

State of South Carolina
In The Court of Appeal
Appeal from Richland County

Curtis King
Casey L. Manning Circuit Court Judge
Appellate
v
South Carolina Dept. of Corr. Respondent
et. al. known & unknown
official & individual capacity

Initial Brief

CASE No. 2014-001738
prior to transcript

Curtis King
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LEE CORR. INST.
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Bishopville ,S.C. 29010
PRO SE

RECEIVED

OCT 22 2014

SC Court of Appeals

STATEMENT OF CERTIFICATE OF APPEAL

1. Amount involved on appeal was attach to certificate of service for trascript of record
2. certificate of service for transcript of record certified .that NOTICE OF APPEAE was incorrectly sêrvecto:APPELLATE DEFENCE
3. Certificate of service for transcript of record certified; that ORDERS ORDERS. JUDEGEMENTS of any that effect APPEAL OR PROVE BY APPLIED EVIDENCE,
INITIAL brief prior to receiving ofgthe ORDER of entire transcript record

otice

EVIDENCE

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OCT 22 2014

SC Court of Appeals

STATEMENT OF THE CASE

Appellate time he stop breathing. that is medical record , thouu
, though a survivof of deadly chronic rupture appendix fatal disease. exact sa
, exact same symptoms undetected meningitis, official(s) emergency care
policy, regulate short cut that is rush job of statistic to simply do
~~nothing~~ violates 8th amend.

Emergency care policy neglect chronic vomiting, of encyclopedia
constitute hospital due care , for eighty individual cell checks.

Appellant was left on the floor in gangrene vomit, exhausting
pleases of every official, court appointed trial council, who
consent forget the misleading of the court as fraud, APPELLANT
pour the light on fraud,

Is when respondent offer to ~~settle~~ depriving ~~compliance~~ of
certificate of original. witness or legible violates due

process when unfair and unreasonable

Sales v Grant 158 F.3d 768 ,776 (4th cir. 1998)

TABLE OF AUTHORITIES

Arthurs v Aiken County 525 s.e 2d 542 [1991]
Ballenger v Crowell 247 S.E 2d 287 [1978]
Brown v Plata No. 12-cv-01679-JMC
Cagle v Hutto 177S.E 2d 253 [1985]
Cox v Lund 334S.E 2d 116, 118 [1985]
Davis v Scatter Const. co. Inc. 210 S.E 2d 596]S.C 1974
Dietz 443 Fed. Appex. 781 C.A 4 (S.C 2011)
Doe by Doe, v Greenville Hosp. System 448 S.E 2d 564 (1994)
Fishburne v Short 235 S.E 2d 118 (1977)
Foster v S.C. Dept. of Corr. 511 S.E 2d 413(1999)
Gethers v Baily 410 S.E 2d 586 (1991)
Gilbert v Scratch'N' Small Inc. 756 F.2d 320 C.A 4(N.C 1985)
Graham v Town of Loric, 248 S.E 2d 594 (S.C 1978)
Hightower v Greenville Co.177 S.E 2d 785 (1970)
Hosp. Mangagemrnt Assoc., Inc v Shell Oil Co. 591 S.E 2d 611(2004)
In Re Pepper S.E 2d 2014 WL4347501 S.C No. 2014- 001414, 27441
In Re Wolf, 594 S.E 2d 157 (S.C 2004)
Jackson v S.C Dept. of Corr. 390 S.E 2d469(1989)
Maryland Nat'l Bank v Resolution Trust Corp, 875 F.Supp 762 (D.Md. 1995)
Martel v Clare 132 S.ct 1276 2012 No.10-1285
Moss v ITT Continental Banking co. D.C Va.1979 83 FRD 624
Oregon v Wallace, 258 Ore App. 800, 311 p.3d 975 Or. Court App.2013
 ORS. 161. ,655(4)
Prescott v Former Telephone Co. Op. inc. 516 S.E 2d 923 (S.C 1991)
Sales v Grant 158 F.3d 768 ,776 (1998)
Steinke v S.C Dept. of Labor 520 S.E 2d 142 (1999)
Stephey v Byers, 2012 WL 6006931 D.S.C
Summer v Carpenter 412 S.E 2d 55 (S.C 1999)
U.S v Brame 2011 WL 4542152 C.A4 N.C
U.S v Jones 2012 WL4951176 C.A N.C No. 12-40401
Virginia- Carolina Chemical Corp. v Tree Lumber co. 78S.E 131 s.c
 (S.C 1935)
Wolf Re In, 594 S.E 2d 157 (s.c.2004)
Young v S.C Dept. of Corr. 211 S.E 2d 413 (1999)

Appellate Court RULES 267 ,407, 413
 RULES of Professional Conduct, RULES 1,15, 1, 8 4(d,e)
 Disiciplinary Enforcement. RULES 7a 1.3 5.6

