

Notice of intent to Appeal

Civil Appeal

CA. No.: 2011-CP-31-0187

Civil Case Number

State of South Carolina

County of LEE

Timothy GREEN Plaintiff

IN THE COURT OF COMMON  
PLEAS FOR THE 3rd CIRCUIT

RECEIVED

MAY 01 2014

vs.

SC Court of Appeals

Lt Franklin Richardson Jr. S.C.D.C. Defendant

The Plaintiff Timothy Green here by gives Notice of Appeal from the judgement of the Judges Order in the Court of Common Pleas in the above Action, to the Court of Appeals in state of South Carolina, Columbia, Richland County.

The Appellant's exceptions to the judgement of the Judge, R. FERRELL COCHRAN Jr. Judge of the Court of Common Pleas.

Timothy Green

3/20/14

PROOF OF SERVICE OF A NOTICE OF APPEAL

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

APPEALS FROM LEE COUNTY  
COURT OF COMMON PLEAS  
R. FERRELL COCHRAN, JR. Circuit Court Judge

CASE CIVIL ACTION NO.: 2011-CP-31-0187

Lt. Franklin Richardson Jr, Respondent  
S.C.D.C.

VS.

Timothy Green Appellant

RECEIVED

MAY 01 2014

SC Court of Appeals

PROOF OF SERVICE

I CERTAIN that I HAVE SERVED the NOTICE OF APPEAL ON ~~AND~~  
ALL PARTIES by depositing a copy of it in the U.S. Mail,  
POSTAGE PREPAID on March 20, 2014 addressed to the COURT  
COURT OF APPEALS AND COURT OF COMMON PLEAS, and Attorneys  
for Lt Franklin Richardson Jr.

LEE, ERTER, WILSON, HOLLER + SMITH  
126 N. MAIN STREET  
SUMMER, S.C. 29150

Timothy Green

3/20/14

IN THE COURT OF COMMON PLEAS LEE COUNTY  
STATE SOUTH CAROLINA.

Timothy GREEN Plaintiff  
v.

Lt. Franklin Richardson Jr. S.C.D.C. defendants

Motion for All documents  
Request Pictures, Reports  
statements from courts +  
Attorney Robert Butcher

Plaintiff request all pictures of his eye, ribs,  
and knees that attorney Robert Butcher took of  
him. All statements reports grievances declarations  
medical reports full disclosure of all evidence  
to perfect his appeal.

All written and typed statements records of hearings  
response briefs made by witnesses from the  
department of CORR. Incident reports any and  
all rules, regulations, and policies of the Dept. of Corr.  
S.C. and reports about the treatment of inmates.

All grievances and reports, incident reports on Lt.  
Franklin Richardson Jr. Medical records reports  
from LEE CORR. INST. Medical records documented reports.

MARCH, 24, 2014

Timothy Green

State of South Carolina  
County of Lee  
Timothy Green Plaintiff

IN THE COURT OF COMMON  
PLEAS FOR THE THIRD JUDICIAL  
C.A. No.: 2011-CP-31-0187

v.

South Carolina Department of Corr  
Officer Lt. Franklin Richardson Jr. +  
Medical officials

Rule 59(E) Request for  
NEW HEARING OR SUMMARY  
JUDGEMENT. OR A REHEARING  
IN THIS MATTER  
RDE 60 (A)(B)(G)

This matter is before the court on the matter of  
Gross Negligent of his attorney ineffective assistance of  
Council. ON August 22, 2013. A hearing on the motion  
was held in the Lee County Court of Common Pleas on  
November 15, 2013. Robert J. Butcher, Esquire attended  
on hearing on behalf of the Plaintiff while G. Maxwell  
Smith, Jr., Esquire represented the Defendant. Plaintiff  
states that he told his lawyer that he was getting  
affidavits from eye witnesses. And that has  
witnesses that he want the honorable court  
to order lie detector tests. And that he  
would like to have a lie detector test as well

to prove that he is telling the truth. I HAVE CLEAR  
LOT OF PROOF IN THIS MATTER. PROFESSIONAL WITNESSES IN  
THIS MATTER. PLAINTIFF ATTORNEY WAS TOLD CLEARLY THAT  
HIS CASE WAS AGAINST LT. FRANKLIN RICHARDSON JR.  
AND MEDICAL. MR. ROBERT BUTCHER IS A PROFESSIONAL  
LAWYER. THERE IS NO WAY HE DIDN'T KNOW THAT  
I COULDN'T USE THE THE DEPT. OF CORR IN THIS  
MANNER. I TOLD HIM SIR, I WROTE THOSE ATTORNEYS  
IN THIS MATTER BEFORE THIS ORDER. I WAS TOLD  
THAT HE WAS SELLING ME OUT. ASK HIM DIDN'T I  
TOLD HIM. SIR I WAS TOLD BY SOME <sup>ONE</sup> CLOSE TO <sup>THE</sup> DEPT. ~~DEPT.~~  
TELL HIM TO GO TO WITNESSES THAT I GAVE  
HIM AND GET DEPOSITIONS FROM THEM.

AS FOR THE ALLEGING OF DEFENDANT'S CONDUCT I HAVE  
LOTS OF STATEMENTS AND REPORTS OF HIS CONDUCT AND  
ATTORNEY ROBERT BUTCHER HAS THEM. AND THE STATEMENTS  
FROM THE REST OF THE GUYS TO PROVE MY ALLEGATIONS  
HE NEVER CAME BACK TO PICK THEM UP. HE DIDN'T  
KNOW WHO LT. FRANKLIN RICHARDSON JR. WAS  
WHEN HE CAME UP TO SEE ME. I THOUGHT HE  
WAS GOING CRAZY. I GUESS HE SAID THAT IN

EYES. SIR, HE DIDN'T HAVE THE MONEY TO SEND ME  
TO A DOCTOR. HE SAID WHEN HE GETS THE MONEY  
HE WOULD. SIR I HAVE PERMANENT DAMAGE TO MY  
RIGHT EYE. I HAVE DAMAGE TO MY TONGUE AND  
STOMACH. CHECK LEE COUNTY MEDICAL RECORDS.  
FOR MONTHS I COMPLAINED ABOUT MY THROAT AND  
STOMACH. AFTER LT. FRANKLIN RICHARDSON JR. SPRAYED  
GAS DOWN MY THROAT. SIR, I HAD BLISTERS ON MY  
TONGUE AND IN MY THROAT FOR MONTHS. THE NURSE  
DIDN'T SEE ME UNTIL 161 DAYS AFTER THE INCIDENT.  
NURSE COOPER. I TOLD MY LAWYER TO GET A  
STATEMENT FROM HER BEFORE THE OFFICERS GET  
TO HER HE NEVER DID. SIR I HAVE WITNESSES.  
THIS MAN COULD'VE KILLED ME. SIR, CHECK MY  
RECORDS I AM MUSLIM, I DON'T CURSE. I NEVER  
THREATENED HIM. HE WAS UPSET ABOUT THE  
HUNGERSTRIKE. I WAS ON A HUNGERSTRIKE  
FOR ABOUT 19 DAYS. I WAS TOO WEAK TO TRY  
TO FIGHT. NO FOOD OR WATER. THESE PEOPLE  
ARE CORRUPT. I TOLD HIM TO GET NURSES MOODY +  
NURSE FRANKLIN REPORTS ON ME AND RABON.

AS FOR THE INCIDENT WITH THE RADIO. THEY LET  
INMATES GET INTO GUYS DUFFLE BAG AND STEAL THEIR  
PROPERTY. IT'S HAPPENED ON NUMEROUS OCCASIONS.  
I DIDN'T CARE ABOUT IT. I WANTED WITNESSES  
IN CASE ANYTHING HAPPENED TO IT I HAVE A REPORT  
ON IT. JUST USING MY HEAD. AS FOR CALLING LT.  
FRANKLIN RICHARDSON JR. AN EXSTRIPPER IT'S TRUE.  
HE THINKS HE'S BETTER THAN ANYBODY ELSE.  
JUST SHOWING HIM A DRUNK AND A EXSTRIPPER ISN'T  
THE BEST ROLE MODEL FOR HIS KID. SIR IF YOU READ  
THE MEDICAL REPORT YOU'LL SEE WHY I THREW UP.  
MY THROAT AND STOMACH IS STILL MESSED UP FROM THE  
GAS. I HAVE WITNESSES, STATEMENTS. SIR. I WAS  
LOCKED BEHIND A DOOR. I WASN'T HEARING  
ANYONE. LT. RICHARDSON JR. WASN'T LOCKING  
ME UP BECAUSE OF THREATENING HIM. IT WAS  
BECAUSE I WAS SHOWING THE GUYS YOU DON'T  
HAVE TO RESORT TO VIOLENCE. FILE PAPERWORK  
ON THESE PEOPLE. SIR THAT'S WHY THESE GUYS  
ON STABBING AND JUMPING ON THESE OFFICERS.

SIR, LT. FRANKLIN RICHARDSON JR. HAS JUMPED ON A NUMBER OF INMATES AFTER THEY ARE IN HANDCUFFS. AS FOR FILING IN THE ADMINISTRATIVE COURTS. THEY WON'T FILE THEM THEY AREN'T LIBERTY INTERESTS WHERE YOU GET GOOD TIME OR EARN WORK CREDITS. SO THEY'LL ONLY DISMISS THE CASE. I GUESS NEITHER LAWYERS DID THEIR HOMEWORK. SIR GIVE ME A CHANCE TO SHOW YOU. MORE ATTORNEY ROBERT BUTCHER TO SEND ME ALL THE RECORDS AND THE STATEMENTS I SENT HIM. AND ALLOW ME TO GET ME MEDICAL RECORD HERE. WITH OUT A DOUBT YOU'LL RULE IN MY FAVOR. AS FOR SOVEREIGN IMMUNITY I HAVE WITNESSES EYES WITNESSES OF LT RICHARDSON JR. SLAMMING MY HEAD ON THE FLOOR AND BEATING ME IN MY FACE. AND JUMPING DOWN IN MY SIDE WITH HIS KNEE. HE WON'T TAKE A LIEDETECTOR TEST. NONE OF THEM. I'VE BEEN REQUESTED ONE ASK THE INSPECTOR GENERAL AND SEN. RALPH ANDERSON. I HAVE LOTS OF STATEMENTS SHOWING THAT LT RICHARDSON JR. HAVE USE EXCESSIVE FORCE ON MANY OF OCCASIONS.

Johnson v. Glick 481 F.2d 1028, 1033 (CA2) Johnson  
Johnson 414 U.S. 1033, 94 S.Ct. 462, 38 L.Ed.2d. 324  
(1973) ~~Bell v. Correll~~ Correll v. Roughlin 842 F.2d  
23, 26 (CA5) 1988) Miller v. Leather 913 F.2d 1085  
1087 (CA4 1990) Haynes v. Marshall 887 F.2d 700  
703 (CA6 1989) Stenzel v Ellis 916 F.2d 423,  
427 (CA8 1990) Brown v Smith 813 F.2d 1187-  
1188.

There intentions was to hide me in the corner  
on lock up until I got well. And cover everything  
up. I saw contraband ofc Bells while I was  
going to the shower. Then knows once she  
seen my face. And I told her what happen I  
finally got to medical. Nurse Jones walked pass  
me for days. Nurse Traitt walked passed me  
for days and wouldn't see me. I had blood  
on my shirt and in my eye. See eye doctor  
reports. My eye is still messed up my knees  
are messed up. My stomach is messed up from  
that pass and my throat. I got proof please  
give me a chance. My lawyer made major  
mistakes. Ineffective assistance of counsel

Notice of intent to Appeal

Civil Appeal

CA. No.: 2011-CP-31-0187

Civil Case Number

State of South Carolina

County of LEE

Timothy GREEN Plaintiff

IN THE COURT OF COMMON  
PLEAS FOR THE 3rd CIRCUIT

vs.

Lt FRANKLIN Richardson Jr. S.C.D.C. Defendant

The Plaintiff Timothy GREEN here by gives Notice of Appeal from the judgement of the Judges Order in the Court of Common Pleas in the above Action, to the Court of Appeals in state of South Carolina, Columbia, Richland County.

The Appellant's exceptions to the judgement of the Judge R. FERRELL COCHRAN Jr. Judge of the Court of Common Pleas.

Timothy Green

3/20/14

Robert J. Butcher  
Deborah J. Butcher

**The Camden Law Firm, PA**  
509 WALNUT STREET  
CAMDEN, SOUTH CAROLINA 29020  
POST OFFICE BOX 610  
CAMDEN, SOUTH CAROLINA 29021

Telephone: 803.432.7599  
Facsimile: 803.432.7466

March 17, 2014

Timothy Green, SCDC #00113830  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, South Carolina 29010

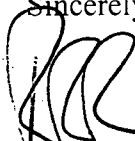
Re: Timothy Green, #113830 v SCDC  
Civil Action No.: 2011-CP-31-0187  
IRF #: 80309

Dear Mr. Green:

Attached please find a filed copy of the Order Granting Summary Judgment. You have thirty days from the filing date to file an appeal. If you choose to file an appeal, I will not be able to represent you and will file a motion to relieve myself from your appeal.

Should you have any questions or concerns, please contact our office.

