

THE STATE OF SOUTH CAROLINA
IN THE COURTS OF APPEALS
CIN: 2013-CP-18-01268 / 2014-001943

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SC COURT OF APPEALS

MARK NEIL MYERS, APPELLANT,

V.

SOUTH CAROLINA DEPT. OF CORRECTIONS, RESPONDENT.

APPELLANT - BRIEF

- 1) ON JULY 21, 2014 HON: MS. MAITE MURPHY, CIRCUIT COURT JUDGE RENDER A DIRECT VERDICT IN FAVOR OF THE DEFENDANTS, WHICH WAS DONE BY ADVOCATE RACIAL SUPERIORITY, ALL WHITE JURY, AND FAVORITISM TO THE DEFENDANTS, WHICH PREJUDICE WAS USED.
- 2) THE HON: JUDGE MURPHY, WITNESS THE MAIN WITNESSES WAS NOT IN COURT, SGT. MYERS, NURSE MS. GIBSON, NURSE MS. EDWARDS, OFFICER. MS. WARREN, THESE OFFICIALS WAS RESPONSIBLE FOR THE INCIDENT THAT HAPPEN WHEN C/O MS. WARREN, USED A WHOLE CAN OF GAS UNDER A LOCK CELL DOOR FOR NO REASON.
- 3) HON: MS. MURPHY WAS PREJUDICE, WHEN SHE KNEW THE APPELLANT NEVER REVIEWED THE DEPOSITION THE DEFENDANTS DID ON HIM SEE: SCRPC UNDER RULE, 30 (E) (F) (1).
- 4) HON: MS. MURPHY, WAS PERJUDICE WHEN SHE WITNESS SCDC OFFICIALS WAS BEING VERY DECEPTIVE CONCERNING SCDC POLICY OP-22.01, / OP-22.14
- 5) HON: MS. MURPHY WAS PERJUDICE WHEN SHE WITNESS IN COURT SCDC OFFICER MS. WARREN, NEVER FILLED OUT SCDC FORM 19-B THE REPORT ON THE USE OF FORCE, WHEN SHE USED THE WHOLE CAN OF GAS ON THE APPELLANT.

- 6) MS. HON: MURPHY, WAS PREJUDICE WHEN SHE KNEW THE APPELLANT IS A MENTAL PATIENT WITH MENTAL DISABILITIES JUDGE MURPHY FORCE THE APPELLANT TO ACT AS AN ATTORNEY.
- 7) MS. HON: MURPHY WAS PREJUDICE WHEN SHE ALLOWED SCDC DEFENDANTS TO COVER UP FOR CAUTIONION OF POST CONDUCT WHEN SHE WITNESS INMATE BOOKER STATEMENT IN OPEN COURT THAT CP MR. WARREN SPRAYED THE WHOLE CANISTER UNDER MY CELL DOOR WHILE THE DOOR WAS LOCKED SHE SPRAYED CHEMICAL MUNITION WITH OUT REPORTING THE INCIDENT ON SCDC FORM 19-5 THE REPORT OF THE USE OF FORCE. THAT MUST BE REPORTED ON THE USE OF FORCE YOU USE ON ANY INMATE SCDC OFFICIALS NEVER COMPLETED THAT FORM.
- 8) HON: MS. MURPHY, WAS PREJUDICE WHEN SHE REFUSE TO ALLOW APPELLANT TO CROSS EXAMINE SCDC OFFICIALS CONCERNING SCDC POLICY OF THE USE OF FORCE AND SCDC POLICY CONCERNING INMATE DISCIPLINARY OP-22-14 AND SCDC POLICY OP-22-01,
- 9) HON: MS. MURPHY, SHOWED PREJUDICE WHEN SHE WITNESS THE APPELLANT AND HIS ROOMMATE BOOKER SHOWED THE COURT "PREPONDERANCE OF EVIDENCE!" THAT SCDC OFFICIALS VIOLATED THEIR OWN POLICY OP-22-01 AND [REDACTED] OP-22-14,
- 10) HON: MS. MURPHY, SHOWED PREJUDICE WHEN SHE UNDERSTOOD VERY WELL ("SCDC OFFICIALS HAVE A COMMON PRACTICE") OF USING FORCE ON INMATES UNNECESSARY AND EXCESSIVE FORCE OF OC-SPRAY ON MENTAL ILL INMATES THIS IS DONE ROUTINELY BY SCDC OFFICIALS SEE: JUDGE MICHAEL BAXLEY, ORDER GRANTING JUDGMENT IN FAVOR OF [REDACTED] OF SCDC INMATES PROTECTION AND ADVOCACY FOR PEOPLE WITH DISABILITIES VS. AGENCY IN CASE # 2005-CY-40-2925 HON: MR. BAXLEY, SIGN THIS ORDER ON JANUARY, 8th 2014.

"CONCLUSION"

FOR THE FOREGOING REASONS THE APPELLANT
IN THE ABOVE CIVIL ACTION CASE SHOULD BE OVERTURN.
IN THE NAME OF JUSTICE.

Respectfully submitted,

11-19-14

(3)

SI/Mark N. Moore

C/N: 2013-CP-18-1268 / 2014-001943

MARK N. MYERS, V. SOUTH CAROLINA DEPT. OF CORRECTIONS

CERTIFICATE OF SERVICE

THE APPELLANT HEREBY PLACE IN THE UNITED STATE
MAIL LEGAL DOCUMENTS TO SCDC ATTORNEY'S AND
S.C. COURTS OF APPEALS. POSTAGE PREPAID AT LEE
CORRECTIONAL INST. MAIL ROOM ON THE BELOW DATE.

Respectfully submitted,

DATE: 11-19-14

CC:

SCDC: ATTORNEY

MR. DANIEL C. DYER,

S.C. COURTS OF APPEALS

CLERK OF COURT, M.S. J.A. KITCHINGS,

HONORABLE CLERK OF COURT.

S/ Mark N. Myers

MARK NEAL MYERS

SCDC # 241427

S.M.V. NORTH SIDE #87

LEE CORRECTIONAL INST.

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SC Court of Appeals

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HON. MR. TENNY A. KITCHINGS
CLERK OF COURT COURTS OF APPEALS
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SC Court of Appeals

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