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1st
ARGUMENT

A_ Medical Malpractice- element potentially serious medical need

Obvious knowledge
delay disregard element-]s]

B- Negligent- reasonable person would have notice element
c- Personal injury- failure to provide treatment causing injury element]s]

Cox v Lund 334 S.E 2d 116,118]1985] standing

2nd

EMERGENCY CARE POLICY

A- Medical -the official]s] had seen and talk with Appellant directly disregard thoroughness, when all the combination are not met of a deadly chronic disease

b- Medical- nurse]s] and all ranks of official]s] security regulate policy of the rush job to do short cut simply doing nothing

C-Medical and security officials regulating this policy, Appellant had no other ~~Medical~~ option, no sick call was available, and statistic overrule Inmate

D- Medical and security officials OWE DUTY to Inmate who never could pretend suffer of rupture appendix did not hurt medical

Medical Malpractice ~~negligent~~, and Person injury, has been in violation of Appellant eighth ~~amend~~, rupture appendix symptom continue ~~Vomit~~ non-life threaten the emergency care policy, respondent admit to regulate, the inadequate to any encyclopedia cause approx. time of death, supposedly pluck which is meningitis from rupture appendix disease, respondents are still meeting the highest training for due process of cares for over twenty institutions that is hidden ~~custom~~ to policy,

In the first instant, the word policy generally implies a variety encyclopedias chosen from conscious alternative,

It is therefore difficult in one sense even to accept that human decency pursues a policy, that cause medical record to indicate time of death, are the results from statistic choice that emergency care training thoroughness sample a laxative which is the worst treatment, at the very least there must be history of rupture appendix that ~~affirmative~~ link death between neglect,

RECOGNIZING that officials have to often face split-second eight amen, violation if deviate from OWE DUTY, Appellant unable get up for any count or let cellmates be excuse '

--stuuck on the floor vomit gangrene

Hightower v Greenville Co. 177S.E 2d 785 [1970]

Cellmates and many other Inmates even apellant had no choice but to beg for acceptable care, binding officials not even human decency reasonable measure after eighty individual cell checks

Jackson v SC Dept . Dept. Corr. 390 S.E 2d 467 [1989]

Being misdiagnose a laxative, pill and two shot of a serious as rupture appendix chronic rush jobs short cut Fri. of such a course and yet fail to use thoroughness to get Appellant out wheelchair

Howle v PYA Monarch 344 s.E 2d 157 [1986]

After eighty or more security checks Appellant remain on floor in agony of echo[s] and continue vomit gangrene, screams for due care

Foster v S.C dept 413 S.E 2d 31 [1992sc]

Medical Malpractice, Negligent and Person injury where marjority of victim are fatal in neglect cases of rupture injury of appendix, court should hold this the phototypical case of personal injury Appellant with a known history deadly disease, denied when screams for aid,

Arthurs v Aiken County 525 S.E 2d 542 [1999]

Giving laxative medicine depriving through encyclopedia belief constitute acceptable due care ,Appellate medical record of time of death

Stewart v Memorial Hosp. 567 s.E 2d 510 [2002]

Where at least eighty security cell checks additional standing counts ,appellant

~~3rd~~ 3rd

Forma Pauperis 28-- 1915 [d] this section permitting court to request council to represent person ~~person~~ unable to employ council in a civil proceeding and to dismiss case if ~~satisfied~~ action does not provide for payment of council fees, upon proper proof court may reimburse trial appointed council for expenses, made in good faith ,from funds contribute by council admitted to the court,

Moss v ITT continental Banking Co. D.c Va. 1979 83 FRD 624

court has no authority to impose or comment to any fees of financial resources to compensation of trial appointed council in civil rights action brought by Inmates in the first instance

Oregon v Wallace, 258 Ore, App 800, 311 P.3d 975 Or. court App. 2013 ORS 161.655[4]

4th

Court has ~~authority~~ to substitute council without ordering payment council made no effort to clarify fair and reasonable offer or fraud dismissal, purpose of statute for providing appointment and substitution of council at a critical time, substantially prejudice top value

Diez 443 Fed Appx. 781 C.A 4 S.C 2011

U.S V Brame 2011 WL 4542152 C.A 4 N.c 448 Fed. Appx. 364

In Re Pepper S.E 2d 2014 WL4347501, S.C [No.2014-001414,27441]

5th

Statute 18 USCA 3626 condition of confinement attaches to all civil action rupture appendix fatal disease having alike symptoms of

other deadly diseases, official must expect the most serious illness of each Inmate, excusing statistic plucking out is or is not, because human decency does not require all combination that may not be there, qualification of official cannot be improve?