Sincerely,



Robert J. Butcher

/dmb

Enclosures

3/19/14

STATE OF SOUTH CAROLINA  
COUNTY OF LEE

) IN THE COURT OF COMMON PLEAS  
) FOR THE THIRD CIRCUIT  
) C.A. NO.: 2011-CP-31-0187

Timothy Green,

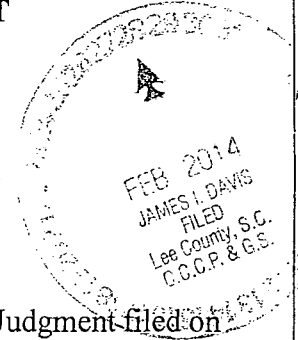
)  
)  
)  
) Plaintiff,

v.

South Carolina Department of Corrections,

)  
)  
) Defendants.  
)  
)  
)

**ORDER GRANTING SUMMARY  
JUDGMENT**



This matter is before the Court on the Defendant's Motion for Summary Judgment filed on August 22, 2013. A Hearing on the Motion was held in the Lee County Court of Common Pleas on November 15, 2013. Robert J. Butcher, Esquire attended on behalf of the Plaintiff while G. Murrell Smith, Jr., Esquire represented the Defendant. After hearing oral arguments and reviewing the Briefs submitted by both Parties, for the reasons stated herein below, the Defendant's Motion for Summary Judgment is **GRANTED** and this case is dismissed:

**FINDINGS OF FACT**

Plaintiff alleges that the Defendant's conduct was negligent and grossly negligent dealings with the Plaintiff. The Defendant denied the allegations. The facts in the lig favorable to the Plaintiff presented in the Record are as follows: On or about March 1 Lieutenant Franklin Richardson, an Employee with the South Carolina Department of Cor alleged that Inmate Green was cursing and threatening him. Inmate Green was taken to the Special Management Unit at Lee Correctional Institution.

*RJF*

By Plaintiff's own admission, he placed his walkman in his pants. He alleged that he was doing this to protect his property.

After the Plaintiff was transported to the Special Management Unit, he was placed in the BOSS Chair to search for contraband. At that time, the walkman radio was located in his pants. He was then placed in the Holding Cell. The Plaintiff alleges that Lieutenant Richardson was laughing at him and the Plaintiff told him "you ain't nothing but an ex-stripper". **Deposition Page 58, lines 9-15.** Lieutenant Richardson alleges that he was yelling, cursing and threatening him while in the Holding Cell.

Following this exchange, Lieutenant Richardson administered Top Cop MK-9 gas into the Holding Cell. Following the administration of chemical munitions, the Nurse was called to evaluate the Plaintiff. Nurse Karen Cooper appeared at the Holding Cell to provide assistance.

The Plaintiff was let out of the Holding Cell to go to the Nurses' Station across the hall. The Plaintiff alleges that as he was being taken over to the Nurses Station, the gas was coming up from his mouth because it went down his throat. He claims that Lieutenant Richardson rushed him and slammed him to the floor. He kept hitting his head against the floor, kneeling him in the ribs and punching him in the face. **See Deposition Page 63, line 13 through Page 64, line 10.** The Plaintiff alleges that he was punched in the face, in the jaw and in between the nose. **See Deposition Page 69, line 25 through Page 70, line 18.**

Lieutenant Richardson, in his Affidavit, states that as the Plaintiff was walking towards the Nurses Station, he lunged towards Lieutenant Richardson and spit on his right arm. At that time, Lieutenant Richardson placed his arm behind his back and took him down to the ground to subdue him. This was corroborated by Nurse Karen Cooper's Affidavit.

Following the incident, the Plaintiff was taken to the medical facility at Lee Correctional Institution. He was provided care although he continued to complain of improper care to his knees, face and ribs.

The Plaintiff was convicted of threatening to inflict harm/assault on an employee. This was at a Disciplinary Proceeding in which the Plaintiff appeared.

The Plaintiff commenced this action alleging Gross Negligence and Negligence Per Se against the South Carolina Department of Corrections for failure to supervise employees not to physically harm or use excessive force on inmates; failure to train its employees in a proper use of force and chemical munitions and for failing to hire and/or retain employees who have a history of violence and abusing prisoners.

The Plaintiff also alleged that the South Carolina Department of Corrections was Grossly Negligent and Negligent Per Se for failure to supervise its medical staff and insure that injured inmates were provided proper medical attention, trained employees to properly treat inmates and provide them with medical attention; breaching their duty to provide medical treatment and attention to the Plaintiff; failure to manage and supervise employees to provide proper medical attention and properly attend and treat injured inmates like the Plaintiff.

Lastly, the Plaintiff alleged that the conduct of Lieutenant Richardson placed the Plaintiff in reasonable fear of bodily injury and pled a cause of action for Assault. The Plaintiff also said that Lieutenant Richardson's forceful contact with the Plaintiff amounted to Battery and requested damages for the same. The Defendant denied the Plaintiff's Complaint and pled that the matter was controlled by the South Carolina Tort Claims Act as provided in 15-78-10 and pled Sovereign Immunity. Lastly, the Defendant allege that the Plaintiff failed to exhaust his administrative remedies.



## CONCLUSIONS OF LAW

**I. THE PLAINTIFF IS PRECLUDED FROM PREVAILING ON HIS CAUSES OF ACTION OF ASSAULT AND CAUSE OF ACTION OF BATTERY PURSUANT TO THE SOUTH CAROLINA TORT CLAIMS ACT.**

The Plaintiff alleges that “on March 11, 2010, Lieutenant Franklin Richardson brutally assaulted Plaintiff while Plaintiff was in handcuffs”. From the Plaintiff’s pleadings, it is obvious that the Plaintiff is alleging that Lieutenant Franklin Richardson willfully and intentionally attacked the Plaintiff. Furthermore, the Plaintiff attempted to sign warrants for assault and battery against Lieutenant Richardson but was denied so by the South Carolina Department of Corrections and/or a Lee County Magistrate.

The Plaintiff sued the South Carolina Department of Corrections and not Lieutenant Richardson individually which the Plaintiff did not plead Negligent Supervision in his cause of action for Assault or Battery. Thus, the Defendant is not liable for the actions of Lieutenant Richardson. Pursuant to S.C. Code Ann. §15-78-60 (17), the Governmental Entity is not liable for a loss resulting from employee conduct outside the scope of his official duties or which constitute actual fraud, actual malice, intent to harm or a crime involving moral turpitude.

The facts in the light most favorable to the Plaintiff would show that Lieutenant Richardson became agitated by the Plaintiff and intentionally and unlawfully attacked him. The Plaintiff alleges that Lieutenant Richardson threw him to the ground while handcuffed, kned him in the ribs and punched him in the jaw, eye and nose. There is no doubt the facts alleged by the Plaintiff show an intent to harm the Plaintiff. While your Defendant denies these facts as alleged by the Plaintiff, in a light most favorable assuming the Plaintiff’s facts are true, then your Defendant is immune from suit pursuant to S.C. Code Ann. §15-78-60 (17).


*DJC*

The Plaintiff did not sue Lieutenant Richardson for his alleged intentional acts. Therefore, the Plaintiff cannot maintain acts for assault and battery in which he alleges there was intent to harm by Lieutenant Richardson against the Defendant, South Carolina Department of Corrections.

Your Defendant also alleges the facts as alleged by the Plaintiff did not occur. The allegations of the Plaintiff are only supported in the record by his own testimony. There is ample independent evidence that exists to demonstrate that the Plaintiff's claims are false. The Plaintiff has an extensive litigation history with the South Carolina Department of Corrections.

From the Affidavit of Nurse Karen Cooper, it was apparent that the Plaintiff became out of control and charged Lieutenant Richardson. Lieutenant Richardson subdued the Plaintiff pursuant to the Policies and Procedures of the South Carolina Department of Corrections. Therefore, the overwhelming evidence supports the facts as contained in Lieutenant Richardson's Affidavit. Regardless, S.C. Code Ann. §15-78-60 (17) doesn't allow the Plaintiff to maintain a Cause of Action against the Defendant for Battery.

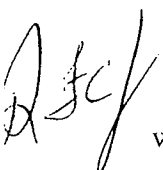
The Plaintiff's attorney conceded that he could not maintain Causes of Action for Intentional Torts against the Defendant South Carolina Department of Corrections. Specifically, those were  
procluded by S.C. Code Ann. §15-78-60 (17) and S.C. Code Ann. §15-78-30 (D). A Governmental Entity includes Political Subdivisions and Agencies thereof. See S.C. Code Ann. §15-78-30 (a), (c)(d)(h) (Defining "Agency", "Employee", "Governmental Entity", and "Political Subdivision").  
A State Employee is defined under the Act as "any officer, employee or agent of the State or its Political Subdivisions including Elected or Appointed Officials, Law Enforcement Officers, and persons acting on behalf of in service of Governmental Entity in the scope of official duty." S.C. Code Ann. §15-78-30(c).



**II. THE DEFENDANT IS IMMUNE FROM LIABILITY PURSUANT TO S.C. CODE ANN. § 15-78-60 (25).**

A. Subsection 15-78-60(25) provides that a governmental entity is not liable from “responsibility or duty including but not limited to supervision, protection, control, confinement, or custody of any student, patient, **prisoner**, inmate or client of any governmental entity, except when the responsibility or duty is exercised in a grossly negligent manner.” S.C. Code Ann. § 15-78-60(25)(emphasis added).

Gross negligence is the intentional conscious failure to do something which is incumbent upon one to do or the doing of a thing intentionally that one ought not to do. Etheridge v. Richland School District 1, 341 S.C. 307, 310, 534 S.E.2d 275, 277 (S.C. 2000). “Gross negligence, in the context of liability by a governmental entity, is the intentional conscious failure to do something which it is incumbent upon one to do or the doing of a thing intentionally that one ought not to do; it is the failure to exercise slight care.” Jinks v. Richland County, 355 S.C. 341, 345 (S.C. 2003). “Additionally, while gross negligence ordinarily is a mixed question of law and fact when the evidence supports but one reasonable inference, the question becomes a matter of law for the court.” Pack v. Associated Marine Institutes, Inc., 362 S.C. 239, 245 (Ct. App. 2004)(citing Etheridge, 341 S.C. at 310)). The Plaintiff has the burden of proving gross negligence. See Stewart v. Richland Memorial Hospital, 450 S.C. 589 (Ct. App. 2002) (Finding that while a governmental entity has the initial burden of establishing a limitation upon liability or an exception to the waiver of immunity, the plaintiff must still prove that the governmental entity has waived immunity)).

 As in Pack, there is absolutely no evidence in the record demonstrating that Defendant was grossly negligent. The Pack court determined that summary judgment was proper after finding that employees acted with at least slight care. Pack, 362 S.C. at 245. As in this case, the plaintiff in the Pack case argued the defendants could have done more to address a juvenile's

behavior problems before the juvenile acted out. Id. However, the court determined “[t]he fact that more might have been done does not negate a finding that [defendant] employees exercised at least slight care.” Id. (citing Etheredge, 341 S.C. at 311-12 (holding that where defendant had no knowledge of animosity between students, and principal and security monitored hallways, the fact that school district might have done more did not negate the fact it exercised slight care for purposes of determining whether gross negligence exception to Tort Claims Act was applicable)).

The Plaintiff alleges that Lieutenant Richardson had a history of excessively using gas on inmates. They also allege that Lieutenant Richardson assaulted or excessively used force on inmates listed in the Plaintiff’s Complaint. In support of this allegation, the Plaintiff submitted statements from fellow inmates. ( See Exhibit B) None of these statements indicate that the South Carolina Department of Corrections knew or should have known of these alleged assaults by Lieutenant Richardson.

*a* Furthermore, the entire personnel file of Lieutenant Richardson was produced by the South Carolina Department of Corrections to the Plaintiff. While there is a number of disciplinary actions and reports contained in his personnel file, none are alleging unlawful force. There is no disciplinary write-ups or actions for assaults on inmates. ) |

*RJCF* If the Plaintiff is alleging that Lieutenant Richardson should have never deployed the chemical munitions into the Plaintiff’s cell. The Defendant submits that this is in accordance with their Policy. The Court has reviewed the Chemical Munition Policy of SCDC. It clearly allows chemical munitions to be deployed when the Inmate refuses to obey a lawful order. The Plaintiff was requested numerous times to stop acting erratically and to calm down. He failed to comply until chemical munitions were deployed.

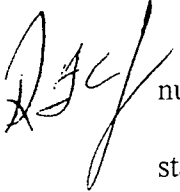
**III. THE PLAINTIFF'S CAUSE OF ACTION REGARDING HIS ALLEGATIONS OF INADEQUATE MEDICAL TREATMENT OR MEDICAL MALPRACTICE BY AGENTS OF SCDC MUST BE DISMISSED AS THE PLAINTIFF HAS FAILED TO IDENTIFY AN EXPERT ON THE STANDARD OF CARE OR ITS BREACH BY THE DEFENDANT.**

According to Rule 56(e) of the South Carolina Rules of Civil Procedure, in responding to a Motion for Summary Judgment, a Plaintiff may not "rest upon the mere allegations or denials of his pleadings, but his response ... must set forth specific facts showing that there is a genuine issue for trial." The South Carolina Court of Appeals has further stated that "[t]he party seeking summary judgment has the initial responsibility of demonstrating the absence of a genuine issue of material fact ... [t]his initial responsibility 'may be discharged by showing - that is, pointing out to the [in trial] court - that there is an absence of evidence to support the non-moving party's case.'" Richardson v. State - Record, Co., Inc., 330 S.C. 562, 566, 499 S.E.2d 822, 824 (Ct. App. 1998) (quoting Celotex Corp. v. Catrett, 477 U.S. 317 (1986)).

