co. Brown's threats. Brown left the dorm for hours on end while I was out of my cell overnight and went to work around 5AM. Co. Brown never reported the incident to anyone nor wrote anything about it in the log he fills out each shift.

After work, Co. Brown started threatening me with violence again - and told me that the gangmembers he brought contraband in for would beat me for him. I, again, refused to go into my cell with the expectation he would call his superiors as policy requires.

Around 11:30 on 9/18/21, Co. Brown and two other officers forced me into my cell, but never wrote any incident report nor documented the incidents.

I reported Brown's racist threats to those other two officers and that I was out of my cell for over 30 hours (mostly unsupervised) and Co. Brown admitted this to them.

This is an extremely egregious violation of SCDC's policies and safety protocols. It seems Co. Brown wanted to handle things his way instead, and he did.

1st Assault - After work on 9/19/21, I was attacked by an inmate who told me Brown sent him. I was punched in the jaw and was later found to have a long hairline fracture and I was placed on a soft food diet due to choking concerns. During this attack there were no officers supervising the dorm. I reported this inmate's unprovoked attack, which he recorded on his contraband cellphone, to various SCDC staff via ARTSM on the kiosk, and in person to one Sgt. Montgomery on 9/21/21 as I first sought treatment in medical for my obviously swollen and fractured jaw. I reported to her that my attacker was sent by Co. Brown and that this inmate threatened to have me raped with a broom or murdered if I snitched.

All along Sgt. Montgomery was claiming to be a Major in rank (after I asked for the Major) and she staunchly refused to document my complaint and instead ordered me back to my dorm. When I got back to my dorm I wrote two more ARTSM's to SCDC staff reporting this interaction with "Major" Montgomery, asking for help.

2nd Assault - on 9/21/21, moments after I wrote those two ARTSM's I was punched in my injured jaw by a different inmate. I later found out that this inmate saw me talking to Sgt. Montgomery and assumed that I snitched and checked into "PC". No staff was present during this attack (in the dorm) and SCDC staff member followed up on my earlier complaints in any way shape or form.

Please keep in mind, SCDC's various policies prohibit leaving inmates unattended while out of their cells. Staff must be within eyesight and earshot of inmates at all times.

Section IV-D: "Underlying fact of claim"

On 9/12/21 - shortly after I wrote those two ADISM's to SCDC "Security" staff, ~~and~~ they were escalated and forwarded to a higher level of security called "Security Level 2" but no one ever followed up with me on my reported attacks and threats at all even to get more details, staff did not ^{take any action} in response to my attack and being out of ^{my cell overnight}.

Attack #3 - On 9/23/21 I was taken to a dentist in Charleston to get a 3-D Xray on my jaw and the fracture was discovered. Again, due to choking concerns I was placed on a soft food diet and was ordered to return to the Doctor/Dentist four times in the subsequent six weeks (Even though I have an email showing SCDC HQ authorized these visits, I was never allowed any follow-up visits by ("TCI") Turbeville CTF staff. I was told ~~by~~ the dentists ~~there by~~ and SCDC staff that I should be placed in a medical ward (rather than general population) so I'd be protected while I heal, but I wasn't. I was returned back to my dorm to face my attackers, and to find new ones.

Later in the day, fearing for my life, I gave Major Meeks my ID so I could move to protected custody. Subsequently, my ID was lost for a couple of weeks and I was not placed into Protective Custody's though I was assured by Major Meeks that I'd be moved either that day or the next, but she forgot or ignored the request.

Later the same day (9/23/21), after returning to my dorm, and while no SCDC staff was anywhere in it, I was attacked by another inmate wearing a ski-mask. I was punched in the face and knocked to the ground, and likely would have been stabbed. One had a shank in his waist and kept grabbing at it, but an inmate dorm worker yelled out, "let the man live". This held off my attacker and allowed me to get to my feet.

