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FEB 19 2015  
SC Court of Appeals

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SC Court of Appeals

Please excuse my lack of knowledge  
of the law. Forgive me. I don't understand  
the law. I don't have anyone to help  
I'm doing the best I can. Forgive me.

*Jerolyn*

**LEGAL MAIL**  
SALUDA UNIT

The South Carolina Court of Appeals

Appeal from Lee County +  
Dishonville Court. Judge  
Administrative Law Court

**RECEIVED**  
FEB 19 2015  
SC Court of Appeals

Timothy COREE 11.38.30  
✓ APPELLANT

Lt Franklin Richardson Jr  
RESPONDANT

Designation of matter to be included in  
the record on appeal.

- 1. Motions Attacking summary judgement.
- 2. Grievance 2/3/14 - 3-22-10 - 3/23/10 - 4-2-10 <sup>1/6/10</sup>
- 3. COMPLAINT ~~1/27/11~~ July 30, 2011 -
- 4. Grievance 1/31/12 - 1/27/12 - 3-10-10 - 3-15-10
- " " <sup>1/27/12</sup>
- Request to stay <sup>1/27/12</sup> 1/4/12
- Summons 8/2/11
- Incident report 10/4/13
- Grievance ~~9/10/10~~ - 9-18-10 2/10/10
- 3/11/10 9/10/10 - 1-30-12

**LEGAL MAIL**  
SALUDA UNIT

The South Carolina Court of Appeals

Appeal from Lee County +  
Dishonville Court. Judge  
Administrative Law Court

Timothy CREW 11.38.30  
✓ Appellant

Lt Franklin Richardson Jr  
Respondent

Designation of matter to be included in  
the record on appeal.

1. Motions Attacking summary judgement.
2. Grievance 2/3/14 - 3-22-10 - 3/23/10 - 4-2-10 <sup>1/6/10</sup>
3. Complaint ~~1/2/11~~ July 30, 2011 -
4. Grievance 1/31/12 - 1/27/12 - 3-10-10 - 3-15-10  
" " 1/27/12  
Request to stay 1/4/12
- Summons 8/2/11
- Incident Report 10/4/13
- Grievance 9-10/10 - 9-18-10 2/10/10  
3/11/10 9/10/10 - 1-30-12

LEGAL MAIL  
SALUDA UNIT

The South Carolina Court of Appeals

Appeal from Lee County +  
Dishonville Court. Judge  
Administrative Law Court

Timothy COREW 11.30.30  
✓ APPELLANT

Lt Franklin Richardson Jr  
RESPONDENT

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- " " 1/27/12
- Request to show 1/4/12
- Summons 8/2/11
- Incident Report 10/4/13
- Grievance 9-10/10 - 9-18-10 2/10/12
- 3/11/12 9/10/10 - 1-30-12

**LEGAL MAIL**  
SALUDA UNIT

I Timothy Green #113533 hereby declare:  
Lt. Franklin Richardson Jr. did brutally Abuse  
Green while in handcuffs and also put  
Mouth which Resulting blisters all over  
lost of taste in his Mouth. Also bruised R.  
Eye with a scrape on the eye ball. He  
blurred vision in his right eye. When the  
outside and light hits his eye. It causes  
and both knees are dusted up and Plaintiff  
with his knee on a daily bases. Lt. Frank  
Assaulted [REDACTED] Plaintiff Timothy Green be  
A law suit against him and defendants. Lt  
since he found out Plaintiff was suing  
and the rest of the officers would delay  
Plaintiff his food. And when he receive  
Plaintiff wrote Sled. Lee County Sheriff &  
Investigator General. The investigator at  
and the Attorney General's office. The was  
Deputy Wardens Margaret Bell about the  
press criminal charges against Lt. Franklin

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.C.D.C. BECAUSE Plaintiff told Mr.  
Butcher 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 dismiss  
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 judgment 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

objectively justifiable, is explainable 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's actions.

