

State of South Carolina  
In The Court of Appeals

Appeal from Richland County  
Casey Manning Circuit Court Judge

Curtis King

Appellant

South Carolina Dept of Corr.  
et. al. known<sup>3</sup>, unknown

Respondent

Case No. 2014 -001738

Initial Brief prior to transcript

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- Prescott v Farmer Telephone Co. Op. Inc. 516 S.E. 2d 923 (S.C. 1999)
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U.S v Brame 2011 WL 4542152 C.A 4 N.C

U.S v Jones 2012 WL 4951178 CA 4 N.C No. 12-40401

Virginia - Carolina Chemical Corp. v Tree Lumber Co. 178 S.E  
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Yang 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 (a), 8, 4 (d), (e)

Disciplinary Enforcement, Rules 7 (a) 1, 3, 5, 6

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

## Statement of Certificate on Appeal

1. Amount involved on appeal was attach to certificate of service for transcript of record.
2. certificate of service for transcript of record certified that notice of appeal was incorrectly serve to Appellant defense.
3. Certificate of service for transcript of record certified, that orders, Judgments of any that affect appeal or prove by applied evidence.

Initial Brief prior to receiving of the order of entire transcript of record

## Statement of the case

Appellant time of death that is medical records, though a survivor of deadly chronic rupture appendix disease, exact same symptoms undetected meningitis, officials' emergency care policy, regulate short cuts that is rush job of statistic to simply do nothing violates 8th amend.

Emergency care policy neglect chronic vomiting, of encyclopedic constituted hospital due care, for eighty individual cell checks, appellant was left on the floor in gangrene vomit, exhausting pleas of every official, court appointed trial counsel, who consent forget the misleading at the court as fraud, Appellate par the light of fraud.

Is when respondent offer to settlement depriving certificate of legible, original acceptance legible, violates due process when unfair and unreasonable

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

## Argument

of emphasis

1st

(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 Appellate, doctor M<sup>c</sup>Ree and medical director disregard thoroughness, when all the combination are not met of a deadly chronic disease

(B) medical - nurses and all ranks of official(s) security regulate policy of the rush job to do short cuts simply doing nothing

(C) medical and security officials regulating this policy, Appellate had no other medical option, no sick call was available, and statistic overrule Inmate

(D) medical and security official(s) are duty to Inmate who never could pretend rupture appendix disease was not chronic, medical record evident time of death,

Medical Malpractice, negligent, and personal injury, has been in violation of Appellate eight amend., rupture appendix symptom continue vomit is non-life threaten the ~~the~~ emergency care policy, respondent admit to regulating, the inadequate to any encyclopedia cause approx. time of death, supposedly pluck which is meningitis from rupture appendix disease, respondent(s) are still meeting the highest training for due care(s) for over twenty institution(s) that is hidden a custom to policy,

In the first instance, the word policy generally implies a variety encyclopedia(s) chosen from conscious alternatives,

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 statistics 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.

South Carolina Code of Law §15-78-30 §15-78-70

Recognizing that official(s) have to often face split-second eighth amend. violation if deviate from one duty, appellate unable get up for any count, stuck on the floor vomiting gallons of gangrene, unexplainable cramps

Hightower v Greenville Co. 177 S.E. 2d 785 (1970)

Cellmate(s) and many other Inmate(s) even appellate had no choice but to plead for acceptable care, binding official(s) not even human decency reasonable measures after eighty individual cell check(s)

Jackson v S.C. Dept. Corr. 390 S.E. 2d 467 (1989)

Being misdiagnose a laxative, pill and two shot of a serious as rupture appendix chronic disease rush job(s) short cuttingly Friday of such a course and yet fail to use thoroughness to get appellate at the H/C

Howle v PYA/Manarch 344 S.E. 2d 157 (1986)

After eighty or more security checks Appellate remain on floor in agony of echos(s) and continue vomit gangrene, screams for due care

Foster v S.C. Dept. 413 S.E. 2d 31 (1992 S.C.)

Medial Malpractice, negligent and personal injury where majority of victim are fatal in neglected case(s) of rupture appendix, court should hold this the prototypical case of personal injury, Appellate with a known history deadly disease, denied when plead for aid,

Arthurs v Aiken County 625 S.E. 2d 542 (1994)

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

Stewart v Memorial Hosp. 567 S.E. 2d 510 (2002)

Where at least eighty security cell check(s) additional standing count(s), appellate stuck on floor agony kept from getting in bed, endure three operations,

Doe by Doe v Crossville Hosp. System 448 S.E. 2d 564 (1997)

Vang v S.C. Dept. of Corr. 511 S.E. 2d 413 (1999)

### 3rd.

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

Mess v I T T continental Banking Co., D.C. Va. 1979 83 FRD 624

Court has no authority to impose or comment any fees of financial resources to compensation of trial appointed counsel in civil rights action brought by Inmate(s) in the first instance

Oregon v Wallace, 258 Ore. App 800, 311 P.3d 975 Or. Cort App. 2013 ORS 161.655(4)

### 4th

Court has authority to substitute counsel without ordering payment, counsel made no effort to clarify fair & reasonable settlement or fraud dismissal, purpose of statute for providing appointment and substitution of counsel at a critical time, substantially prejudiced Top Value

Dietz 443 Fed. Appx. 781 CA.4 S.C. 2011

U.S v Brame 2011 WL 4542152 CA 9 N.C. 446 Fed. Appx. 364

In re Peper S.E. 2d -2014 WL 4347501, S.C. (No. 2014-001414, 27441)

5th

Statute 18 § 3624 condition of confinement attaches to all civil action  
Rupture Appendix fatal disease having alike symptoms of other deadly diseases,  
officials must expect the most serious illness of each Inmate, excusing statistic  
glitching at is or is not, because human decency does not require all combination  
that may not be there, qualification of official cannot be improve?