My attacker left briefly to check the hallway leading to my dorm to ensure no staff was coming and then came back to threaten me "You think we forgot? He warned me that Lt. Brown sent him and told me if I snitched the [little] homies will slay you... fuck you in the ass." (Basically the same as my first attacker).

After an extended absence, a corrections officer reappeared in my dorm and I was allowed into my cell to nurse my jaw injury. Please keep in mind, it's against official SCDC policy to leave inmates unattended out of their cell, out of eyesight and earshot of staff. (I have a signed interrogatory answer from TCI's Warden Sharp, elsewhere acknowledging this and other facts.)

On 9/24/21, I was informed that Major Meeks hadn't ordered my dorm change so I refused to go into my cell and asked that Major Meeks be called to authorize my room change. She was called and she did ok the move.

However, when I tried to move to the adjacent dorm, the officer there (LT McFadden) saw I was being threatened by those inmates who saw the video of my first attack (they were members of the same prison gang as two of my attackers). They were aggressively asking why I fought their fellow gang member. The Lt. realized it wouldn't be safe to move me to that dorm and she ordered me back to my old one.

I tried to avoid going back to my old dorm by acting like I couldn't carry my stuff, but I was forced to comply with her verbal threats, of disciplinary action.

Section IV D "Underlying facts of claim"

on 9/28/21, I wrote SDC Security/ "Investigations" to report the three violent attacks I endured as well as the rape and murder threats I received. I named C.O. Brown for orchestrating these attacks and I begged for help. (Via ARTSM)

This ARTSM was forwarded to TCIS Warden Sharp on 10/11/21. "Investigations" Defendant Author ID. "062844" read and largely ignored the content of the ARTSM.

Neither the warden, nor anyone else from SDC ~~ever~~ followed up with me on my reports of danger and assaults. Please note, I specifically wrote threats of murder and of being anally raped with a broom. There was no ambiguity there and I will present these ARTSMs at the appropriate time. ^{she chronologically read about each act as they occurred but did nothing to halt them.}

Due to its presence in my dorm, we were placed on an extended ^{quarantine} COVID-19 lockdown protocol starting around 9/27/21. Inmates were kept in our cells 24 hours a day and only let out to shower, in small groups, when a supervisor was available to oversee the process. We showered on M, W, and F, when allowed to do so.

on 10/11/21, while I was out for my shower, another inmate, with the same gang affiliation as two of my earlier attackers, warned me to go back in my cell immediately after my shower or "things won't work out well for you." I took the threat seriously and complied. This guy became my next attacker.

Also on 10/11/21 my ARTSM written on 9/28/21 was forwarded to other SDC staff including TCIS Warden Sharp, apparently. Other ARTSMs reporting my attacks were answered or also forwarded. I was hopeful that help was finally on its way, and I'd be protected. Surely with such a flurry of activity, and given my reports of ^{increasing} assaults, rape and murder threats, someone would help me... This hope was proven false. Not a single member of SDC ever followed up with me on any of these ARTSMs, not even after I was sexually assaulted!

Attack # 4 - 10/13/21 I was brutally sexually assaulted by two inmates, one of which lured me into the attack while a 2nd one hid. This happened during shower time when staff was supposed to remain in the dorm.

Officer Singleton abandoned his post and left my dorm unattended for over 30 minutes, and was, therefore, unable to see or hear my attack nor offer me any aid at all.

During this attack I was beaten, choked, burned (2nd degree) on my buttocks, sexually assaulted multiple times and ways (at shankpoint), forced to swallow bleach and threatened with murder if I snitched, then I was ordered to shower.

After my shower I walked aimlessly around the dorm while trying to avoid eye contact with other inmates because I didn't want them to see my tears.

Eventually, I sat on the floor in the middle of the dorm to wait for C.O. Singleton to come back. When he did come back to the dorm and saw me sitting on the floor I feigned a back injury, said

Section IV, D. - "underlying facts of claim"

I couldn't get up, and asked to go to medical.