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 & counselor, a professional in his craft. There's

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

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  
L.Ed.2d. 238 (1995) 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 score of what's really going on.  
SEE OPINANCES 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. WAUPACA 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  
1570, 1578 (7th Cir 1991).

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

IN A HOLDING CELL. Policy does NOT state 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. Plaintiff has a expert 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 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 MINIMIS PAIN OR INJURY.

This is proof through material facts the cause of injury  
and that Lt. Franklins Richardson Sr. did brutally beat  
inmate Timothy Cofer ask him to take a lie detector  
test that he didn't beat plaintiff in the face. And  
slam his head into the floor and drop down on  
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. 14th  
Cir. 1996).

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

Greene 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 1001,

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 allowed 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 "NO" forums 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

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.

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

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.

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) 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) 161

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 constabular  
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.

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.

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 "SMU" 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 of 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 cops on lockup  
didn't recognize who I was. Everybody on this  
yard will tell you Lt. Franklin Richardson Jr. assaulted  
me.

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 Franklins and nurse Moody they looked down my throat and saw the Hinters. 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

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 the three officers.. Lt. Franklin

Richardson Jr. Sgt. Price officer Cain, Officer

Farmer officer ~~McKens~~ McKens, Officer Finkley,

Inmate Artie Burriss. All of these people

present and none of them will take a lie

detector test about any of the things they are stating in their statements.

Lt. Franklin Richardson Jr. and Nurse Cooper

are lying. Policy states that no inmate

in the SMC Build can be taken out of

their cell with being in handcuffs.

Nurse Cooper and Lt. Franklin Richardson Jr.

will not ~~tell~~ the courts or a jury such a lie.

She told them next page

# The South Carolina Court of Appeals

Timothy GREEN, 113830

Appellant

Initial Brief

CASE NO. 2011-~~CB-31~~187

2011-CP-31187

Lt Franklin Richardson Jr. +

2014-000674

Defendants S.C.D.C.

This Matter comes before this Honorable Court in a civil action C.A. 2014-000674. Plaintiff states that he can prove ~~deliberate~~ <sup>deliberate</sup> indifference.

Plaintiff was beaten by Lt. Franklin Richardson Jr.

severely and placed on lock up in a corner

room where no one could see him. Plaintiff wrote request to the investigator and Bishopville County Court trying to get him arrested. Plaintiff right eye closed shut his whole right side of his face was swollen. Plaintiff tried to get medical attention the next day from nurse Jones she

South Carolina Court of Appeals  
In the Court of Common Pleas  
For The Third Judicial Circuit  
CASE NO: 2011-CP-31-187

Certificate of Service

Timothy Green # 113830  
APPELLATE

✓

Initial Brief of  
APPELLATE APPELLATE

CASE # NO: 2011-CP-31-  
187

SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS Defendant Lt. Franklin  
Richardson Jr.

Dated: [REDACTED] 22, 2014

Timothy Green  
Timothy Green

LEE, ERTER, WILSON, HOLLER &  
SMITH LLC.  
P.O. Box 580  
Sumter, S.C. 29157

S.C.C. OF APPEALS  
P.O. Box 11629  
Columbia, S.C. 29211

**LEGAL MAIL**

SALUDA UNIT

And D.H.O Sharon PATTERSON lied about receiving  
my witness list. BECAUSE I put it in the mailbox  
and and officer said that she had to have it.  
BECAUSE the mail room would have placed it in  
her box. This is the second time she's  
said she didn't receive my witness list. That's  
how they cover for each other through D.H.O and  
GRIEVANCE. But I have them this time. BECAUSE I  
my list of witness to Sgt. Cain that work stop.  
And he will tell you himself that I gave him the  
witness list. And I told WARDEN Anthony Padula my  
request to him about Sgt. Cain. So I could get a new  
hearing to clear up these lies. But he knew that I  
would and he knew that GRIEVANCE COURTS would  
support him. See attached GRIEVANCES ALSO Leticia  
Johnson sent GRIEVANCE to me that I had to have  
back the next day. SHE thought she was stuck  
but I showed them to officer L. Thompson and  
the dates. I PRAY that this HONORABLE COURT will  
Rule in my favor as soon as possible in this matter.  
I AM WORKING on this with NO LAW BOOKS. I PRAY  
that you'll except my humble effort. God bless.  
I declare under penalty of perjury that the fore  
going is true and correct. Executed at Lee County  
South Carolina on 6/1/10