In order to satisfy the burden of truth in a medical malpractice case, the South Carolina Supreme Court has previously held:

The plaintiff uses expert testimony to establish both the required standard of care and the defendant's failure to conform to that standard, unless the subject matter lies within the ambit of common knowledge and experience, so that no special learning is needed to evaluate the conduct of the defendant.

Pederson v. Gould, 288 S.C. 141, 142, 341 S.E.2d 633, 634 (1986); see also David v. McLeod Regional Medical Center, 367 S.C. 242, 248, 626 S.E.2d 1, 4 (2006).

 The principle that experts are generally required in medical malpractice has been affirmed numerous times by South Carolina courts. Additionally, the Court of Appeals clarified the issue, stating "on a defendant's motion for summary judgment, there will usually be no genuine issue of material fact unless the plaintiff presents expert testimony on a standard of care and its breach by the defendant." Jernigan v. King, 312 S.C. 331, 334, 440 S.E.2d 379, 381 (Ct. App. 1993). This

is in accord with the Supreme Court's view that in South Carolina, "medical malpractice actions require a greater showing than generic allegations and conjecture." David, 367 S.C. at 249, 626 S.E.2d at 4. Thus, "summary judgment is completely appropriate when a properly supported motion sets forth facts that remain undisputed or are contested in a deficient manner." Id., 367 S.C. at 250, 626 S.E.2d at 5.

Additionally, attached medical notes show Plaintiff was provided numerous medical examinations and medical attention almost weekly. Plaintiff alleges he was not provided with adequate medical care, yet these notes serve to show Plaintiff has had ample consultations and services. Id. Plaintiff cannot simply allege in a conclusory fashion that he did not receive adequate medical care or attention, provide no supporting evidence, and expect to survive summary judgment. Papasan v. Allain, 478 U.S. 265, 286, 106 S.Ct. 2932 (1986) (courts need not assume the truth of legal conclusions couched as factual allegations)).

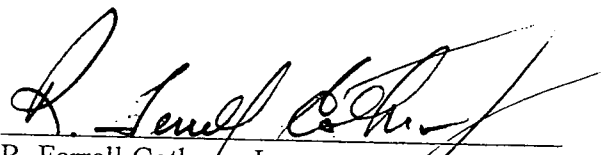
Rather, Plaintiff's complaint is that medical personnel refused to provide him with the care and treatment he personally desired. Such allegations are not sufficient to allow this lawsuit to proceed. Wright v. Collins, 766 F.2d 841, 849 (4<sup>th</sup> Cir. 1985)(Disagreements between an inmate and a physician over the inmate's proper medical care do not state a claim absent exceptional circumstances.)). Plaintiff's personal opinion notwithstanding, nothing in the evidence and exhibits before the Court give rise to a genuine issue of fact as to whether anyone was deliberately indifferent to Plaintiff's serious medical needs. See Scheckells v. Goord, 423 F. Supp.2d 342, 348 (S.D.N.Y. 2006)(citing O'Connor v. Pierson, 426 F.3d 187, 202 (2d Cir. 2005)("Lay people are not qualified to determine...medical fitness, whether physical or mental; that is what...medical experts are for.")). While Plaintiff may not agree with the extent and nature of the medical care he received, he cannot simply allege in a conclusory fashion that he did not receive adequate medical care or attention, otherwise provide no supporting evidence

other than his own subjective opinion, and expect to survive summary judgment, particularly when the Defendant has submitted documents and evidence from a medical professional which refutes his claims. See House v. New Castle County, 824 F.Supp. 477, 485 (D.Md. 1993).

Given the Plaintiff's failure to identify an expert in support of his allegations in this case, as well as failing to provide an affidavit setting forth how the Defendants' breach of care was compromised, Defendants request that the Court dismiss any and all causes of action relating to inadequate medical care or medical malpractice.

Therefore, it is the Ruling of the Court that all Causes of Action alleged as to the South Carolina Department of Corrections are hereby Dismissed With Prejudice and the Defendant's Motion for Summary Judgment is **GRANTED**.

**AND IT IS SO ORDERED.**

  
R. Ferrell Cothran, Jr.  
Judge of the Court of Common Pleas

At Chambers:

2-24, 2014.

Manning, South Carolina.



SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Timothy F. Green  
 SCDC NUMBER: 113830  
 INSTITUTION: LEE CORR. INST.  
 HOUSING UNIT: Kershaw N 2237  
 WORK ASSIGNMENT: DORM

JUN 12 2013  
 DE

Office Use Only  
 Grievance No. LeeCI 1799-13  
 Code: General ine/ll  
 Policy: \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 Date Received 6/13/13 / 6/11/13  
 IGC Initials \_\_\_\_\_

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

DR BEINOR, MD About 5-28 2013 I started to receiving bone  
 Aches and blurred vision and sweating severely. On 6-1-13  
 ON 6-1-13, I started sweating very badly and my vision  
 left me and I was burning hot and dizzy. DR BEINOR  
 prescribed me medicine for migraine headaches and pain in  
 my knees. The nurse said in front of Lt. Smith and another officer

ACTION REQUESTED: that I was prescribe blood pressure medicine. I don't  
 have high blood pressure. This deliberate indifference. I want this  
 documented. I want this before the warden. I sent my lawyer  
 a copy of this grievance for reference later

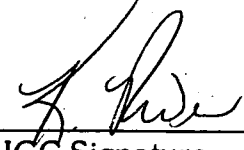
SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I spoken with Lt. Smith about the matter which is  
 all I need to do for informal resolution attempt. I sent a  
 request to the warden for notification  
 \_\_\_\_\_ @ 6-11-13  
 Grievant Signature Date

ACTION TAKEN BY IGC:

Your grievance is being returned to you unprocessed for the following reason. You did not follow as instructed upon resubmitting your corrected grievance. You will not be given any further time to resubmit a grievance regarding this matter. You should also review the policy changes.

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

  
 IGC Signature Date 6/17/13  
 \_\_\_\_\_  
 Grievant Signature Date N/A

**EMERGENCY CARE**  
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
 INMATE GRIEVANCE FORM

STEP 1

Office Use Only

INMATE NAME: Timothy F. Green  
 SCDC NUMBER: #113830  
 INSTITUTION: Lee Corr. Inst.  
 HOUSING UNIT: Kershaw N 2237  
 WORK ASSIGNMENT: Down

Grievance No. LEECF 1746-13  
 Code: General me ml  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 Date Received 6/7/13  
 IGC Initials TFG

**JUN 06 2013**

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

ON ~~5-31~~ 5-31 2013 I started receiving severe <sup>Medical-Beinor</sup> back aches and blurred vision and sweating badly. ON 6-1-2013. I started sweating very badly. And my vision left me and I was burning hot. DR. M. BEINOR prescribed me medicine for MIGRAINE headaches and for the PAINS IN MY KNEES. THE NURSE SAID INFRONT LT. SMITH AND ANOTHER SAID THAT I WAS

ACTION REQUESTED: Prescribe blood pressure medicine. I don't have a blood pressure problem. This is deliberate malpractice. That this be documented. It was a threat on my life.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I spoke with Lt. Smith about the matter and I sent a request to the warden & ass. warden about the matter.

Timothy Green 6-5-13  
 Grievant Signature Date

ACTION TAKEN BY IGC:

You have failed to attached the answered Request to Staff Form regarding your informal resolution attempt on this issue as is required in GA-01.12 Inmate Grievance Procedures. You may re-file on a new grievance form within 5 days (due by 06/13/13) providing the required answered Request to Staff Form or within 5 days of receiving a response to the Request to Staff Form which you should have submitted within 5 days of the incident as your informal resolution attempt to the appropriate supervisor. Return this unprocessed grievance with any refile for date verification purposes.

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

[Signature] 6/7/13  
 IGC Signature Date

N/A  
 Grievant Signature Date

**INMATE GRIEVANCE FORM**  
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

STEP 1

INMATE NAME: Timothy Green  
 SDCD NUMBER: 113830  
 INSTITUTION: Lee Corr. Inst.  
 HOUSING UNIT: Kershaw N. Rm #2237 JUN 17 2013  
 WORK ASSIGNMENT: Dorm

Office Use Only  
 Grievance No. LeeCI 1825-13  
 Code: General Unfiled  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 Date Received 6/18/13  
 IGC Initials KH

STATE GRIEVANCE (include documentation, and date of incident; if SDCD Policy, indicate which policy)

M. Reinold to whom this grievance is against in this matter. Medical # 12.  
 I was prescribed Meloxicam 15 MG Tab substitute for Motrin for  
 KNEES & MIGRAINE headaches that caused blurred vision. Light  
 intensified the headaches the pain, also occur in my eyes. Also I  
 WAS PRESCRIBED PROPRANOLOL ER 60MG CAP substituted for INDECAV for  
 HEADACHES. MY EYES BEGAN TO HURT. I WAS SWEATING I BECAME HOT I  
 LOST MY VISION. MY BONES FELT LIKE THEY WERE BREAKING UP. I WAS LOSING

ACTION REQUESTED: CONSCIOUSNESS. MY ARMS AND LEGS SWELLED UP.  
THAT I SEE AN OUTSIDE DOCTOR

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT: LD Smith

I sent a request to the warden and I spoke with  
LD Smith, and Officer MS Foulds. They heard the nurse  
 said that I was on blood pressure medicine. I don't have a  
 blood pressure problem.  
 Grievant Signature [Signature] Date 6-12-13

ACTION TAKEN BY IGC:

Your grievance is being returned to you unprocessed for the following reason. You did not follow as instructed upon resubmitting your corrected grievance. You will not be given any further time to resubmit a grievance regarding this matter.

I accept the action taken by the IGC and consider the matter closed.  
 I do not accept the action taken and wish to appeal.

[Signature] 6/18/13  
 IGC Signature Date

N/A  
 Grievant Signature Date

"EMERGENCY GRIEVANCE" Attach pg. 2  
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
 INMATE GRIEVANCE FORM  
 STEP 1

INMATE NAME: Timothy Green  
 SDCS NUMBER: 163830  
 INSTITUTION: LEE COR. INST.  
 HOUSING UNIT: Keshaw N 2237 RM# 7JUN 07 2013  
 WORK ASSIGNMENT: Dozm

Office Use Only  
 Grievance No. LeeCI 1767-13  
 Code: General me/pe  
 Policy: \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class: \_\_\_\_\_  
 Date Received: 6/10/13  
 IGC Initials: [Signature]

STATE GRIEVANCE (include documentation and date of incident; if SDCS Policy, indicate which policy) I state before  
Medical + Dr. M. DeNOR  
 to whom this may comply to or with or against in this matter.  
 I was prescribed Meloxicam 15 MG TAB. substitute for Motric-Pain  
 relief, + Migraine headaches that caused blurred vision light intensified  
 the headaches the pain ~~was~~ also occur in my eyes. Also I was  
 prescribed Propranolol ER 60MG CAP substitute for Inderal for  
 head aches. My eyes became numb I was sweating I became hot I lost

ACTION REQUESTED: My vision. My bones felt like they were breaking up  
I was losing consciousness. My arms and legs swelled up.  
That I see an outside doctor.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:  
I sent request to the warden and I spoke with  
Lt. Smith and officer Ms. Foulds. They heard the noise  
said that I was on blood pressure medicine I don't have a  
blood pressure problem.  
 Grievant Signature \_\_\_\_\_ Date \_\_\_\_\_

ACTION TAKEN BY IGC: \_\_\_\_\_

You have failed to attached the answered Request to Staff Form regarding your informal resolution attempt on this issue as is required in GA-01.12 Inmate Grievance Procedures. Also, there is not date of the incident you are grieving. You may re-file on a new grievance form within 5 days (due by 6/16/13) providing the date of the incident and the required answered Request to Staff Form or within 5 days of receiving a response to the Request to Staff Form which you should have submitted within 5 days of the incident as your informal resolution attempt to the appropriate supervisor. Return this unprocessed grievance with any refile for date verification purposes.

I accept the action taken by the IGC and consider the matter closed.  
 I do not accept the action taken and wish to appeal.

[Signature] 6/10/13  
 IGC Signature \_\_\_\_\_ Date \_\_\_\_\_  
N/A  
 Grievant Signature \_\_\_\_\_ Date \_\_\_\_\_

State of South Carolina  
Court of Appeals

Timothy Green Plaintiff

v.

Lt Franklin Richardson Jr. + S.C.D.C Medical staff

Motion Attaching Summary  
Judgment + Requesting  
A NEW HEARING ON THE FACTS.  
C.A. No.: 2011 CP-31-0187

This matter comes before this Honorable Court Requesting Summary  
judgment in this Civil Action. Plaintiff states that he can  
PROVE ~~deliberate~~ indifference. Plaintiff was beaten by Lt. Franklin  
Richardson Jr. severely and placed on lockup in a locker  
room where no one could see him. Plaintiff wrote  
request to the investigator and Bishopville County lock  
trying to get him arrested. Plaintiff "eye" right was  
closed shot his whole right side of his face was  
swollen. Plaintiff tried to get medical attention  
the next day from Nurse Jones she wouldn't stop  
and talk to him. He tried to talk to nurse  
Frank and he wouldn't talk to him. That same  
day of the incident Nurse Cooper told them.