Instead of allowing me ^{to go} to medical, officer Singleton recruited another inmate to help me up and put me back in my cell.

over the ^{next} dot hours I was in my cell writing different drafts of the note I planned on handing to the nurse who gives me insulin. I wasn't able to get the note out until the next day, for various reasons.

Meanwhile, I wrote # ARTSMs to multiple departments in SCDC, begging for help due to my sexual assault; for a rape kit; ~~and that I feared I~~ ^{medical because} I might get AIDS or some other diseases, or die from swallowing bleach.

Finally, in the AM of 10/14/21, someone I wrote to SCDC's office of General Counsel sent word of my attack to Institutional PREA Coordinator and Associate Warden at TCF William Brightthrop, who came and took me to medical.

I interviewed with AW Brightthrop, Police Services detectives and later ~~with~~ with Defendant Porter (TCF's mental health counselor). I specifically told MSr. Porter 1) I was not suicidal and 2) that I definitely wanted to see a psychologist about my attack and 3) answered background questions.

Claim #5 - It should be noted that during discovery for case 9:23-cv-02313-SAL-MHC, Defendant Porter falsely recorded that I declined an offer to see a psych doctor. I wasn't allowed to see a psych Dr until January of 2022, despite countless (paper) (RTSM) request to staff member to MS Doctor in mental health, multiple grievances, as well as many documented verbal requests to mental health staff. I will address MSr. Porter more later.

Eventually, I was taken to the Toomey Emergency Room to undergo a rape kit, receive an STD regimen, get a CT or MRI scan to see if anymore of the object I was sodomized with was still inside me. (over the previous night I pulled out multiple pieces of what appeared to be a broken plastic hanger). Photos were taken of my burn and anal abrasions as well as other injuries.

I was returned to TCF around midnight and placed in the Restrictive Housing Unit ("RHU") and held in solitary confinement with inmates who were being punished for stabbings and other infractions. (I wasn't placed on the "PC" side) I was treated in a significantly atypical manner compared to both inmate in GenPop and PC.

I was held in solitary confinement for seven months which was pure Hell. Much of my experience in solitary during this time is being litigated elsewhere but included having inmates make death threats to me; Major Meeks admitted in writing and verbally that she ordered I not be allowed any outside recreation for months because of one of my PREA complaints being forwarded to her and she somehow misconstrued the ARTSM that staff had ~~assaulted~~ ^{to state} me while I was in solitary confinement. I was held in my cell for a week that smelled like feces that my neighbor smeared all over his cell and atel staff refused to let it be cleaned. We shared an unfiltered vent and the smell caused me to get sick and vomit. Eventually, I couldn't handle it.

Section IV D. "underlying facts of claims"

any more and I stayed on the doors flap so that it could not be closed. I refused to close it unless I was moved or that cell was clean. I needed fresh air. (I was still very new to prison and I didn't know this was considered a minor infraction (until I was written up for it), though of course it makes sense. At the time, though, the pressure was unbearable for me, I just needed fresh air. The next day I was forced into my cell and the adjoining cell was partially cleaned. However, when the showers came on, the smell got worse. By the way, the cell was covered in mold because the shower was inside the cell. It was like living inside a porta-potty on a hot day.

Right after this flap incident, C.O. Brown started being sent to work my dorm and supervise me in RHW. He proceeded to antagonize me about the assaults he initiated, he kept banging on my cell door, and he even came to my cell around midnight along with Cpt. Johnson and ended up falsifying a Major disciplinary charge in order to provoke and punish me. This is on. Luckily, all charges were later dropped due to these officers violating various SCDC rules and procedures.

Later, C.O. Brown was arrested and fired for assaulting an inmate and Cpt. Johnson was suspended by SCDC for various infractions (unrelated to my claims here). Being denied mental health treatment for so long, having to see the guy who had me attacked working my dorm and antagonize me, being denied outside rec while all other inmates in RHW (and "P") got it, etc. led me to feel hopeless and extremely vulnerable. I believed I'd never get out of there and these feelings led me to an ill-advised suicide attempt. There was no functional appeal process for me in any way.