Determining that least intrusive means necessary the court will go further than necessary to correct intrusiveness, court may order release from total confinement to Appellant who have been deprive minimal civilized measures of life necessities of fatal medical need, as a responsibility to ensure that his constitutional standard is met,

Ascertaining the nature and scope of every lasting emergency care policy high training symptom of rupture appendix continue vomit evident is non-life threaten is why not one official done a report on Appellant deny standard of care, court can order release from total confinement

Deficiencies that, in its own word , court ensure that more then necessary to relieve ongoing emergency care violation that must discontinue active policy,

once intrusiveness is found, court usually scope to fit the nature of the extended violation,

Better training cannot be implemented/, the qualification of official cannot be improved/ Is incompatible with the concept of human dignity, is basic everlasting acceptable med. care

Cagle v Hutto 177 F.3d 253 [1991]

Stephey v Byers 2012 WL6006431 D.S.C

Brown v Plata No. 12-cv-01679-JMC

5th

Prejudice appointed trial council
a-fail to up hold evidence of default, that misled the court to grant dismissal
b-pretrial motion exclude appellant introducing time of death of hospital record[s]
c-excluding legible ,certification, notary, original document appellant ~~sign~~ which has benn fabricated of judge Roger note case is impossible to dismiss due to the facts or even the original is not the actual offer SCACR Rule 267[b][c][f] original legible or certified

Prejudice appointed council had duty to advice judge that offer of action was not original legible or certified or notary product of armslength negotiation in adversarial settings, W. Chris Swett silence as appellant refuse to sign is misrepresentation

S.C 1997 Sumner v Carpentre 412 S.E 2d 55

6th

CONSTITUTION FRAUD

!.COUNCEL REFUSE TO PROVIDE EXPERT FOR APPELLANT UNABLE OR unable to locate either of my cellmates Willie Jeter or Bradley Barnes

2. Atty. excluded to serve 9[b] motion that as previous dismiss where respondent had the log from the court is now evident, exclude that condition of confinement attaches to any civil action.
- 3 Atty. advise he would have to bring actual certificate, witness, legible offer that appellate never sign
- 4 Atty. exclude the evident hospital record time appellate record time appellate stop breathing
- 5 Atty. deviated due process of reasonable and fair settlement that is in compliance with the SCACR Rule 267 [b][c][f]
6. The original notes of Judge Rogers has been fabricated with excluding his notes of notes of accept that appellate sign

U.S V Jones 2012 WL4951178 C.A4 N.C]No.12-40401]

Fisher v Pelsling 817 F.Supp.2d 791 D.S.C 2011

7th

FALSE REPRESENTATION

Trial appointed counsel enter Sumter County case Nacole McCray, South Carolina Lawyers Weekly settlement late 2013 for 425,000 dollars, though she was not indicated as stop breathing agree to use case as settlement ,awaiting on direct representation of judge Rogers notes, counsel duty is bound to advise court and respondent when he subsequently learn that this is not the original notes appellate refuse to sign compliance agreement and representation is false

Hospital Management, Inc. v Shell Oil Co. 591 S.E2d 611 S.C 2004

MEDICAL MALPRACTICE NEGLIGENCE PERSONAL INJURY

Actions cannot be in absent of Judge rogers orginal notes sign and compliance SCACR rule267 fail, bind appellate agreement to dismiss with prejudice the action rupture appendix was neglected impair ability when stop breathing

Virginia- Carolina chemical corp. v Treed- Lumber Co.178S.E 131[s.c1935] mere fact that juge Rogers notes appellate sign fabricated into another language of sinature , sign by appellate does not convert it into affecting both parties.

Davis v Scatter Construct, Co. Inc.,210 S.E 2d 591 [S.C1974]

To be binding Judge Rogers notes must be original ,and it must be one which handwritten of itself to create legal relation of print legible compliance notary or witness of acceptance

Prescott v Formers Telephone Co. op.Inc.,516 S.E 2d 923 s.c.1999]

W. Chris Swett appointed Atty. undertakes the conduct of an action impliedly stipulates to consent it to its termination and he is not at liberty to abandon appellate due process without reasonable cause and reasonable notice

Graham v Town of Loris, 248 S.E 2d 594[S.C 1978]

8th

REASONABLE and FAIR

Abuse of discretion -newspaper of USA Today money section ,Thursday, June 5,2014
U.S District Judge Jed Rakoff Via Ap.