Shirley Green

IRC MEMBERS AND CHAIRMAN TO SEE HIM. IVE WRITTEN ASS. BRUCE DUBERMAN ABOUT MY LEGAL PROBLEM HE WON'T RESPOND. AND WHEN HE COMES THROUGH HE ACTS AS THOUGH HE DIDN'T HEAR ME CALL HIM.

I PRAYING THAT THIS HONORABLE COURT WOULD TRANSFER ME TO ANOTHER INSTITUTION UNTIL MY CASE IS RESOLVED AND TO GET MEDICAL ATTENTION THAT I DESPERATELY NEED.

AFTER THE ASSAULT I WAS UP HERE 7 DAYS IN SEVERE PAIN WITHOUT MEDICAL ATTENTION. THE LIEB AND SAID THAT I HAD SEEN THE NURSE. BUT SHE HAD WROTE DOWN HER FILES THAT SHE TOLD THE OFFICERS THAT I NEEDED MEDICAL ATTENTION AND THAT I NEEDED X-RAYS ON MY HEAD THE HE WAS SLAMMING MY HEAD ON THE FLOOR.

THEY WERE HOPING THAT I WOULD LAY DOWN AND SUFFER AND HAD HANDCUFFED ME. I KNOW THAT I CAN'T USE PATTING HANDS ON THE OFFICERS. I'M NON-VIOLENT AND I REACT THAT TO THE YOUNG GUYS AND THEY LISTEN TO ME.

THEY HAVE A LOT OF RESPECT FOR ME OLD AND YOUNG BECAUSE GUYS FROM ATHENS COUNTY COME IN HERE AND TELLING PEOPLE WHEN THEY SEE ME THAT YOU WOULD KNOW FOR A CRIME I DIDN'T COMMIT. AND THEY TRUST ME. BUT I ALWAYS TELL THEM THAT THE WAY I HEART ABOUT THINGS WERE WRONG. I LOST ALMOST ALL OF MY FAMILY AND MY SON HAS CROSSED OVER THE GREAT LAKE TO THE AFTER LIFE BECAUSE OF MY SOCIAL NUMBER. I WAS ONLY 17 YEARS OLD. D. B. SIMMONS (TATELSON) I SAW HER AN ORDER OF RECALL. BECAUSE SHE SAID SHE HAD THAT SHE WOULD HIAS AGAINST ME. SHE ALSO SAID YOU ALREADY SAW ME AND THIS ON. WHICH IS A VIOLATION OF MY DUE PROCESS.

Plaintiff thinks that Mail Room Staff Sgt. Simon Boney has thrown  
his letters out in the trash. They wouldn't send my Civil Action  
Complaint out until Plaintiff had inmate to mail his complaint  
out for him inmate A'ANAE ROACH #291887.

Also Medical hasn't been treating my injuries and my knees are  
killing me. And I have headaches every day. From Lt Richardson  
slamming my head on the floor and punching me in my face.  
Officer L. Thompson that works Lockup will tell you about all  
the blisters I had on my tongue and in my mouth and Medical  
hasn't treated me for that yet or my knees.

Also they "Medical" has allowed my stomach to get so bad that  
I have "two" 2 types of ulcers that killing me daily.