During these seven months in solitary confinement I lost over 30 pounds of muscle and had severe panic attacks, and only saw the sunlight for 15 hours (not counting total medical run).

Per policy, people who are held in "PC" are required to have a PC Board within seven days to determine if they would be moved to another prison or not. I was denied this substantive due process for 55 months. These conditions and deplorable treatment violated my S.C. Const. ART I, § 3 and 5 rights as well as my 8th and 14th U.S.C.A. rights to be free from cruel and unusual punishment and substantive due process. The Policy covers Statewide PC processes, and it requires all PC Boards be held within seven days in almost every case.

Defendant Porter - I wasn't allowed to see a single psych doctor until January 2002 because Ms. Porter refused to allow it. When I did see the psych doctor she told me that Ms. Porter said I'd been disciplined for filing a false PREA complaint and that I made the whole thing up, and "injured" SCDC staff was involved in the attack while I was held in solitary. I had to vehemently argue against this false assertion. My PREA investigation has been substantiated by SCDC's police services and has been referred to SLED for DNA testing.

During discovery for case 9:23-or-02313-SAL-MHC, I found out that Ms. Porter wrote many false and contradictory statements in my mental health file that must have been intentional (e.g. she said I refused medical treatment after

Section IV.D: "Underlying Facts of Claim"

my assault when there is a long paper trail showing that I begged for treatment. She knew I wanted help, but ignored me for months after my sexual assault when I was most vulnerable.

Ms. Porter admitted to reading 'some' of the RTSM's I wrote to her begging for help, threatening to start a hunger strike and "letting nature take its course". Ms. Porter was deliberately indifferent to the dangers I presented to her (to herself). She refused to even follow up with me to schedule a visit with a psych Doctor

until late December 2021, and this was only because I begged Nurse LaPointe to email her a request that I be seen. I wasn't seen by a Dr. for nearly three months to date, I still haven't been allowed to speak to any outside sexual assault

counselors ^{and then every 3-6 months for a check-in.} despite countless requests, and years lapsing. I don't truly believe that if I was treated in the aftermath of my sexual assault I wouldn't have felt the need to attempt suicide. I've asked many, many times for this info

Isn't it common knowledge that sexual assault survivors experience tremendous psychological trauma and should be closely monitored and treated for it? There is

substantial case law in support of this fact and Ms. Porter has no excuse for ignoring my many requests for treatment, not only in her position as TIC's mental health

^{but morally as a human being, she knew I was vulnerable and did nothing. South Carolina's Constitution protects the most vulnerable mental health patients. This is a fundamental right, we} counselor, Ms. Porter was also part of the PC board panel and she denied me a validated PC status. The reasons given for this was "I refused to name names" and "there was no penetration". My written reports, medical records and rape kit photos

prove the latter statement false, and my hope was that DNA results would name my attackers for me so I wouldn't appear to be a snitch and give my attackers more motive to

Upon information and belief, because Ms. Porter errantly believed my claims to be false, she let me wallow in my misery and ignored my many requests for mental health treatment. This belief is backed up in my mental health record and her notes.

The treatment she provided, or lack thereof, doesn't amount to a laissez-faire approach - it amounts to deliberate indifference to medical needs; she wilfully disregarded

the dangers I faced, and needlessly caused or allowed damage to my physical and mental being. I was held for seven months in a moldy, cramped cell with nearly no social interactions aside from feeding and inmate death threats. The disdain I felt as

a "PC" inmate on the non-PC side was palpable. I was basically abandoned there. I only got 4-5 hours of sunlight the entire time, very little exercise, terrible sleep, frequent panic attacks and nightmares, ^{experienced} audio and visual hallucinations.

and up until January 2023, an undiagnosed PTSD disability, hunger strikes and I had untreated suicidal ideations while in my cell 24 hours a day. It was ^{often in the cell. It was} ~~angishing~~ ^{angishing}. The role Ms. Porter played in my suffering was only recently discovered as I

reviewed my mental health records, but it's clear she ignored all of my cries for help, and only saw me because I had the help of a sympathetic nurse, and even then spread false info about my sexual assault to other staff, blaming me as a liar and a fraud.