Whether the penalties on respondent were sufficient to have a meaningful affect constitute reasonable and fair,

Abuse of discretion when applying an unreasonable and unfair standard due process that is constitutional adequacy,

An civil settlement agree propose that's likely to prompt final approval of the civil settlement,

Settlement without admission also enable regulatory respondent to serve the public interest by returning negligence, medical malpractice, and personal injury respondents to harm inmate more quickly, without the uncertainty and delay from litigation,

Requirement the court direct best certificate practiceable under circumstances, hospital record appellate failure to breathe as a time of death, that courts should not merely rubber stamp, dismissal the Appeals panel also endorsed the principle that lower courts have authority to establish a factual basis to evaluate any propose settlement,

Proper legal standard for review of a settlement by an enforcement fabrication Judge Rogers notes should determine whether the propose consent decree is fair and reasonable, with the additional requirement that the public interest would not not be ignored or neglected

Stanley v Darlington County School Diet., 875 F.Supp. 1341[D,S.C1995]

Hospital Management v Shell Oil Co. 591S.E. 2d 611 [S.C2004]

Brunson v Louisiana -Pacific Corp 2011 818 F.Supp 2d 722

CONCLUSION

Correct the misappropriation of prejudice appointed council who has consent to fabrication of Judge Rogers original notes reflection of causes of action[s] as evid. by the settlement dismiss

In Re Wolf, 594 S.E. 2d 157 S.C 2004

Appellate Court R. 407, Rules of prof. Conduct, Rules 1,15[a] 8, 4 [d,e]
Appellate court Rule 413

Lawyers Disciplinary Enforcement ,Rule 7[a] 1,3,5,6

WHICH DAMAGE WILL THE COURT RULE ON

- 1 1 million dollars-breach of contract -Dept. emergency care policy dangerous exposure
- 2 1million dollars -foreseeable damage [80] securty checks denied due care
- 3 1 millon dollars-expectation damages- crittical result in ICU
- 4 1 million dollars-continue damages-after ICU remain continue vomit
- 5 1 million dollars-actual damages -[3] seprate operation
- 6 1 million dollars-additional damages -urine infection, ABD. continue bleeding
- 7 1 million dollars- multiple damage- had to practice breathing, regain

Curtis KING
Curtis L. KING

CERTIFICATE OF SERVICE

THE APPELLATE INMATE IN S.C DEPT. OF CORR. CERTIFIES THAT HE SERVE INITIAL BRIEF PRIOR TO TRANSCRIPT UPON Respondents and S.C COURT of APPEAL Via first class mail attch is AMEND. relief

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State of South Carolina }
County of Richland }
Curtis L. King #273504 }
Plaintiff }

In the Court of Common Pleas
Fifth Judicial Circuit

Case No. 2009-900-242

vs.

South Carolina Dept. of Corr.
MO. AL. ET
Defendant

Complaint

RICHLAND COUNTY
FILED
2009 MAR 24 PM 1:31
JEANETTE W. McBRIDE
C.C.P. & C.S.

Plaintiff, Curtis L. King #273504 alleges
the defendant, South Carolina Department of Corrections
(hereinafter SCDC) as follows:

First cause of action
(Personal injury)

Second cause of action
(deliberate indifference)

Third cause of action
(gross negligence)

Forth cause of action
(medical malpractice)

1. Plaintiff was incarcerated at the McCormick Correction Institution, McCormick, South Carolina, and under the care and supervision of the defendant at all times relevant to this action
2. Defendant SCDC is a state agency duly organized and existing under the laws of the state of South Carolina.
3. Plaintiff brings this action pursuant to S.C. Code Ann. § 15-78-10 (1976), otherwise known as the South Carolina Tort Claims Act.

State of South Carolina
In The Court of Appeals
Appeal from Richland County

Casey Manning Circuit Court Judge

Curtis King

Appellate

v

South Carolina Dept. of Corr.

Respondent

et. al. known & unknown official and individual capacity

Case No. 2014-001738

Initial Amendment to Relief brief prior to transcript

Relief Amend

Appellate whose an Inmate to original notes that has been destroyed by Respondent or appointed counsel spirit does not intend to be bound by fabricated acceptance, Appellate appeal to the instant to be restored his trial date, where he never sign any compliance or fabricated agreement.

Hamilton v Palmetto Properties, Inc. 116 S.L 2d (S.C 1960)

In relief in sign acceptance Appellate never receive any benefits

Hamilton Ridge Lumber Corp. v Boston Inc. Co. 131 S.E 22 (S.C 1925)

If one's signature is obtained by trick it is invalidate.

Chandler v Aero Mayflower Transit Co., 374 F.2d 129 (C.A S.C 1967)

Misrepresentation and want of fairness will vitiate a contract.

Hobson v Humphries 2 Mill Const. 371 S.C Const. App 1818

'Fraudulent act' needed to establish fabrication accompanied unfair and unreasonable due process act by dishonesty of original, unfair compliance, or unlawful legible of appropriation of appellate's signature,

Foxfire Village Inc. v Black & Veitch Inc. 404 S.E 2d 912 (S.C App 1991)

Curtis King

Curtis L. King

Certificate of Service

The Appellate, Inmate in S.C. Dept. of Corr. certifies that he serve Initial brief prior to transcript upon Respondent(s) and S.C. Court of Appeal via first class mail attach is amend relief

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