LEGAL MAIL ONLY

to bring me to her office. But they didn't. I told them that my throat and stomach was burning. They said nothing but gave tylenol pills. For months my throat was sore I blisters on my tongue as well. After being on lockup for about 6 months. I seen nurse Franklin and nurse Moody they looked down my throat and saw the blisters. It's in the records at medical. I made sore it was documented. Nurse practitioner Rabon treated me for my throat for about three 3 months ago more. My ribs was so sore and my knees you can see that something is badly wrong. And the vision in my right eyes is still blurred. Lt. Franklin Richardson Jr. stated he never hit me or anything but I have officers as witnesses and an inmate worker saw it all. Lt. Richardson Jr. was slamming my head on the floor I'll take a lie detector test. I been asking for one since day one. I seen the eye doctor at Kirkland on many occasions about my eye. the doctor stated in front of officer Lucky and ofc Mickens that I got beaten real good. And that I was being treated for a cut on my eyeball from

LEGAL MAIL ONLY

that beating. It's in Medical Record the badly swollen eye  
with a cut on it. Deliberate indifference to serious  
Medical needs of prisoners constitutes the unnecessary  
and wanton infliction of pain proscribed by the Eighth  
Amendment. In order to prevail on a constitutional  
claim of inadequate medical care. Nurse ~~could~~ came  
up to "S.M.U" lockup because Lt. Richardson Jr. sprayed  
~~gas~~ down my throat. And I told them that this man  
sprayed ~~gas~~ down my throat. He always tried to treat  
us like we were the lowest thing on this earth. But  
I found out that he was a sex ~~stripper~~ ~~stool~~ could I  
act out the way they stated when I had just come  
off of a hunger strike. I went without food and water  
for 19 days. But they had documented 12" days. They  
said that we had to go 4 days before they could  
document it. I lost 60 lbs. And I was too weak  
to fight with these people or argue with them.  
I lost so much weight that the guys on lockup  
didn't recognize who I was. Everybody on this  
yard will tell you Lt. Franklin Richardson Jr. assaulted  
me.

LEGAL MAIL ONLY

Proof of deliberate indifference may be established by direct or by circumstantial evidence. Some of the types of direct evidence prisoners present sick call requests for medical attention or records reflecting.

1. The dates when medical attention was requested to whom the requests were submitted the medical conditions complained of the effects of any delay in obtaining access to medical staff.

the dates when access was provided.

Specific medical staff seen.

Attorney Robert J. Butcher has the pictures of my face, my knees and my bruised ribs. Request that he send you a copy. When he showed my family the pictures they couldn't believe that an officer of the law could do such a thing.

treatment provided by particular staff. the nature of follow-up care ordered and whether it was carried out. Additional information to include the adequacy of treatment and complaints and formal grievances filed regarding the inadequate care. SEE GRIEVANCES ON MEDICAL STAFF.

The inadequate medical care, was the request to Jones and Priddy both nurse ignored plaintiff complaint about wounds his eye ribs and knees. which are still being neglected. Plaintiff still suffers from chronic pains. check medical files. Plaintiff's toes feels like they are going to break off. Medical prescribed medicine Plaintiff blood pressure medicine for chronic headaches from his head being slammed on the floor. Plaintiff don't even have high blood pressure medicine that swell my shoulder feet and legs with water. And took my sight. I thought I was going to die. My lawyer I sent the medicine to his office. The mailroom. Investigator and constabulary and the captain went inside my legal mail to my attorney. which is a violation of my constitutional rights attorney-client relations. And he did nothing when I told him about it. From the medicine I can't wear shoes anymore. From the assault by Lt. Franklin Richardson Sr I have pains in my eye + chronic headaches. My right eye still has blackness around it.

My KNEES ARE still killing me. And they ARE still swollen.

My STOMACH is killing me. I have two "2" types of Ulcers  
Now since he sprayed the gas down my throat.  
GASTRO Ulcers and bleeding. Ulcers. When FRANKLIN

RICHARDSON JR. Jumped down in my side with  
his KNEE and started DUCK Plaintiff in his face.

All the officers ran into the shift office. Only  
officer FARMER picked me up off the floor. My  
vision was blurred from the beating. While

I was in handcuffs. I was weighing 146 lbs  
down from 210 lbs. I was weak from the  
hungerstrike. And in handcuffs what could  
I do. My Mouth and stomach was on fire.

I couldn't eat for days afterwards I live  
off of milk and bread. Ask SFC THOMPSON.

My LAWYER NEVER got depositions from these  
critical witnesses. ESTELLE V GAMBLE 429 U.S. 97

103 (1976) WESTV. ATKINS 487 U.S. 42, 57-58 (1988)

RICHARDSON V. MCKNIGHT 521 U.S. 399 (1997)

ESTELLE, 429 U.S. AT 104 FARMER V. BRENNAN

511 U.S. 825, 836 (1994) (L)

Id At 843 Brady v. PUCKETT 157 F.3d 1022 (5th Cir  
(1998) Brock v Wright 315 F.3d 158, 1162 (2nd Cir 2003)  
Hud 503 U.S. At 10, 109 S.Ct At 997, 1000 Riley v Dorton  
Riley v. DORTON 115 F.3d 1159, 1168 (4th Cir 1997)  
SPRAYING GAS down A PRISONERS throat is DE MINIMIS.  
What is deliberate indifference? According to the  
Supreme Court, deliberate indifference is a state of  
Mind MORE blame worthy than MERE NEGLIGENCE but  
LESS culpable than purposeful misconduct. SEE FARMER  
571 U.S. At 835. Deliberate indifference holds  
that a prison official will be held liable under  
the Eighth Amendment. Only if he knows that  
inmates face a substantial risk of serious harm  
and disregards that risk by failing to take  
reasonable measures to abate it. Id. At 847  
under this test, prisoners alleging Eighth  
Amendment violations need not show that a prison  
official acted or failed to act believing that  
harm actually would befall an inmate; it is enough  
that the official acted or failed to act despite his  
knowledge of a substantial risk of serious harm.  
Id. At 842.

I HAVE WITNESSES THAT WAS THERE AND HEARD NURSE COOPER TELL THE OFFICERS + Lt. Richardson Jr. to bring to medical after the assault. I CAN blow this case out of the water. And that they put me in a corner room to ~~set~~ and heal before anyone knew about the assault.

THE EIGHTH AMENDMENT REQUIRES THAT PRISON OFFICIALS PROVIDE A SYSTEM OF READY ACCESS TO ADEQUATE MEDICAL CARE. PRISON OFFICIALS SHOW DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS IF PRISONERS ARE UNABLE TO MAKE THEIR MEDICAL PROBLEMS KNOWN TO THE MEDICAL STAFF OR IF THE STAFF IS NOT COMPETENT TO EXAMINE THE PRISONERS, DIAGNOSE ILLNESSES, AND THEN TREAT OR REFER THE PATIENT. THE PRISON MUST ALSO PROVIDE AN ADEQUATE SYSTEM FOR RESPONDING TO EMERGENCIES. IF OUTSIDE FACILITIES ARE TOO REMOTE OR TOO INACCESSIBLE TO HANDLE EMERGENCIES PROMPTLY AND ADEQUATELY, THEN THE PRISON MUST PROVIDE ADEQUATE FACILITIES AND STAFF TO HANDLE EMERGENCIES WITHIN PRISONS.

SEE IMAGE CARE & GRIEVANCES.

I KNOW THAT I AM, SERIOUSLY SICK FROM THE WAY WE WERE BEING FED AND TREATED. ASK SENATOR RALPH ANDERSON.

Clement v. Gomez 298 F.3d 898, 904 (9th Cir 2002)

Greens v. Daley 414 F.3d 645, 653 (7th Cir P 2005) Brock v.

Wright 315 F.3d 158, 163-64 (2nd Cir 2003) Clement v Gomez

298 F.3d 898 (9th Cir 2002) Ellis v. Butler 890 F.2d 180,

1003 (8th Cir 1989). Bouchard v. Magnusson 715 F. Supp. 1146,

1148 (D. Me 1989)

Lt. Richardson stated that I call him an ex-stripper, while in a holding cell 4 feet wide and 4 feet long. Plaintiff only asked him what was he being locked up for? What he didn't realize that I wasn't one of the guys that told him to jump on me and wait for get back, knowing how corrupt the Administration is. I had to get a guy down stairs to contact me family and let them know what happened. 6 days later my niece contact Robert Butcher. He came up and took pictures of my wounds. There so many people that's been hurt by him and other officers. Most can't read or write. And they tell the guys that file grievances they are switching and fall for it.

Immunity in "NO" forms can be granted to him on summary judgement because the genuine issues of material fact existed precluding summary judgement, on whether prison guards complied South Carolina's official policy governing use of force when inmate has been restrained and

IN A HOLDING CEN. POLICY DOES NOT STAIN THAT A PRISON OFFICIAL  
CAN USE MACE OR GAS WHEN AN INMATE IS RESTRAINED AND BEHIND  
DOORS. PLAINTIFF WAS NOT KICKING AND HANGING ON CELL DOOR.  
PLAINTIFF STATES THAT HE HAS OFFICIALS WITNESSES THAT HIS LAWYER  
WAS TOLD TO GET DEPOSITIONS FROM. PLAIN HAS A EXPECT WITNESS  
STATEMENTS AND WITH OFFICERS PRESENT SAYING THAT HE WAS  
PUNCHED IN THE EYE REPEATEDLY.

PLAINTIFF STATES THAT HE CAN PROVE COLORFUL PROOF ACERTAIN  
PLAINTIFF WHO ASSAULTS MALICIOUS AND SADISTIC USE OF FORCE  
NEED NOT SHOW THAT FORCE CAUSED EXTREME DEPRIVATION OR  
SERIOUS OR SIGNIFICANT PAIN OR INJURY TO ESTABLISH EIGHTH  
AMENDMENT CAUSE OF ACTION. ALL THAT IS NECESSARY IS  
PROOF OF MORE THAN DE MINIMIS PAIN OR INJURY.

THIS IS PROOF THROUGH MATERIAL FACTS THE CAUSE OF INJURY  
AND THAT LT. FRANKLIN RICHARDS SR. DID BRUTALLY BEAT  
INMATE TIMOTHY COREAN ASK HIM TO TAKE A LIE DETECTOR  
TEST THAT HE DIDN'T BEAT PLAINTIFF IN THE FACE. AND  
SLAM HIS HEAD ON THE FLOOR AND DROP DOWN IN  
PLAINTIFF SIDE. AND SPRAY GAS DOWN HIS THROAT AND  
IT WASN'T PERSONAL. IF PASS I'LL DROP THIS CASE.

I KNOW JUST AS MOSES STOOD BEFORE THE BURNING  
BUSH HE'LL FAIL. WILLIAMS V. BENJAMIN 77 F.3d 756. (4th  
CIR. 1996).

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Timothy Green

SCDC NUMBER: 113830

INSTITUTION: LEE CORR. INST.

HOUSING UNIT: Kershaw N. RM#1254

WORK ASSIGNMENT: Doran

Grievance No. LeeCI 0076-14

Code: General me/rl

Policy \_\_\_\_\_

Disc. Hear. \_\_\_\_\_

Class. \_\_\_\_\_

PREA \_\_\_\_\_

Date Received 1/23/14

IGC Initials EST

JAN 21 2014

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I AM WRITING CONCERNING MEDICAL. I WENT TO KIRKLAND CORR. INST. MEDICAL CENTER FOR TREATMENT ON MY FEET KNEES AND ANKLE ELBOWS. THE ORTHOPEDIC DOCTOR SAID THAT I NEEDED SPECIAL SHOES BECAUSE OF THE DAMAGE TO MY FEET AND ANKLES. AND HE SAID THAT HE WANTED TO CHANGE THE MEDICINE ALSO. HE SAID THAT HE WANTED ME TO BE FITTED FOR SHOES AS SOON AS POSSIBLE BEFORE I NEEDED SURGERY I AM BEING DENIED EVERYTHING.

THIS DELIBERATE INDIFFERENCE, THE NEGLECTING OF MEDICAL TREATMENT. THIS A VIOLATION OF MY 8TH AMENDMENT RIGHTS TO ADEQUATE MEDICAL CARE. THE 8TH AMENDMENT GUARANTEES PRISONERS MEDICAL CARE AND TREATMENT. MY FEET ARE KILLING ME. MEDICAL HAS SEEN THE REPORT, MY FEET ARE KILLING ME I CAN'T WEAR MY OTHER SHOES. THEY MAKE THINGS WORSE.

AN INMATE MUST RELY ON PRISON AUTHORITIES TO TREAT HIS MEDICAL NEEDS. ESTELLE V. GAMBLE 429 US 97, 103 (1976)

THIS IS DELIBERATE INDIFFERENCE.

ACTION REQUESTED:

That I be fitted for orthopedic shoes and special shoes as well as the treatment the orthopedic doctor requested.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I've written medical & the warden and the representative in the County I was locked up in, as well as senator Graham.