The conditions I faced while in PC at TIC for seven months were deplorable, cruel and unusual, and violative of my fundamental rights under South Carolina's and

the U.S. Constitution. My due process rights were implicated as stated earlier - (no "PC board" for 5.5 months instead of seven days as policy requires), as I was basically left in limbo to fear whatever future I might have, if any at all, and to waste my

Section IV.D. "underlying facts of claim"

It is well-established precedent that atypical conditions of confinement, which serve little to no penological purpose, is a real harm and is not allowed or condoned by the courts. These rights ^{to be free of cruel and unusual punishment} are fundamental and dear to all Americans (not the least of which are South Carolinians). I've obtained a lot of proof and documents in support of my treatment while in RTH's solitary confinement for seven months ^(these claims) was not only atypical to inmates in General population, but also ^{to other} inmates held in RTH under "PC". I wasn't allowed to go to church, works, participate in any programs, go to canteen or the gym, ^{again,} I wasn't even allowed to leave my cell to shower since it was in my cell. Other inmates in PC were allowed to go outside for rec on a weekly basis, at times, while I only got outside 4-5 times in seven months, on an hour at a time. Group therapy was allowed for other "PC" inmates, but not for me. My phone calls allowed each day went from unlimited to two merely because the PC Board labeled my PC request "invalid". I wasn't in RTH for any punitive reasons, but I was surely punished. Gen Pop inmates got 2 hours of recreation every day (out of cell). I was treated differently (worse) than all other inmates at TCC whether Gen Pop or PC. ~~or not~~. This is the definition of "atypical", I deteriorated mentally during that time.

My being denied outside rec. by Major Meeks because I filed a PREA grievance is the definition of "retaliation" and is not allowed per Booker v. SDC, 855 F.3d 533, 544 (4th Cir. 2017) and this was clearly established law prior to my claims and injuries described herein; she admitted to this and that ^{type of punishment felt extremely cruel and unexplainable at the time}.

Defendant - Author ID "062844" - upon reviewing discovery material in case #23-cr-02313-SAL-MHC I discovered that Defendant Author ID "062844" not only read and forwarded the ARISM's I wrote reporting multiple attacks, rape and murder threats, but they were sent back to her and she was ordered to forward the complaint to appropriate personnel at TCC including Warden Sharp ~ lolllal. It appears she not only failed to do so, but she didn't even follow up on them.

If she had acted appropriately to the serious dangers I reported, SCDC staff would have had a decent headstart to head off my sexual assaults on 10/13/2k and she read that I had been attacked 3x, threatened with rape and murder 2x. She ^{though} did forward these reports to higher level investigators for SCDC, ~~that she had~~ ^{but she had} been given back the responsibility of acting on these reported dangers. ~~or she~~ ^{if she} notified appropriate staff ^{as directed by her superiors}, she might not be liable for failure to protect claims here. However, her deliberate indifference to known and obvious dangers increased every time she saw a new ARISM reporting another assault and her inaction played a major role in my sexual assaults being made real.

Later, when Author ID "062844" realized that I was sexually assaulted, she started to cover up her "mistakes" as evidenced by her replies to multiple ARISM's of mine. She knew that I had to wait until the Police Services Investigation into my

1. Author ID "062844" is Lisa Craft
(21) 29.

Section IV.D: "underlying facts of claim"

PREA assaults was closed before I could file a grievance on these assault-related grievances, and that I needed to exhaust these grievances prior to my filing suit in Federal Court (as required under PLRA). She intentionally thwarted the process.

Despite the fact that SCDC's Police Services closed my case as "substantiated" on 1/13/22, Author ID "062844" continued to lie to me telling me my case was "open/active" all the way up to 8/31/22. She refused to even give me my investigator's name so I could reach out to him, and was forceful in her deflective written replies to me.