And I still think that my liver is very damaged from the  
water at Alameda Corr. Inst. Lee Corr. Inst. Evans Corr. Inst.  
with the boil water advisories. Especially at Alameda  
and here. The water smell bad some times. They want  
run test on my liver or check my liver. They know that I  
am right. And they are allowing my health to deteriorate.  
I need guidance after grievances the grievance corr. LESIA  
Johnson and Catherine James are covering up for the  
warden. Deputy warden and staff. Also the warden  
Arthur Padilla. Deputy warden Bell was serving pork  
to the Muslim community here at Lee Corr. Inst. See  
complaint amended memo to complaint or amended  
of my civil complaint. Also LAIS Librarian Jennifer  
Livingston hadn't sent my book yet. I've filed request  
March. I haven't gotten legal books yet. I've sent  
request after request nothing no replies.

I have problem getting my legal supplies and they  
don't even care. I've file complaints through I.R.C.  
About policy violations by warden, Deputy warden  
and DHO Sharon Pattersons. The warden told

2011-11-22 13:11:14

45. Plaintiff Timothy Green's damages includes physical pain from the battery, emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, and a loss of enjoyment of life.

46. Plaintiff Timothy Green seeks actual damages, punitive damages, and attorney's fees and costs from the Defendants SCDOC for battery.

WHEREFORE, Plaintiffs respectfully pray for the following relief:

- A. For judgment against all Defendants for actual damages to be determined by the Court and a jury;
- B. For the costs and disbursements in the pursuit of this action; and
- C. For such other and further relief as this Court may deem just and proper.

THE CAMDEN LAW FIRM, PA



Robert J. Butcher

Deborah J. Butcher

Attorneys for Plaintiff

1029 Broad Street

Camden, South Carolina 29020

Post Office Box 610

Camden, South Carolina 29021

Telephone: 803.432.7599

Facsimile: 803.432.7466

S.C. Bar No.: 74029/74722

Camden, South Carolina  
July 30, 2011

THE SOUTH CAROLINA COURT OF APPEALS

Timothy Green 5/13830  
↓  
APPELLATE

Motion to file the  
document out of time

Lt. Franklin Richardson Jr. CSCDC  
Defendant.

APPELLATE CASE NO:  
2014-000674

I Timothy Green Move or request this Honorable to grant this motion before this Honorable Court, to grant motion to file the document out of time. Appellate states that because of lockdown situations and other problems that have occurred to prevent Appellate from perfecting his appeal. Appellate states that he filed an order to this Court to release his Attorney Robert Butcher from his appeal process. And requested this Honorable to order him to send all information in his file dealing with Timothy Green's case.

**LEGAL MAIL**

STATE OF SOUTH CAROLINA  
COUNTY OF LEE  
TIMOTHY GREEN APPELLATE  
vs

IN THE COURT OF APPEALS  
SOUTH CAROLINA SUPREME  
COURT.  
CASE NO.: 2011-CP-31-187

Lt. FRANKLIN RICHARDSON JR. &  
DEFENDANTS

CERTIFICATE OF SERVICE

I TIMOTHY GREEN HAVE SERVED THE DEFENDANTS  
REPRESENTATIVE AND THIS HONORABLE COURT OF APPEALS  
THIS 2-13-15 VIA U.S. MAIL AND DEPOSITED  
IN EACH MAIL BOX

LEE ERTER WILSON HOLLERT  
SMITH P.O. BOX 580  
SUMNER, S.C. 29151

S.C.L. APPEALS  
P.O. BOX #1629  
COLA S.C. 29211



LEGAL MAIL



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
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TELEPHONE: (803) 734-1890  
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[www.sccourts.org](http://www.sccourts.org)

February 05, 2015

Timothy Green, 113830  
Broadriver Corr. Inst.  
Wateree Unit # 123 Room  
4460 Broad River Rd.  
Columbia SC 29210

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

Dear Mr. Green:

We are returning to you the documents received by the court on February 3, 2015, as they are not acceptable as the appellant's initial brief and designation of matter. Our records indicate your appellant's initial brief and designation of matter should have been filed with the Court. Within ten days of the date of this letter, you must file your appellant's initial brief and designation of matter along with a motion to file the document out of time. Your case will be dismissed if no motion is filed within ten days of the date of this letter.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: G. