

The state of South Carolina  
In The Court of Appeals

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Appeal From Greenville County  
Court of Common Pleas  
D. Garrison Hilly, Circuit Court Judge

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Case No. 2014-002697

Benjamin Heyward                      Appellant  
v.

South Carolina Dept of Corrections Respondent

Reply Brief

Benjamin Heyward # 165574  
Lieber Corr Inst  
P.O. Box 205  
Ridgville, SC 29472  
Appellant pro se.  
J. Victor McDade  
P.O. Box 2125  
Anderson SC 29622  
Attorney for SCDC

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JAN 28 2015

**SC Court of Appeals**

## I Background

Appellant is an inmate with the South Carolina Department of Corrections.

Appellant filed an South Carolina Tort claim Act, pursuant to 15-78-10 et seq. upon the basis of gross negligence.

## II Standard of Appeals

This court must on Appeal consider the evidence and all reasonable inferences which can be drawn therefrom in the light most favorable of the non-moving party.

## III Statement of Facts

While at Perry Correctional Institution Appellant was assigned to an top bunk when he was top bunk restricted.

On March 30, 2013 the Appellant was getting down from the top bunk when he slipped and fell to the floor and injured his right knee.

## Facts

Hearing Judge abuse his discretion in Appellant case (Factual Error).

## Conclusion

Based on the genuine issues of material facts in the record, the Appellant respectfully requests this Court to reverse the "hearing Judge" decision and Appoint Appellant with An Attorney.

Date: 1-23-15

Benjamin Heyward  
Benjamin Heyward #165514  
Lieber Corr 2157  
P.O. Box 205  
Ridgeville, SC 29472

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Case no. 2014-002697

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Benjamin Heyward

Appellant

v

South Carolina Dept of Corrections, Respondent

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proof of service

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The undersigned, Appellant Benjamin Heyward, pro se, hereby declares that he on the 23<sup>th</sup> day of January 2015 a true and accurate copy of the attached Reply Brief was placed in an envelope with First Class postage thereon prepaid through the U.S. postal services, and mailed to the Respondent Attorney as follows:

MR. J. Victor McDade, Esquire

P.O. Box 2125  
Anderson, SC 29622  
Attorney For SCDC

By Benjamin Heyward  
Benjamin Heyward #163514

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SC Court of Appeals

S.C. Supreme Court  
The Hon. D. Bailey  
P.O. Box 12159  
Columbia, SC 29211

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**SC Court of Appeals**

RE: Heyward v. S.C.D.C.  
Case No. 2014-002697

Dear Judge Bailey:

I am writing with great concern, pursuant to Rule 203 and 222 of the Appellate Court Rules, the South Carolina Court of Appeals must file my notice of Appeal. Clerk Kitchings gave me an case number and then dismissed my case because I didn't had \$100.00 Filing Fee, I do not have the fund to pay for filing my case, I filed my Tort Claim Act, "In Forma pauperis", please assist me in this matter.

Thank you for your time and attention to this matter.

cc: court of Appeals clerk Kitchings

Date 1-23-15

Benjamin Heyward  
Benjamin Heyward #65514  
Lieber Corp 2nd  
P.O. Box 205  
Ridgeville SC 29922

S.C. Court of Appeals  
Jenny A. Kitchings  
P.O. Box 11629  
Columbia, SC 29211

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**SC Court of Appeals**

RE: Heyward v. SCD C  
Case No. 2014-002697

Dear clerk Kitchings:

please file my reply Brief in the above reference  
case, pursuant to Rule 203 and 222 of the Appellate court.  
Thank # you for your assistance.

Date: 1-23-15

cc: Judge D. Bailey  
S.C. Supreme Court

By: Benjamin Heyward  
Benjamin Heyward #185514  
Ireber corr inst  
P.O. Box 205  
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JAN 23 2015

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Inter-agency

S.C. Court of Appeals  
Ms. Jenny A. Kitchings, Clerk  
P.O. Box 11629  
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JAN 28 2015

**SC Court of Appeals**