The only apparent reason she finally admitted the case had been long closed was because I was pushing harder to speak to my investigation and she wanted to thwart that. (I asked to add various retaliation claims to the investigation).

Later, when I attempted to file a grievance on her behavior just described, she reverted to again telling me the case was still "open/active" in ^{there is a long paper trail corroborating all of these claims, and she was clearly telling me lies in writing} ~~there is a long paper trail corroborating all of these claims, and she was clearly telling me lies in writing~~ ^{status of my} ~~status of my~~ ^{assault} ~~assault~~ related.

It's clear Author ID "062844" intentionally misled me as to the ^{status of my} ~~status of my~~ ^{assault} ~~assault~~ related case and I believe it's plain and clear that she was trying to prevent these ^{assault} ~~assault~~ related grievances from being exhausted to cover up her earlier failures to protect me from sexual assault, and to escape liability. She was emailed two days before the sexual assault to reach out to "Warden Sharp concerning the details of these ARISMs," yet Warden Sharp stated in his answers to interrogatories that he didn't recall ever getting any such message. If only she followed up, I might have been saved. Even the bare minimum follow up likely would ^{likely} have been successful. She dropped the ball and I paid the price two days later, and her cover up was nearly as bad.

11/10/21 Conversion/Trespass to Chattels (SCCA § 15-78-10 et seq)

After one month in solitary confinement at TCF, during which my personal property had been "misplaced" C.O. Oliver found my items and came to my cell to inventory the items. She started by dumping everything directly on the floor including my toothbrush. When I complained, she became angry and stormed off without completing the inventory.

It was clear, however, that my canteen bag, full of personal items, was missing with a value then of ~\$1700 (currently ~\$1900). I took ~45 days for me to get any reply from "Contraband" and ^{staff} ~~staff~~ stated perishable items are destroyed within 30 days. (Upon my transfer to ECF, on 5/13/22, I realized that ^{the} ~~the~~ extent of my loss totalled ~\$1700 then). I wasn't provided any receipt, nor was I given any real process to argue to save my property before the 30 day destruction period lapsed. SCDC's ^{various} ~~various~~ policies require inmates get a receipt for any property held or destroyed by them, but they ignored this step in my case. Pursuant to § 15-78-10 et seq of SCCA, I filed a claim with the

* For case 9:23-cv-02313-SAL-MIK

Section IV.D "underlying facts of claim"

State Fiscal Accountability Authority naming SCDC as the Agency employing staff who destroyed my itemized property on 10/10/03. On 4/10/03 the claim was denied without response. All issues related to this claim were fully exhausted, in terms of grievances.

I am asking for the full reimbursement value here in today's dollars/replacement cost. Without being granted this informal pauper's application, I will not be allowed to utilize the sole remedy the state holds out per SCDC claims cited in this complaint. Essentially, there would be no available remedy held out by the state for indigents.

An indigent inmate, such as myself, will not be able access the courts (if my informal application isn't approved) for fundamental S.C. Constitutional claims like cruel and unusual punishment and Due Process violations under S.C. Const. Art. I, § 3 and 15 and this would be counter to precedent described in

Ex Parte: Martin v. State, 321 S.C. 533, 471 S.E. 2d 134 (1995).
Now isn't the time to present all of my evidence, but I certainly would be grateful for the opportunity.

For this section I would like to conclude with a quote from the

* Honor J. Michael Baxley, then presiding Judge, Complex Jurisdiction, in the Court of Common Pleas, Fifth Judicial Circuit in a case against SCDC - quoting from Brown v. Plata, 131 S.Ct. 1910, 138-29 (2011). It matches my thoughts on my informal pauper's application here in regards to my claims regarding my S. Porter.