Timothy Green 1-9-14

Grievant Signature

Date

Which violated Constitutional Rights which violated the 14th Amendment. The US Const. is the Supreme Law of the Land. The Amendments to the Constitution provide individuals in this country with certain rights. Within the U.S. Const., the main protection against actions by state officials is found in the Fourteenth Amendment. No state shall deprive any person of life, liberty, or property or the pursuit of justice without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

The Court has ruled that both laws protect the inmates or prisoners. My rights have been violated. The first "10" ten amendments to the US Constitution are known as the Bill of Rights. My rights has been violated. I will research this because I think this is criminal or a criminal offense.

Proc. of Service of a Notice of Appeal

The State of South Carolina  
IN THE COURT OF APPEALS  
IN THE SUPREME COURT

APPEALS FROM LEE COUNTY  
COURT OF COMMON PLEAS  
R. FERRELL COCHRAN, JR., Circuit Court Judge

CASE Civil Action No.: 2011-CP-31-0187

Lt. Franklin Richardson Jr., Respondent  
S.C.D.C.

vs.

Timothy Green Appellant

Proof of Service

I CERTIFY that I have served the Notice of Appeal on ~~and~~  
ALL PARTIES by depositing a copy of it in the U.S. Mail,  
Postage prepaid on March 20, 2014 addressed to the Court  
Court of Appeals and Court of Common Pleas, and Attorneys  
for Lt Franklin Richardson Jr.

LEE, ERTER, WILSON, HOLLER + SMITH  
126 N. MAIN STREET  
SUMMER, S.C. 29150

Timothy Green

3/20/14

Notice of intent to Appeal

Civil Appeal

CA. No.: 2011-CP-31-0187

State of South Carolina

Civil Case Number

County of LEE

IN THE COURT OF COMMON  
PLEAS FOR THE CIRCUIT

Timothy GREEN Plaintiff

vs.

Lt FRANKLIN Richardson Jr. S.C.D.C. Defendant

The Plaintiff Timothy Green here by gives Notice of Appeal from the judgement of the Judges Order in the Court of Common Pleas in the above Action, to the Court of Appeals in state of South Carolina, Columbia, Richland County.

The Appellant's exceptions to the judgement of the Judge, R. FERRELL COCHRAN Jr. Judge of the Court of Common Pleas.

Timothy Green

3/20/14

IN THE COURT OF COMMON PLEAS LEE COUNTY  
STATE SOUTH CAROLINA.

Timothy GREEN Plaintiff

v.

Lt. Franklin Richardson Jr. S.C.D.C. defendant's

Motion for All documents  
Request, Pictures, Reports  
statements from courts +  
Attorney Robert Butcher

Plaintiff request all pictures of his eye, ribs,  
and knees that attorney Robert Butcher took of  
him. All statements reports grievances declarations  
medical reports full disclosure of all evidence  
to perfect his appeal.

All written and typed statements records of hearings  
response briefs made by witnesses from the  
department of CORR. Incident reports any and  
all rules, regulations, and policies of the DEPT. of CORR.  
S.C. and reports about the treatment of inmates.  
All grievances and reports, incident reports on Lt.  
Franklin Richardson Jr. Medical records reports  
from LEE CORR INST. Medical records documented reports.  
March, 24, 2014

Timothy Green

to prove that he is telling the truth. I HAVE clear  
lot proof in this matter. Professional witness in  
this matter. Plaintiff Attorney was told clearly that  
his case was against Lt. Franklin Richardson Jr.  
and Medical. Mr. Robert Butcher is a Professional  
Lawyer. There is no way he didn't know that  
I couldn't see the the Dept. of Corr in this  
manner. I told him Sir, I wrote two attorneys  
in this matter before this order I was told  
that he was selling me out. Ask him didn't I  
tot told him. Sir I was told by some <sup>one</sup> close to <sup>the</sup> Dept. ~~to~~  
tell him to go to witnesses that I gave  
him and get depositions from them.  
As for the Alleging of Defendants conduct I have  
lots of statements and reports of his conduct and  
Attorney Robert Butcher has them. And the statements  
from the rest of the guys to prove my Allegations  
he NEVER came back to pick them up. He didn't  
know who Lt. Franklin Richardson Jr. was  
when he came up to see me. I thought he  
was going crazy. I guess he saw that in

State of South Carolina  
County of Lee

Timothy Green Plaintiff

IN THE COURT OF COMMON  
PLEAS FOR THE THIRD JUDICIAL  
C.A. No.: 2011-CP-31-0187

V.

South Carolina Department of Correction  
Officer Lt. Franklin Richardson Jr. +  
Medical officials

Rule 59(E) Request for  
NEW HEARING OR SUMMARY  
JUDGEMENT. OR A REHEARING  
IN THIS MATTER  
Rule 60 (A) (B) (G)

This matter is before the Court on the matter of  
Gross Negligent of his Attorney ineffective assistance of  
Council. on August 22, 2013. A hearing on the motion  
was held in the Lee County Court of Common Pleas on  
November 15, 2013. Robert J. Butcher, Esquire attended  
on hearing on behalf of the Plaintiff while G. Maxwell  
Smith, Jr. Esquire represented the Defendant. Plaintiff  
states that he told his lawyer that he was getting  
affidavits from eye witnesses. And that his  
witnesses that he want the honorable Court  
to order lie detector tests. And that he  
would like to have a lie detector test as well

EYES. SIR. I DIDN'T HAVE THE MONEY TO SEND ME  
TO A DOCTOR. HE SAID WHEN HE GETS THE MONEY  
HE WOULD. SIR I HAVE PERMANENT DAMAGE TO MY  
RIGHT EYE. I HAVE DAMAGE TO MY TONGUE AND  
STOMACH. CHECK LEE COUNTY MEDICAL RECORDS.  
FOR MONTHS I COMPLAINED ABOUT MY THROAT AND  
STOMACH. AFTER LT. FRANKLIN RICHARDSON JR. SPRAYED  
GAS DOWN MY THROAT. SIR. I HAD BLISTER ON MY  
TONGUE AND IN MY THROAT FOR MONTHS. THE NURSE  
DIDN'T SEE ME UNTIL 161 DAYS AFTER THE INCIDENT.  
NURSE LOOPER. I TOLD MY LAWYER TO GET A  
STATEMENT FROM HER BEFORE THE OFFICERS GET  
TO HER HE NEVER DID. SIR I HAVE WITNESSES.  
THIS MAN COULD'VE KILLED ME. SIR, CHECK MY  
RECORDS I AM MUSLIM. I DON'T CURSE. I NEVER  
THREATENED HIM. HE WAS UPSET ABOUT THE  
HUNGERSTRIKE. I WAS ON A HUNGERSTRIKE  
FOR ABOUT 19 DAYS. I WAS TOO WEAK TO TRY  
TO FIGHT. NO FOOD OR WATER. THESE PEOPLE  
ARE CORRUPT. I TOLD HIM TO GET NURSES MOODY +  
NURSE FRANKLIN REPORTS ON ME AND RABON.

AS FOR THE INCIDENT WITH THE RADIO. THEY LET  
INMATES GET INTO GUYS DUFFLE BAG AND STEAL THEIR  
PROPERTY. IT'S HAPPENED ON NUMEROUS OCCASIONS.  
I DIDN'T CARE ABOUT IT. I WANTED WITNESSES  
IN CASE ANYTHING HAPPENED TO IT I HAVE A REPORT  
ON IT. JUST USING MY HEAD. AS FOR CALLING LT.  
FRANKLIN RICHARDSON JR. AN EX-STRIPPER IT'S TRUE.  
HE THINKS HE'S BETTER THAN ANYBODY ELSE.  
JUST SHOWING HIM A DRUNK AND A EX-STRIPPER ISN'T  
THE BEST ROLE MODEL FOR HIS KID. SIR IF YOU READ  
THE MEDICAL REPORT YOU'LL SEE WHY I THREW UP.  
MY THROAT AND STOMACH IS STILL MESSED UP FROM THE  
GAS. I HAVE WITNESSES, STATEMENTS. SIR I WAS  
LOCKED BEHIND A DOOR. I WASN'T HEARING  
ANYONE. LT. RICHARDSON JR. WASN'T LOCKING  
ME UP BECAUSE OF THREATENING HIM. IT WAS  
BECAUSE I WAS SHOWING THE GUYS YOU DON'T  
HAVE TO RESORT TO VIOLENCE. FILE PAPERWORK  
ON THESE PEOPLE. SIR THAT'S WHY THESE GUYS  
ON STABBING AND JUMPING ON THESE OFFICERS.

SIR, Lt. Franklin Richardson Jr. has jumped on a number of inmates after they are in handcuffs. As for filing in the administrative courts. They won't file them they aren't liberty interests where lost good time or extra work credits. So they'll only dismiss the case. I guess neither lawyers did there homework. Sir give me a chance to show you. More Attorney Robert Butcher to send me all the records and the statements I sent him. And allow me to get me medical record here. With out a doubt you'll rule in my favor. As for sovereign immunity I have witnesses eyes witnesses of Lt Richardson Jr. slamming my head on the floor and beating me in my face. And jumping down in my side with his knee. He won't take a lie detector test. None of them. I've been requested one ask the Inspector General and Sen. Ralph Anderson. I have lots of statements showing that Lt Richardson Jr. have use excessive force on many of occasions.

Johnson v. G'ik 481 F.2d 1028, 1033 (CA2) Johnson  
Johnson 414 U.S. 1033, 94 S.Ct. 462, 38 L.Ed.2d. 324  
11973) ~~Bell v. Correll~~ Correll v. Correll 842 F.2d  
23, 26 (CA5) 1988) Miller v. Leathers 913 F.2d 1085  
1087 (CA4 1990) Haynes v. Marshall 887 F.2d 700  
703 (CA6 1989) Stenzel v. Ellis 916 F.2d 423,  
427 (CA8 1990) Brown v. Smith 813 F.2d 1187-  
1188.

There intentions was to hide me in the corner  
on lockup until I got well. And cover everything  
up. I saw contraband ofc Bells while I was  
going to the shower. They know once she  
seen my face. And I told her what happen I  
finally got to medical. Nurse Jones walked pass  
me for days. Nurse Traitt walked passed me  
for days and wouldn't see me. I had blood  
on my shirt and in my eye. See eye doctor  
refuse. My eye is still messed up my knees  
are messed up. My stomach is messed up from  
that pass and my throat. I got proof please  
give me a chance. My lawyer made major  
mistakes. Ineffective assistance of counsel

As for the signing of WARRANTS ONLY SHOWED ME  
HOW CORRUPT THE SYSTEM WAS I COULDN'T BELIEVE  
HOW THEY'RE COVERING THIS UP. I WILL FILE ALL  
THE WAY THE SUPREME COURTS ON THIS MATTER.  
THE PLAINTIFF ATTORNEY CONCEDED THAT HE COULD NOT  
MAINTAIN A CAUSE OF ACTION FOR INTENTIONAL TORTS  
AGAINST THE DEFENDANT SOUTH CAROLINA DEPARTMENT  
OF COR. I NEVER SUED THE DEPT. I SUED  
LT FRANKLIN RICHARDSON SR. IN THIS MATTER.  
WHY DIDN'T ATTORNEY ROBERT BUTCHER PRODUCE  
THE PICTURES OF PLAINTIFFS RIBS, EYES, AND  
KNEES TO THIS HONORABLE COURT. TABLE

SEE WILLIAMS V. BENSAUN 77 F.3d. 756 4th CIR  
1996 WILSON V. SEITER 501 U.S. 294, 302, 111  
S.Ct. 2321-2326, 115 L.Ed.2d 271 1991

HUDSON V. McMillian 503 U.S. 1, 117 L.Ed.2d

156 ESTELLE V. GAMBLE 429 U.S. 97, 103, 97  
S.Ct. 285, 290, 50 L.Ed.2d 257. WHITLEY V.

ALBERS 475 U.S. 312, 320-321, 106 S.Ct.

1078. Id. At 319, 106 S.Ct. At 1084 INGRAM  
V. WRIGHT 430 U.S. 651, 670, 92 S.Ct. 1401, 1412, 51  
L.Ed.2d 711 (1977)

And gross negligence on my Attorney. SEE  
Rule 60(A)(1)(B). I need to get this evidence  
your honor from the eye doctor to prove Lt.  
Richardson Jr. Lied to this Honorable Court.  
I have evidence newly that will move this  
honor Court to move in my behalf. So strong  
you'll move and Rule in my favor. If given  
the opportunity I will show and prove the  
Corruption and Lies of this Administration.  
I ~~PRAY~~ pray this honorable Court.