Determining the least intrusive means necessary the court will go further  
then necessary to correct intrusiveness, court may order release from  
total confinement to appellate 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 braining symptom of rupture appendix continue vomit  
evident is non-life threaten is why not one official done a report  
on appellate 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  
ever lasting acceptable medical care,

Cogle v Hutto 177 F.3d 253 (1991)

Stephey v Byers, 2012 WL 606431 D.S.C

Bram v Plata No. 12-cv-01679-SMC

5th

### Elements of prejudice appointed trial counsel

- (A) Atty. fail up hold evidence of default, that misled the court to grant dismissal
- (B) Atty. pretrial motion exclude appellate introducing time of death hospital record(s)
- (C) Atty. excluded legible, certificate, notary, main the original document appellate sign which has been fabricated of Judge Rogers notes, case is a case impossible to dismiss due to the facts or even the original document is not the actual agreement SCACR Rule 267 (b) original, legible, or certified SCACR Rule 267 (b)(c)(f)

Prejudice appointed counsel had duty to advise judge that settlement of action was not original, legible or certified or notary product of arm's length negotiation in adversarial settings, prejudice appointed counsel W. Chris Swett silence as appellate refuse to sign certificate, legible agreement amounted to misrepresentation

S.C. 1997 Summer v Carpenter 412 S.E. 2d 55

6th

### Constitute Fraud

1. Prejudice appointed counsel refuse to provide expert for appellate, unable to locate either of my cellmate(s) Willie Jeter or Bradley Barnes
2. Atty. excluded to serve 9(b) motion that was dismissed where Respondent log misled the court is now evident, excluding that condition of confinement 16§3626 attaches to any civil action
3. Atty. advised he would have to bring actual certificate, witness, legible settlement, that appellate never sign,
4. Atty. excluded the evident hospital 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 accept that appellate sign

U.S. v. Jones 2012 WL 4951178 L.A.4 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, though she was not indicated as stop breathing agree to use case as settlement, awaiting on direct representation made by Judge Rogers, who knew very little, respondent agree to meet on terms, but such original direct representation of Judge Rogers notes, counsel duty is bound to advise court and Respondent when he subsequently learned that this is not the original notes appellate refuse to sign compliance agreement and representation is False

Hospital Management Associates, Inc. v. Shell Oil Co. 591 S.E. 2d 611 S.C. 2001

Medical Malpractice Negligent Personal Injury actions)  
cannot be in absent of Judge Rogers original notes sign and compliance  
SCAER 267 Rule Fail, bind appellate agreement to dismiss with prejudice  
the action rupture appendix was neglected impaired ability when stop breathing  
Virginia - Caroline Chemical Corp. v. Treed-Lumber Co. 178 S.E. 131 (S.C. 1935)

Mere fact that Judge Rogers notes appellate sign fabricated into another language of signature, signed by appellate does not convert it into affecting both parties

Davis v. Scatter Construct. Co., Inc., 210 S.E. 2d 596 (S.C. 1974)

To be binding, Judge Rogers notes must be original, and it must be one which handwriting of itself to create legal relations of print legible compliance, certified notary or witness of acceptance SCAER Rule 267

Prescott v. Farmers Telephone Co. op. Inc., 516 S.E. 2d 923 (S.C. 1994)

W. Chris Swett 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.W. 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 Respondant were sufficient to have a meaningful  
effect 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,

Settlements without admissions also enable regulatory Respondents to serve  
the public interest by returning negligent, medical malpractice, and personal  
injury respondents to harm inmate more quickly, without the uncertainty  
and delay from litigation,

Requirement the court direct best certificate practicable under circumstances,  
Hospital record appellate failure to breathe is 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  
proposed settlement,

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

Stanley v Darlington County School Dist. 879 F. Supp 1391 (D.S.C. 1995)  
Hospital Management Assn., Inc. v Shell Oil Co. 591 S.E. 2d 611 (S.C. 2001)

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

## Conclusion

Correct the misappropriation of prejudice appointed counsel who has consent to fabrication of Judge Rogers original notes reflection of causes of action(s) as evidenced by the settlement dismiss

In re Wolf, 594 S.E. 2d 157 S.C. 2001

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

Reasonable and fair offer to damages at Relief of

1. million dollars - Breach of Contract - emergency care policy exposure is dangerous
2. million dollars - foreseeable damages - denied care for eighty security checks,
3. million dollars - respiratory failure Consequential damages
4. million dollars - expectation damages critical result in ICU for a week,
5. million dollars - continue damages - even after hospital remain vomiting  
gastric
6. million dollars - actual damages three separate operation
7. million dollars - additional damages - urine infection, abd. bleeding
8. million dollars - multiple damages - had to practice breathing, regain strength to walk, abd. stuffings
9. million dollars - cosmetic damage - scar from chest to crotch
10. million dollars - permanent damages - abd. recovery took over six month and it is over five percent of body
11. million dollars - future damages - loss of good time because remain on medication at dated for continue cramps 2013

Always Utmost Respect

Curtis King  
Curtis L King