Quote:

"In devising a remedy for the constitutional deficiencies of SCDC, the Court is required to balance two competing interests. First, it is not the role of this Court to micro-manage the daily administration of the mental health program at SCDC. Moreover, this decision comes in a time of economic recession and heavy scrutiny of government expenses. However, courts may not allow constitutional violations to continue simply because a remedy could involve intrusion into the realm of prison administration."

me: Adequate mental health care for inmates who rely completely on SCDC to administer it is a critical need, expectation and fundamental right and this was denied to me during my time of greatest need. Without waiver of court fees by approving my informal pauper's application this fundamental rights violation will escape scrutiny. This would be in opposition to our states Supreme Courts holdings in Ex Parte: Martin v. State, 321 S.C. 533, 471 S.E. 2d 134 (1995).

Section VI - "Relief"

- I seek ^{Compensatory} damages for the physical and psychological harms I've endured due to the gross negligence of Defendant SCDC and under SCICA § 15-78-10 et seq. in the amount of \$250,000 for each of the five incidents described in "Section IV.C". This amount covers future medical care and losses and doesn't include any property claims and for violations of SC. Const. Art. I, § 3 and 15.
- I seek the current value, at time of judgment, for all items that were lost or destroyed in the "Conversion (trespass to chattels) § 15-78-70 claim; Today's value is approximately \$190,000.
- A declaration that the acts and omissions described herein violated the Plaintiff's rights under the Constitution and laws of South Carolina and those of the United States, as applicable.
- Nominal damages against all Defendants, jointly and severally.
- Damages for Federal claims in the amount of \$150,000 against Defendants' Porter and Author ID "062844", jointly and severally.
- Punitive damages in the amount of 5X regular damages awarded for Federal claims against Defendants Author ID "062844" and Porter, jointly and severally.
- Interest to include pre-order and post order against all judgments awarded, as allowed by law.
- Plaintiff's Costs in this suit.
- A jury trial on all issues triable by a jury.
- Any additional relief this court deems just, proper and equitable.

VIII. Previous Lawsuits (Continued)

E. Yes No (I have filed other lawsuits in state or Federal Court dealing with the same facts involved in this action.)

F.

1. Parties to the Previous lawsuit
Plaintiff: Christopher M. Kennan
Defendants: SCDC, Sgt. Montgomery and Constance Oliver
2. South Carolina Court of Appeals
3. Docket Number: 2023-001275
4. None - appealed to South Carolina Supreme Court (no judge assigned)
5. Approximate date of filing lawsuit:
8/11/23
6. Is this case still pending?: No - disposed ~ August, 2024.
7. What was the result of the case?
- Dismissed (failure to serve notice of Appeal on Unreserved Defendants).

G. Yes, (I have filed other lawsuits in state or Federal Court dealing with the same facts involved in this action.)

H. This is the appeal from the S.C. Court of Appeals to the S.C. Supreme Court.

#1-7 is the same as section F above except #3 - The Supreme Court of

South Carolina issued a new, 2nd case number. I will provide this case number when I'm able to get my legal work from ECI's property room. Here, I want to ensure I file this complaint within the appropriate statute of limitations (including tolling time). Though this court was cc: the S.C. Supreme Court's final decision refusing to overturn the S.C. Appeal Court's earlier decision dismissing the complaint for reasons stated in "F(7)" above, I will provide this court this 2nd case number as soon as I get access to those legal materials.

* #3 Supreme Court case #: Appellate Case # 2024-000832

Verification

I, Christopher M. Kennan, Plaintiff, Swears under penalty of perjury that all of the statements and assertions made in this complaint and submission are true, except when premised with "upon information" or "belief" and as to those, I believe them to be true.