MARCH 24 2014

Linatty Dean

South Carolina Supreme Court of Appeals

Timothy GREEN #113838

Motion for enlargement  
of time.

v.s

Lt. Franklin Richardson Jr. & S.C.D.L Medical

Petitioner is asking this honorable court to grant him an enlargement of time. Due to security at Lee County Correctional inst. Lockdown status. And to let this honorable court know that he had a lawyer at the beginning of his civil case. And the lawyer lost. ~~As~~ sold Petitioner ~~out~~ at the hearing, Petitioner wasn't present. Att. Attorney Robert R. Rutchie had to do was show the medical records and the pictures of my knees, face and my ribs. Which the state said in summary judgement he did not show. And ~~that~~ that Petitioner didn't go through the chain of Grievance and A.L.T. which I did. But it was dismissed

LEGAL MAIL ONLY

BECAUSE I DIDN'T LOSE GOOD TIME OR WORK CREDITS.  
I DIDN'T SHOW A LIBERTY INTEREST. HE HAD THIS INFORMATION  
IN HIS RECORDS HE CAME TO SEE <sup>ME</sup> ONE DAY AND DIDN'T KNOW  
THAT IT WAS FRANKLIN RICHARDSON JR. THAT WE SHOWING THAT  
HE ASSAULTED ME BRUTALLY. BRUTALLY ASSAULTED ME.  
HE WAS LOST AND A FRIEND OF MINE TOLD ME TO GET RID OF  
HIM. BECAUSE THE STATE SEEN HIM AS A JOKE.  
AND THAT HE WOULD SELL ME OUT. MA'AM I HAVEN'T  
HAD ANY MONEY IN ABOUT 15 YEARS. MY PARENTS ARE DEAD.  
I HAVE A COUPLE BROTHERS AND SISTERS. I MIGHT CAN  
BORROW THE MONEY FROM THEM. IF I CAN'T PLEASE GIVE  
ME SOME TIME. I AM A MAN OF MY WORD. I WILL PAY  
THE ONE HUNDRED DOLLARS TO THIS HONORABLE COURT.

MA'AM, THE INJURIES ARE STILL KILLING ME I CAN BARELY  
WALK. AND I AM LOSING SIGHT IN MY RIGHT EYE.  
AND THE LEFT SIDE WHERE HE WAS JUMPING  
DOWN IN MY SIDE ~~IT~~ HURTS ME DAILY. MA'AM HE WAS  
JUMPING DOWN IN MY SIDE WITH ~~THE~~ HIS KICK.  
AND THEY ALL LOOK AT ME AND LAUGH AT ME.  
BECAUSE OF THE SUMMARY JUDGEMENT.

PLEASE GIVE ME A CHANCE TO PROVE TO THIS HONORABLE  
COURT.

LEGAL MAIL ONLY

State of South Carolina SUPREME COURT OF APPEALS

Timothy GREEN #113830

Appellate CASE NO: 2014-000

v. Petitioner

674

Certificate of Service

S.C.D.C. Franklin Richardson Jr. + Medical

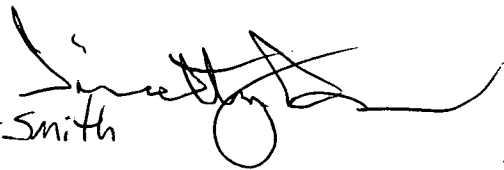
This Notify All PARTIES that this date of April 29 2014  
I Timothy GREEN has served All PARTIES in this  
matter.

LEE, ENTER, Wilson, Holler + Smith

126 N. MAIN ST.

Somter, South Carolina 29150

(803) 778-2471



Timothy GREEN #113830

Kershaw N. Rd #1254

LEE CUR, INST.

990 WISACKY HWY

Richardsville S.C. 29010

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FINANCIAL CERTIFICATE FOR THE  
SOUTH CAROLINA COURT OF APPEALS

Timothy GREEN, #113830

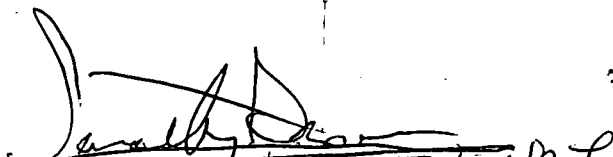
LEE CORR. INST.

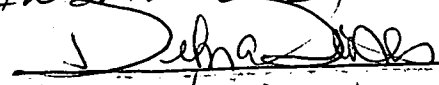
990 WISACKY HWY.

Bishopville S.C. 29010

RE: Timothy GREEN vs Lt. Franklin Richardson, Jr. S.C.D.C.  
APPELLATE CASE NO: 2014-000674

This to declare that inmate Timothy Green #113830  
is indigent and that has no money in his account.  
He hasn't had any money in his account in the last  
ten years or more. And that every thing he gets comes  
from the state. All mailing and coding etc. comes  
from the state.

  
SIGNATURE THM I

~~IN STATE OF S.C.~~ <sup>4/25/14</sup> Sworn date this date  
  
Notary Public  
11-4-2015  
EXPIRE

LEGAL MAIL ONLY

State of South Carolina Supreme Court of Appeals

Timothy Cozzen #

APPELLATE CASE NO: 2014-000  
674

Petitioner

Petition this Honorable Court

Respondent to order Robert Butcher  
S.C.D.C. Lt. Franklin Richardson Jr. + S.C.D.C. Medical to send all files.

I petition this honorable court to order Robert's Butcher to send all pictures medical records statement Declaration Motions, orders GRIEVANCE files + Records Medical history of APPELLATE DEPOSITIONS All files of Lt. Franklin Richardson Jr. And Medical to perfect his appeal. I have written to him and filed a motion in the court of Lee County ordering him to send everything that he has pertaining to my case. And he hasn't done so yet.

LEE ENTER. WILSON, HOLLER + SMITH



126 N. MAIN ST.

SUMNER SOUTH CAROLINA 29150

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IN the Middle of 2007. I RECIERE REPORTS from the young guys IN Chesterfield that the officers was gasing and jumping on them. So I wrote SENATOR Ralph Anderson about the situation. That officers was threatening them and jumping on them. Wouldn't give them showers or RECREATION. And denying them to go to school and Religious SERVICES. And wouldn't send there legal MAIL out for them. And denying them Access to the Courts. I wrote Jon DZMINT Director And I wrote INSPECTOR GENERAL. WARDEN Padula, WARDEN Ms. Bell here at Lee County No RESPONSE.

I wrote the justice dept. WASHINGTON D.C., EVERYONE EVEN SENATOR Lindsey Graham. Check these RECORDS.

All these people do is cover up corruption and evil. You had guys trying to kill themselves cutting on themselves. These people ARE CRAZY. They were gasing and beating the inmates on lockup and Chesterfield so badly until they started to fight back EVERYONE is friends or family ARE sleeping with each other here. When you file grievance Lisa Johnsons makes sure that it never make it's way through along with her staff.

D.H.O Sharon Patterson locked up in them when you go before her. Everything is based on an officers state she'll find you guilty. All of them are sleeping with it other. I told them that violence is not the way they are getting fed up with the injustices. Everyone that is in prison is not guilty of the crime they are in the for. Right now I am showing actual innocence in my case. I am waiting on DNA results. Are the hearing to get the cloths tested. I know that someone in Police dept. placed blood in my cloths. Anyway officers that was under warden Padula security is dangerous wicked and cruel. Look at Lt. Jive officers Bell they are locked up for abusing there child. If the supreme court is on there level of thinking and doing business, I give up. I'll go on to the federal courts. I know that alot of things get brushed under the rug because of the Masonic orders. I am well aware this. I have officers that will tell you that Lt. Franklin Richardson Jr. Assaulted me. ONE officer got fired because of his assault on of DAMIAN Callman

we almost went to prison for the Assault. They told me to stay out of it. And that I had nothing to do with what's going on. But I AM muslim. And Allah tells of the believers to stand up for justice even if it's against our own selves. We ARE Commanded to tell the truth. A friend of mine came to me and told me to hold this for him until he gets back from jail. And this guy seen him give me a phone and told the Sgt. that I had a phone on me. And he came and searched me and found the phone.

The officer knew the phone wasn't mine. And knew I wasn't going to rat on anyone. I got shipped to Chesterfield. When I got over there I talked to the guys and most of them promise me they wouldn't resort to violence. But I had to do my lockup time. Even if the phone wasn't mine I had it on me. I AM RESPONSIBLE for it.

When I came back they put me on the Northside. I had just lost my appeal because of Lt. Franklin Richardson. And Sgt. LAW DAVIS and they didn't send out my appeal to the supreme court. I filed 1983. Most of the Authority figures here. Because they were covering up things here.

When I first got down they kept us lockup almost 24 hours a day. And they were serving us rotten bologna meat and hard frozen biscuits and rotten eggs. No recreation. They wasn't mailing out our legal mail sometimes we wouldn't get but 2 showers a week. I'd done my lockup time this was double jeopardy cruel and unusual punishment. Guys sent pictures of the meat to their families, and they sent them to D.H.C. and to the Director at headquarters.

I wrote fortune tellers at the justice dept. me and few others and to Ralph Anderson Senator. And everyone you could imagine we sent letters to them. The meat was stinking so badly everyone was getting sick. I and a few others got typhoid infections in our stomach and intestines one brother die another found out he had got cancer in the stomach and also a white young brother got cancer in the stomach to. They never got my stomach and intestines tested like the other nurse told them to do. They got rid of her. We never saw her again.

My Muslim Brother died because of the Medical system here and this Administration, I know I am dying my stomach is killing me. And also I had Migraine head Aches from Lt. Franklin Richardson Jr slamming my head on the floor and punching me in my eye. I have lost some vision in it. And I constantly feel something on it. The eye doctor at Kirkland said I had a cyst on my eye. On top of that he sprayed gas down my throat and it's in my medical records about the plasters on my tongue and throat. And it's in my stomach. All this because we went on a hunger strike all together 19 days. Five days they didn't count that's why a lot of people couldn't go on. I went 19 days without water or food. I am setting an example for these young guys that violence isn't the way. If it wasn't for me. A lot of officers would be badly hurt or worse. This is a totally new breed of young guys coming here now. And they don't believe in God or the here after.

MAM YOU ARE NOT GOING TO BELIEVE THIS THE DOCTOR  
HIGH BLOOD PRESSURE MEDICINE FOR MIGRAINE HEADACHES.  
I WAS TAKING THE MEDICINE FOR ABOUT A MONTH MY FEET  
HANDS ANKLES ELBOW GOT FILLED UP WITH WATER AND I  
STARTED PASSING OUT AND LOSING MY VISIONS. SWEATING  
REALLY BADLY. I STARTED ASKING THEM ABOUT THE MEDICINE  
THE NURSE SAID IT WAS FOR HIGH BLOOD PRESSURE. I LOOKED  
CHECK MY RECORDS. I DON'T HAVE HIGH BLOOD PRESSURE.  
I SENT THE MEDICINE OUT TO MY ATTORNEY ROBERT  
BUTCHER. AND THE NEXT THING I KNOW I AM GETTING  
A CHARGE FROM CONTRABAND ABOUT MAILING MY MEDICINE  
OUT. THEY SAID THAT MY ATTORNEY'S OFFICE FORWARDED THE  
LETTER BACK TO THE INST. AND THEY OPENED MY LEGAL  
LETTER TOOK THE STATEMENTS AND DECLARATIONS THAT  
I HAD GOTTEN FROM MY WITNESSES. MY LAWYER DIDN'T  
SAY OR DO ANYTHING ABOUT IT. THAT WHEN OFFICERS AND  
INMATES TOLD ME TO FIX HIM. THAT HE WAS SELLING  
ME OUT. THESE PEOPLE FROM WHAT A NURSE TOLD ME  
THEY HAVE SCARED MY LIVER BADLY AND MY STOMACH IS  
MESSED FROM THE GAS AND THE ROTTEN FOUL AND HARD

bread and my colon is working write for the  
hard bread clogging my colon. And my throat's  
messed up from the gas as well as my stomach.  
I can barely walk my knees and ankles and  
feet and toes are messed up. They won't even  
order the orthopedic shoes the doctor said  
that I needed badly. The guys won't file ~~me~~  
work on these people. Because a lot of them can't read  
and write. I need help, but I am not going to allow  
this to happen to me. I will fight until the end.  
If this gets into the court room they know it's over  
for them. I have officers and inmates with ~~to~~  
testify to what happened. My attorney never  
went and got deposition from them. MA'AM I  
need some help. Please assign an attorney to  
my case.

LEE, ERTER, WILSON, HOLLEN  
& SMITH, LLC  
126 N. MAIN ST.  
SUMMER, S.C. 29150

Notice of intent to Appeal

Civil Appeal

CA. No.: 2011-CP-31-0187

Civil Case Number

State of South Carolina

County of LEE

Timothy GREEN Plaintiff

IN THE COURT OF COMMON  
PLEAS FOR THE DISTRICT

vs.

Lt Franklin Richardson Jr. S.C.D.C. Defendant

The Plaintiff Timothy Green hereby gives Notice of Appeal from the judgement of the Judges Order in the Court of Common Pleas in the above Action, to the Court of Appeals in state of South Carolina, Columbia, Richland County.

The Appellant's exceptions to the judgement of the Judge, R. FERRELL COCHRAN Jr. Judge of the Court of Common Pleas.

