

# THE SOUTH CAROLINA COURT OF APPEALS

Chad Dennis Burnette

Appellant

v

Beaufort County Detention Center  
Et al, all in,

Respondent

THE Honorable Marvin H. Dukes III  
Beaufort County Master-in-Equity  
C/A. NO. 2011-CP-07-0411

## NOTICE OF APPEAL

I, Chad Dennis Burnette appeal the order of the Honorable Marvin H. Dukes III, dated May 27, 2012, attached. I received same on or about May 31, 2012.

6/27/12

X. Chad Dennis Burnette  
Chad Dennis Burnette  
#344637 Q2B124  
PCI  
430 Oaklawn Rd  
Pelzer, S.C. 29669

RECEIVED  
JUL 05 2012  
SC Court of Appeals

# THE SOUTH CAROLINA COURT OF APPEALS

Chad Dennis Burnette,

Appellant,

v.

Beaufort County Detention Center,  
et al, all in,

Respondent.

The Honorable Marvin H. Dukes, III  
Beaufort County Master-in-Equity  
C/A. No. 2011-CP-07-0411

## PROOF OF SERVICE

I hereby certify that I served a copy of: 1.) this, 2.) Notice of Appeal, 3.) Motion & Affidavit to proceed In Forma pauperis, 4.) Order Granting Motion to dismiss, & 5.) Motion For Reconsideration, on: A.) Mary Bass Lohr; P.O. Box 40; Beaufort, SC 29901-0040, & B.) Beaufort Co./Clerk; P.O. Drawer 1128; Beaufort, SC 29901-1128.

6/23/12, SC  
dated

x. Chad Dennis Burnette  
Chad Dennis Burnette  
#344637, 02BLV, PCI  
430 Oaklawn Rd.  
Pelzer, SC 29569

### OTHER COUNSEL OF RECORD:

Mary Bass Lohr  
P.O. Box 40  
Beaufort, SC 29901-0040

SC Court of Appeals

JUL 05 2012

RECEIVED

S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211-1629

Re: Appeal of Burnette v. Beaufort County Detention Center, et al,  
11-CP-07-0411

Dear Clerk,

Enclosed for your filing is a Proof of Service,  
Notice of Appeal, Motion & Affidavit to proceed IN FORMA  
PAUPERIS order Granting motion to Dismiss, & motion for  
Reconsideration.

Please hold this Appeal in abeyance until the  
lower court rule on the "motion for Reconsideration".  
WHEREFORE, such relief I pray

6/28/12 sc  
Dated

RECEIVED  
JUL 05 2012  
S.C. COURT OF APPEALS

Thank you

x Chad Dennis Burnette  
Chad Dennis Burnette  
344637 623124 PCS  
436 oaklawn Rd  
Pelzer S.C. 29669

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

COURT OF COMMON PLEAS

C/A. No. 11-CP-07-0411

Chad Dennis Burnette,  
Plaintiff,

v.

Beaufort County Detention Center,  
et al, all in,  
Defendant.

## MOTION FOR RECONSIDERATION

The pro se Plaintiff, pursuant to Rule 59(e) & 60(b), XCRCP, hereby moves this Honorable Court For Reconsideration & states:

1. Plaintiff moves for Reconsideration of the court's May 30, 2012 "Order Granting Motion to Dismiss," where the court found plaintiff's argument of "... he suffers from bi-polar disorder & ADHD & that these disabilities should toll the relevant statute of limitations," to be without merit.

## LAW

2. LIMITATION OF CIVIL ACTIONS: § 15-3-40: Exceptions as to persons under disability. If a person entitled to bring an action mentioned in Article 5 of this Chapter or an action under Chapter 7B of this title, ..., is at the time the cause of action accrued either: (2) insane, the time of the disability is not a part of the time limited for the commencement of the action, except that the period within the action must be brought cannot be extended: (a) more than five years by any such disability, except infancy; nor (b) in any case longer than one year after the disability ceases.
3. The object of this section [Former Code 1962 § 10-104] is to limit the extension allowed in cases of disability arising from insanity or

imprisonment to a period of five years. Miller v. Dickert (S.C. 1972) 259 S.C. 1, 190 S.E. 2d 459.

4. Under both the ADA ("American with Disability Act, 42 U.S.C. §§ 1201-213 (2000)"), & Section 504 ("Section 504 of the 1973 Rehabilitation Act, 29 U.S.C. § 794(2000)"), Plaintiff is a person with a disability if: (1) a physical or mental impairment substantially limits one or more of his major life activities; (2) he has a record of such an impairment; or (3) he is regarded as having such an impairment.

## 5. PLAINTIFF IS IN PRISON.

6. There are many kinds of mental illness, but some common types include Attention-Deficit/Hyperactivity Disorder (ADHD), Bipolar Disorder, Borderline Personality Disorder, Dissociative Disorders, Dual Diagnosis (Mental illness with substance abuse), Eating Disorders, Major Depression, Obsessive-Compulsive Disorder ("OCD"), Panic Disorder, & etc.

## ARGUMENT

7. The court erred in not afforded Plaintiff, who is imprisoned & mentally ill, protection of the ADA & hold that "the time of the disability is not a part of the time limited for the commencement of the action..."

8. Per attached EXHIBIT #1 - classification & summary sheet & EXHIBIT #2 - Interview with Plaintiff's mother, Plaintiff was diagnosed with Bipolar at age 16. In 2005 Plaintiff's mother stated that Plaintiff "... has a long history of; ADHD, Bi-polar ..."

8. WHEREFORE, I pray the court to consider the above & reconsider its ruling.

6/28/12, s.c.  
dated

x. Chad Dennis Burnette  
Chad Dennis Burnette  
#344637, Q2B124, PCT  
430 Oaklawn Rd.  
Petzer, s.c. 29669