Executed on this 3rd day of September, 2024

at: Evans CII
610 Hwy 9W
Bennettsville, SC 29512

Christopher M. Kennan
Christopher M. Kennan # 385016
pro se Plaintiff

RECEIVED

NOV 01 2024
SC Court of Appeals

Certificate of Service

Plaintiff, Christopher M. Kennan, Swears that he mailed a copy of this Complaint to the following parties, on the date and to the addresses listed using the mailing method stated as follows:

- 1. South Carolina Department of Corrections
Office of General Counsel
4444 Broad River Road
Columbia, SC 29210

mailed out using Evans CII's mail on 9/3/24

and

- 2. South Carolina Attorney General
The Honorable Alan Wilson
P.O. Box 11549
Columbia, SC 29211

mailed as certified mail through Evans CII mailroom on 9/3/24

Executed on this 3rd day of September, 2024

at: Evans CII
610 Hwy 9W
Bennettsville, SC 29512

Christopher M. Kennan
Christopher M. Kennan # 385016
pro se Plaintiff

2024-001861

Answer (Defendants)

[Defendants never provided any answer in this case because they were never served either summons or complaint. This complaint was never filed and no case number was provided until this appeals court ordered the lower courts clerk to do so. (See page 6) herein for this courts order.]

INMATE TRUST FUND ACCOUNT REPORT for SOUTH CAROLINA COURT FILING FEES

INSTRUCTIONS TO INMATE: Complete top portion then give to your mailroom. When returned 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): Christopher M. Kennan

SCDC # 385016 INMATE SIGNATURE: Christopher M. Kennan

I plan to file this action in the SC County of Court of Appeals Supreme County & Charleston

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 # X \$ 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

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

SCDC FINANCIAL BRANCH

2024 JUN 10 01:35

Prepared by: Financial Accounting Branch - SCDC

Date: 06/10/24

Account prepared by: _____

~~UNITED STATES DISTRICT COURT~~

for the
State of South Carolina
Clarendon County Court of Common Pleas

John Doe Christopher McKenna)
Plaintiff/Petitioner)

SCDC, et al. v.)
Defendant/Respondent)

Civil Action No.

State Court
APPLICATION TO PROCEED IN ~~DISTRICT COURT~~ WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. If incarcerated. I am being held at: Evans C/I/610 HWY 9W/Bennettsville, SC 29512.
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. If not incarcerated. If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0 per
(specify pay period) 0.

3. Other Income. In the past 12 months, I have received income from the following sources (check all that apply):

- (a) Business, profession, or other self-employment Yes No
- (b) Rent payments, interest, or dividends Yes No
- (c) Pension, annuity, or life insurance payments Yes No
- (d) Disability, or worker's compensation payments Yes No
- (e) Gifts, or inheritances Yes No
- (f) Any other sources Yes No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ 0

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):
\$0.00

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense): \$0.00

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support: \$0.00 contributed
N/A

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

Nelnet Student Loan and Federal Student Loans totaling \approx \$60,000, currently on Income based Repayment Plan (IBR) with \$100/mo. payments. The Federal Loan Services' "IBR" application is still pending for annual approval.

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 8/30/24

Christopher M. Kennan
Applicant's signature
Christopher M. Kennan
Printed name

3 Sept 2024
Jaroshy Quinn
2/22/34

Case No. 2024-001861

Certificate of Appellant

The undersigned hereby certifies that this record on appeal contains all materials proposed to be included by any of the parties and not any other material.

This 8th day of October, 2025

RECEIVED
OCT 17 2025
SC Court of Appeals

Christopher M. Kenken
Christopher M. Kenken #385016
TYRCE
200 Prison Road
Enoree, SC 29335

Case No. 2024-001861
Certificate of service

Appellant, Christopher M. Kennan, swears he has sent the enclosed to the parties listed, addressed as follows:

① SCDC office of General Counsel
4444 Broad River Road
Columbia, SC 29210

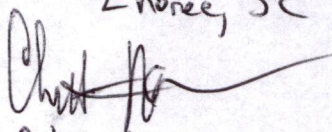
RECEIVED

OCT 17 2025

② The Honorable Sherrita Brangman - clerk SC Court of Appeals
Clarendon County Court of Common Pleas
P.O. Box 136
Manning, SC 29102

Executed on this 12th day of October, 2025

at: Tyger River C/I
200 Prison Road
Enoree, SC 29335



Christopher M. Kennan #385016
Pro se Appellant