Jo Timothy Green

3/20/14

UTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Timothy Green  
SCDC NUMBER: 113830  
INSTITUTION: LEE CORR. INST.  
HOUSING UNIT: Kershaw N. RM#1254  
WORK ASSIGNMENT: Dorm

Grievance No. LeeCI 0071-14  
Code: General me/rl  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
PREA \_\_\_\_\_  
Date Received 1/23/14  
IGC Initials rl

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I AM WRITING CONCERNING MEDICAL. I WENT TO KIRKLAND CORR. INST. MEDICAL CENTER FOR TREATMENT ON MY FEET KNEES AND ELBOWS. THE ORTHOPEDIC DOCTOR SAID THAT I NEEDED SPECIAL SHOES BECAUSE OF THE DAMAGE TO MY FEET AND ANKLES. AND I SAID THAT HE WANTED TO CHANGE THE MEDICINE ALSO. HE SAID THAT HE WANTED ME TO BE FITTED FOR SHOES AS SOON AS POSSIBLE BEFORE I NEEDED SURGERY I AM BEING DENIED EVERYTHING. THIS DELIBERATE INDIFFERENCE. THE NEGLECTING OF MEDICAL TREATMENT. THIS A VIOLATION OF MY 8TH AMENDMENT RIGHTS TO ADEQUATE MEDICAL CARE. THE 8TH AMENDMENT GUARANTEES PRISONERS MEDICAL CARE AND TREATMENT. MY FEET ARE KILLING ME. MEDICAL HAS SEEN THE REPORT. MY FEET ARE KILLING ME. I CAN'T WEAR MY OTHER SHOES. THEY MAKE THINGS WORSE. AN INMATE MUST RELY ON PRISON AUTHORITIES TO TREAT HIS MEDICAL NEEDS. ESTELLE V. GAMBLE 429 US 97. 103119761 THIS IS DELIBERATE INDIFFERENCE.

ACTION REQUESTED:

That I be fitted for orthopedic shoes and given shoes as well as the treatment the orthopedic doctor requested.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I've written medical & the warden and the representative in the County I was locked up in, as well as senator Graham.

Timothy Green 1-9-14

Grievant Signature

Date

Which violated Constitutional Rights which violated the 14th Amendment. The US Constitution is the Supreme Law of the Land. The Amendments to the Constitution provide individuals in this country with certain rights. Within the U.S. Constitution, the main protection against actions by state officials is found in the Fourteenth Amendment. No state shall deprive any person of life, liberty, or property or the pursuit of justice without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

The Court has ruled that both laws protect the inmates or prisoners. My rights have been violated. The first "10" Ten Amendments to the US Constitution are known as the Bill of Rights. My rights has been violated. I will research this because I think this is criminal or a criminal offense.

State of South Carolina  
Court of Appeals

Timothy Green Plaintiff

v.

Motion Attacking Summary  
Judgment & Requesting  
A NEW HEARING ON THE FACTS.  
C.A. No.: 2011 CP-31-0187

Lt Franklin Richardson Jr. & S.C.D.C Medical staff

This matter comes before this Honorable Court Relating Summary  
judgment in this Civil Action. Plaintiff states that he can  
PROVE ~~deliberate~~ indifference. Plaintiff was beaten by Lt. Franklin  
Richardson Jr. SEVERELY AND PLACED ON LOCKUP IN A LOCKER  
ROOM WHERE NO ONE COULD SEE HIM. Plaintiff wrote  
Request to the investigator and Bishopville County Court  
trying to get him arrested. Plaintiff "eye" right was  
closed shot this whole right side of his face was  
swollen. Plaintiff tried to get medical attention  
the next day from Nurse Jones she wouldn't stop  
and talk to him. He tried to talk to nurse  
Pratt and he wouldn't talk to him. That same  
day of the incident Nurse Cooper told them

LEGAL MAIL ONLY

to bring me to her office. But they didn't. I told them that my throat and stomach was burning. They said nothing but gave typhoid pills. For months my throat was sore I blisters on my tongue as well. After being on lockup for about "6" months. I seen nurse Franklins and nurse Moody they looked down my throat and saw the blisters. It's in the records at medical. I made sure it was documented. Nurse Practitioner Rabon treated me for my throat for about three "3" months ago more. My ribs was so sore and my knees you can see that something is badly wrong. And the vision in my right eyes is still blurred. Lt. Franklin Richardson Jr stated he never hit me or anything but I have officers as witnesses and an inmate worker saw it all. Lt. Richardson Jr. was slamming my head on the floor. I'll take a lie detector test. I been asking for one since day one. I seen the eye doctor at Kirkland on many occasions about my eye. the doctor stated in front of officer Lucky and ofc Mickens that I got beaten real good. And that I was being treated for a cut on my eyeball from

LEGAL MAIL ONLY

that beating. It is in medical Record the body swollen eye  
with a cut on it. Deliberate indifference to serious  
Medical Needs of prisoners constitutes the unnecessary  
and wanton infliction of pain described by the Eighth  
Amendment. In order to prevail on a constitutional  
claim of inadequate medical care. Nurse Cooper came  
up to "S.M.U" lockup because Lt. Richardson Sr. sprayed  
gas down my throat. And I told them that this man  
sprayed gas down my throat. He always tried to treat  
us like we were the lowest thing on this earth. But  
I found out that he was a sex stripper. How could I  
act out the way they stated when I had just come  
off of a hunger strike. I went without food and water  
for 19 days. But they had documents for 12" days. They  
said that we had to go 4 days before they could  
document it. I lost 60 lbs. And I was too weak  
to fight with these people or argue with them.  
I lost so much weight that the guys on lockup  
didn't recognize who I was. Everybody on this  
yard will tell you Lt. Franklin Richardson Jr. assaulted  
me.

LEGAL MAIL ONLY

Proof of deliberate indifference may be established by direct or by circumstantial evidence. Some of the types of direct evidence prisoners present sick call requests for medical attention or records reflecting.

1. The dates when medical attention was requested to whom the requests were submitted the medical conditions complained of the effects of any delay in obtaining access to medical staff;

the dates when access was provided;

specific medical staff seen.

Attorney Robert J. Butcher has the pictures of my face, my knees and my bruised ribs. Request that he send you a copy. When he showed my family the pictures they couldn't believe that an officer of the law could do such a thing.

treatment provided by particular staff. the nature of follow up care ordered and whether it was carried out. Additional information to indicate the adequacy of treatment and complaints and formal grievances filed regarding the inadequate care.

SEE GRIEVANCES ON MEDICAL STAFF.

The inadequate medical care, was the request to Jones and Pruitt both nurse ignored plaintiff complaint about wounds his eye ribs and knees. which are still being neglected. Plaintiff still suffers from chronic pains. check medical files. Plaintiff's toes feels like they are going to break off. Medical prescribed medicine Plaintiff blood pressure medicine for chronic headaches from his head being slammed on the floor. Plaintiff don't even have high blood pressure medicine that swell my shoulder feet and legs with water. And took my sight. I thought I was going to die. My lawyer I sent the medicine to his office. The mailroom. Investigator and constabulary and the captain went inside my legal mail to my attorney. which is a violation of my constitutional rights attorney-client relations. And he did nothing when I told him about it. From the medicine I can't wear shoes anymore. From the assault by Lt. Franklin Richardson Jr I have pains in my eye + chronic headaches. My right eye still has blackness around it.

My KNEES ARE still killing me. And they ARE still swollen.

My Stomach is killing me. I have two "2" types of Ulcers  
Now since he sprayed the gas down my throat.  
GASTRO Ulcers and bleeding. Ulcers. When Franklin

Richardson Jr. Jumped down in my side with  
his KNEE and started punch Plaintiff in his face.

All the officers ran into the shift office. only  
officer FARMER picked me up off the floor. My  
vision was blurred from the beating. while

I was in handcuffs. I was weighing 146 lbs  
down from 210 lbs. I was weak from the  
hungerstrike. And in handcuffs what could  
I do. My Mouth and stomach was on fire.

I couldn't eat for days afterwards I live  
off of milk and bread. Ask Sgt. Thompson.

My LAWYER NEVER got depositions from these  
critical witnesses. Estelle v Gamble 429 U.S. 97

103 (1976) West v. Atkins 487 U.S. 42, 57-58 (1988)

Richardson v. McKnight 521 U.S. 399 (1997)

Estelle, 429 U.S. at 104 FARMER v. BRENNAN

511 U.S. 825, 836 (1994) (L)

Id At 843 Brady v. PUCKETT 157 F.3d 1022 (5th Cir  
(1998) Brock v Wright 315 F.3d 158, 162 (2nd Cir 2003)

Hud 503 U.S. At 10, 109 S.Ct At 997, 1000 Riley v Dorton  
Riley v. DORTON 115 F.3d 1159, 1168 (4th Cir 1997)

SPRAYING GAS down A PRISONERS throat is DE MINIMIS.

What is deliberate indifference? According to the  
Supreme Court, deliberate indifference is a state of  
Mind MORE blame worthy than MERE NEGLIGENCE but  
LESS culpable than purposeful misconduct. SEE FARMER

511 U.S. At 835. Deliberate indifference holds  
that a prison official will be held liable under  
the Eighth Amendment. Only if he knows that  
inmates face a substantial risk of serious harm  
and disregards that risk by failing to take  
reasonable measures to abate it. Id. At 847

Under this test, prisoners alleging Eighth  
Amendment violations need not show that a prison  
official acted or failed to act believing that  
harm actually would befall an inmate; it is enough  
that the official acted or failed to act despite his  
knowledge of a substantial risk of serious harm.  
Id. At 842.

I HAVE WITNESSES THAT WAS THERE AND HEARD NURSE COOPER TELL THE OFFICERS + Lt. Richardson Jr. to bring to medical after the assault. I CAN blow this case out of the water. And that they put me in a corner room to ~~see~~ and heal before anyone knew about the assault.

THE EIGHTH AMENDMENT REQUIRES THAT PRISON OFFICIALS PROVIDE A SYSTEM OF READY ACCESS TO ADEQUATE MEDICAL CARE. PRISON OFFICIALS SHOW DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS IF PRISONERS ARE UNABLE TO MAKE THEIR MEDICAL PROBLEMS KNOWN TO THE MEDICAL STAFF OR IF THE STAFF IS NOT COMPETENT TO EXAMINE THE PRISONERS, DIAGNOSE ILLNESSES, AND THEN TREAT OR REFER THE PATIENT. THE PRISON MUST ALSO PROVIDE AN ADEQUATE SYSTEM FOR RESPONDING TO EMERGENCIES. IF OUTSIDE FACILITIES ARE TOO REMOTE OR TOO INACCESSIBLE TO HANDLE EMERGENCIES PROMPTLY AND ADEQUATELY, THEN THE PRISON MUST PROVIDE ADEQUATE FACILITIES AND STAFF TO HANDLE EMERGENCIES WITHIN PRISONS.

SEE IMAGE CARE & GRIEVANCES.

I KNOW THAT I AM, SERIOUSLY SICK FROM THE WAY WE WERE BEING FED AND TREATED. ASK SENATOR RALPH ANDERSON.

Clement v. Gomez 298 F.3d 898, 904 (9th Cir 2002)

Green v. Daley 414 F.3d 645, 653 (7th Cir 2005) Brock v.

Wright 315 F.3d 158, 163-64 (2nd Cir 2003) Clement v. Gomez

298 F.3d 898 (9th Cir 2002) Ellis v. Butler 890 F.2d 180,

1003 (8th Cir 1989). Bouchard v. Magnusson 715 F. Supp. 1146,

1148 (D. Me 1989)

Lt. Richardson stated that I call him an ex-stripper, while in a holding cell 4 feet wide and 4 feet long. Plaintiff only asked him what was he being locked up for? What he didn't realize that I wasn't one of the guys that stood him to jump on me and wait for get back, knowing how corrupt the Administration is. I had to get a guy down stairs to contact my family and let them know what happened. 6 days later my niece contact Robert Butcher. He came up and took pictures of my wounds. There so many people that's been hurt by him and other officers. Most can't read or write. And they tell the guys that file grievances they are switching and fall for it.

Immunity in non forms can be granted to him on summary judgement because the genuine issues of material fact existed precluding summary judgement, on whether prison guards complied South Carolina's official policy governing use of force when inmate has been restrained and

IN A HOLDING. "POLICY DOES NOT STATE" THAT A PRISON OFFICER  
CAN USE MACE OR GAS WHEN AN INMATE IS RESTRAINED AND BEHIND  
DOORS. PLAINTIFF WAS NOT KICKING AND HANGING ON CELL DOOR.  
PLAINTIFF STATES THAT HE HAS OFFICIALS WITNESSES THAT HIS LAWYER  
WAS TOLD TO GET DEPOSITIONS FROM. PLAIN HAS A EXPERT WITNESS  
STATEMENTS AND WITH OFFICERS PRESENT SAYING THAT HE WAS  
POUNCHED IN THE EYE REPEATEDLY.

PLAINTIFF STATES THAT HE CAN PROVE COLORFUL PROOF ACERTAIN  
PLAINTIFF, WHO ASSERTS MALICIOUS AND SADISTIC USE OF FORCE  
NEED NOT SHOW THAT FORCE CAUSED EXTREME DEPRIVATION OR  
SERIOUS OR SIGNIFICANT PAIN OR INJURY TO ESTABLISH EIGHTH  
AMENDMENT CAUSE OF ACTION. ALL THAT IS NECESSARY IS  
PROOF OF MORE THAN DE MINORIS PAIN OR INJURY.

THIS IS PROOF THROUGH MATERIAL FACTS THE CAUSE OF INJURY  
AND THAT LT. FRANKLIN RICHARDSON JR. DID BRUTALLY BEAT  
INMATE TIMOTHY COREAN ASK HIM TO TAKE A LIE DETECTOR  
TEST THAT HE DIDN'T BEAT PLAINTIFF IN THE FACE. AND  
SLAM HIS HEAD ON THE FLOOR AND DROP DOWN ON  
PLAINTIFF SIDE. AND SPRAY GAS DOWN HIS THROAT AND  
IT WASN'T PERSONAL. IF JASS I'LL DROP THIS CASE.

I KNOW JUST AS MOSES STOOD BEFORE THE BURNING  
BUSH HE'LL FAIL. WILLIAMS V. BENJAMIN 77 F.3d 756. (4th  
CIR. 1996).

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Timothy F. Green  
 SCDC NUMBER: 113830  
 INSTITUTION: LEE CORR. INST.  
 HOUSING UNIT: Kershaw N 2237  
 WORK ASSIGNMENT: DORM

JUN 12 2013  
 2

Office Use Only  
 Grievance No. LeeCI 1799-13  
 Code: General ine/ll  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 Date Received 6/13/13  
 IGC Initials TFG

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

DR BEINOR,  ~~OR~~ About 5-28 2013 I started to receiving bone  
 Aches and blurred vision and sweating severely. SW L-1-13  
 ON 6-1-13. I started sweating very badly and my vision  
 left me and I was burning hot and dizzy. DR BEINOR  
 prescribed me medicine for migraines headaches and pain in  
 my knees. The nurse said in front of Lt. Smith and another officer  
 that I was prescribe blood pressure medicine. I don't  
 have high blood pressure. This deliberate indifference. I want  
 documented. I want this before the warden. I want my lawyer  
 a copy of this grievance for reference later.

ACTION REQUESTED: ~~that I was prescribe blood pressure medicine. I don't~~  
 have high blood pressure. This deliberate indifference. I want  
 documented. I want this before the warden. I want my lawyer  
 a copy of this grievance for reference later.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I spoke with Lt. Smith about the matter which is  
 all I need to do for informal resolution attempt. I sent a  
 request to the warden for notification.

Timothy F. Green 6-13-13  
 Grievant Signature Date

ACTION TAKEN BY IGC:

Your grievance is being returned to you unprocessed for the following reason. You did not follow as instructed upon resubmitting your corrected grievance. You will not be given any further time to resubmit a grievance regarding this matter. You should also review the policy changes.

I accept the action taken by the IGC and consider the matter closed.  
 I do not accept the action taken and wish to appeal.

[Signature] 6/17/13  
 IGC Signature Date

N/A  
 Grievant Signature Date

**EMERGENCY EXIT USE ONLY**  
**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**  
**INMATE GRIEVANCE FORM**

**STEP 1**

INMATE NAME: Timothy F. Green  
 SCDC NUMBER: #113830  
 INSTITUTION: Lee Corr. Inst.  
 HOUSING UNIT: Kershaw N 2237 JUN 06 2013  
 WORK ASSIGNMENT: Down

Office Use Only  
 Grievance No. LeeC-1746-13  
 Code: General me/ml  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 Date Received 6/7/13  
 IGC Initials TFG

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy) Medical - Beinoz

ON ~~5-28~~ 2013 I started receiving severe Medical - Beinoz  
 And blurred vision and sweating badly. ON 6-1-2013. I started  
 sweating very badly. And my vision left me and I was  
 burning hot. DR. M. BEINOZ prescribed me medicine for  
 MIGRAINE headaches and for the pains in my knees.  
 THE NURSE SAID INFANT LT. SMITH AND ANOTHER SAID THAT I WAS

ACTION REQUESTED: Prescribe blood pressure medicine. I don't have a  
blood pressure problem. This is deliberate negligence.  
That this be documented. It was a threat on my life.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:  
I spoke with Lt. Smith about the matter and  
sent a request to the warden & ass. warden  
about the matter.  
Timothy Green 6-5-13  
 Grievant Signature Date

ACTION TAKEN BY IGC:  
 You have failed to attached the answered Request to Staff Form regarding your informal resolution attempt on this issue as is required in GA-01.12 Inmate Grievance Procedures. You may re-file on a new grievance form within 5 days (due by 06/13/13) providing the required answered Request to Staff Form or within 5 days of receiving a response to the Request to Staff Form which you should have submitted within 5 days of the incident as your informal resolution attempt to the appropriate supervisor. Return this unprocessed grievance with any refile for date verification purposes.

K. Ruder 6/7/13  
 IGC Signature Date  
N/A  
 Grievant Signature Date

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

There is a genuine issue of material fact is technically  
a question of law but its resolution depends on an  
assessment of the evidence submitted in support of  
the plaintiff Johnson v Jones U.S. 115 S.Ct 2157. 132  
W. Ed. 2d. 238 (1995) id. 115 S.Ct. At 2156-58

It occurs to the fact that Lt. Franklin Richardson Jr. by acting  
out his personal feeling because of all the paperwork I  
was filing on him. Defendant hasn't enlightened this  
court on the scope of what's really going on.  
See Grievances and that we were bringing heat on  
him and everyone else about the abuse and  
cruel and unusual punishment that was dealt out  
to us. Robert Butcher has the statements.

Schertz v. USAUPACA County, 875 F.2d 578, 583 (7th Cir.  
1989). But misuse of official authority for private ends  
is a recurrent feature of cases in which a deprivation  
of life, liberty, or property without due process  
of law is found. Screws v. United States, 325  
U.S. 91, 93, 111, 65 S.Ct. 1031, 1032, 1040, 89 L.Ed.  
1495 (1945) Gibson v City of Chicago 910 F.2d  
1510, 1518 (7th Cir 1991).

The distinction is between an act that is justifiable  
if considered without regard to the actor's motive

Subjectively justifiable, is explicable only in terms of the Actor's Motivation, as in a case of police brutality so egregious that it can be explained only by reference to a racist or other improper motive for the defendant officer's action.

Ineffective Assistance of Counsel Attorney Misconduct.

Attorney was told to file suit against Lt. Franklin Richardson Jr. And Medical at Lee County or the Medical Agency. See Affidavit of Records Custodian.

Plaintiff states that his lawyer is a civil attorney & counsellor, a professional in his craft. There

noway possible that attorney could have filed suit against the department. Attorney violated Rule of Professional Conduct. Rules Violated: Rule 407, SCACR; Rule 1.1 failing to provide competent representation; Rule 1.2 failing to abide by a client's decisions concerning the objectives of representation and failing to consult with the client as to the means by which they are to be pursued; Rule 1.3 failing to act with reasonable diligence and promptness while representing a client; Rule 1.4 failure to keep a client reasonably informed about the status of a matter and failing to

Promptly Comply with Requests for information; Rule 1.7,  
Rule 1.8, Rule 2.1 Rule 8.4 (A) 8.4(E).

Plaintiff Attorney should've known that Plaintiff  
couldn't see S.I.C.D.C. BECAUSE Plaintiff told Mr.  
Botcher when he went over his federal case  
with him. Plaintiff states that he filed into  
the Administrative Law Judge div. but never heard  
from them. And was told that it was dismissed  
because he didn't show where a liberty interest  
was involved. Loss of good time visitation, ~~earn~~  
work credits. Check Admin. Law Court Rules.

Plaintiff states that summary judgement should  
set aside to allow Plaintiff to present his  
case before this Honorable Court.

Plaintiff states that with certainty that he can  
show this Honor Court light within this case.  
With solid material evidence. I pray this Honor  
Court. I AM.

Smother Deen

LEGAL MAIL ONLY

(13)



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
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[www.sccourts.org](http://www.sccourts.org)

April 18, 2014

Timothy Green, 113830  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville SC 29010

Re: Timothy Green v. Lt. Franklin Richardson, Jr. (SCDC)  
Appellate Case No. 2014-000674

Dear Mr. Green:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- The required filing fee has not been submitted. The correct filing fee is \$100.00.
- You have failed to identify by name and address the attorneys for the respondent in your proof of service.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Christopher D. Florian, Esquire

1. MEMORANDUM GRIEVANCE # 14-0179-2  
 SO CAROLINA DEPARTMENT OF CORRECTIONS  
 INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Timothy Green  
 SCDC NUMBER: 113830  
 INSTITUTION: LEE CORR. INST.  
 HOUSING UNIT: Kershaw N. Room 2237 JUN 17 2013  
 WORK ASSIGNMENT: DORM DP

Office Use Only  
 Grievance No. Lee CI 1825-13  
 Code: General Medical  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 Date Received 6/18/13  
 IGC Initials JK

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy indicate which policy)

M. Reinor to whom this grievance is against in this matter. Medical #12.  
 I was prescribed Meloxicam. 15MG Tab substitute for Motrin for  
 KNEES & MIGRAINE headaches that caused blurred vision. Light  
 intensified the headaches the pain, also occurred in my eyes. Also I  
 WAS PRESCRIBED PROPRANOLOL FOR BLOOD PRESSURE substituted for INDEAL for  
 HEADACHES. MY EYES BEGAN TO HURT. I WAS SWEATING I BECAME HOT I  
 LOST MY VISION. MY BONES FELT LIKE THEY WERE BREAKING UP. I WAS LOSING

ACTION REQUESTED: CONSCIOUSNESS. MY ARMS AND LEGS SWELLED UP.  
THAT I SEE AN OUTSIDE DOCTOR

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT: Lee Smith

I sent a request to the warden and I spoke with  
LT. Smith, An Officer AS Folsom. They heard the nurse  
 said that I was on blood pressure medication I don't have a  
 blood pressure problem. 6-12-13  
 Grievant Signature \_\_\_\_\_ Date

ACTION TAKEN BY IGC:

Your grievance is being returned to you unprocessed for the following reason. You did not follow as instructed upon resubmitting your corrected grievance. You will not be given any further time to resubmit a grievance regarding this matter.

I accept the action taken by the IGC and consider the matter closed.  
 I do not accept the action taken and wish to appeal.

K. Lwin 6/18/13  
 IGC Signature \_\_\_\_\_ Date

N/A  
 Grievant Signature \_\_\_\_\_ Date

"EMERGENCY GRIEVANCE" Attached pg. 2  
 NORTH CAROLINA DEPARTMENT OF CORRECTIONS  
 INMATE GRIEVANCE FORM  
 STEP 1

INMATE NAME: Timothy Green  
 SCDC NUMBER: 113830  
 INSTITUTION: LEE COR. INST.  
 HOUSING UNIT: Keshon N 2237 RM# 7JUN 07 2013  
 WORK ASSIGNMENT: DORM

Office Use Only  
 Grievance No. Lee 11767-11  
 Code: General me/pe  
 Policy \_\_\_\_\_  
 Disc. Hear. \_\_\_\_\_  
 Class. \_\_\_\_\_  
 Date Received 6/10/13  
 IGC Initials TLB

STATE GRIEVANCE (include documentation and date of incident; if SCDC Policy, indicate which policy) I state before  
Medical + Dr. M. BEINDOR  
 to whom this may comply to, or with or against in this matter.  
 I WAS PRESCRIBED MELOXICAM 15MG TAB. substitute for Motrin. I  
 WAS, ILLIQUAINE HEADACHES THAT CAUSED BLURRED VISIONS LIGHT INTERFERED  
 THE HEADACHES THE PAIN ~~WAS~~ ALSO OCCUR IN MY EYES. ALSO I WAS  
 PRESCRIBED PROPRANOLOL ER 60MG CAP substitute for Inderal for  
 HEADACHES. MY EYES BURNED UNTIL I WAS SWALLOWED I BECAME HOT I WAS

ACTION REQUESTED: My vision. My bones felt like they were breaking up  
 I WAS LOSING CONSCIOUSNESS. MY ARMS AND LEGS SWELLED UP.  
 THAT I SEE AN OUTSIDE DOCTOR.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:  
 I sent request to the warden and I spoke with  
 Lt. Smith and officer Ms. Foulds. They heard the nurse  
 said that I was on blood pressure medicine. I don't have a  
 blood pressure problem.  
 Grievant Signature \_\_\_\_\_ Date \_\_\_\_\_

ACTION TAKEN BY IGC:

You have failed to attached the answered Request to Staff Form regarding your informal resolution attempt on this  
 issue as is required in GA-01.12 Inmate Grievance Procedures. Also, there is not date of the incident you are  
 grieving. You may re-file on a new grievance form within 5 days (due by 6/16/13) providing the date of the incident  
 and the required answered Request to Staff Form or within 5 days of receiving a response to the Request to Staff  
 Form which you should have submitted within 5 days of the incident as your informal resolution attempt to the  
 appropriate supervisor. Return this unprocessed grievance with any refile for date verification purposes.

I accept the action taken by the IGC and consider the matter closed.  
 I do not accept the action taken and wish to appeal.

[Signature] 6/10/13  
 IGC Signature Date

[Signature]  
 Grievant Signature Date

Foot of Service

State of South Carolina

County of Lee

Timothy Green

✓

CA. No.: 2011-CP-31-0187

Civil Case Number

In The Court of Common

Pleas For The Third

Circuit. Attacking Summary

judgment Requesting A

NEW HEARING

ON THE FACTS.

Lt. Franklin Richardson Jr. S.C. DC + Medical Staff

**RECEIVED**

MAY 01 2014

SC Court of Appeals

The Plaintiff Timothy Green #113830 has served all parties in this matter before this Honorable Court.

on this day April 2, 2014.

LEE, ERTER, WILSON, HOLLER  
& SMITH, LLC.

126 N. MAIN STREET  
SUMTER, S.C. 29150

Timothy Green

4/2/14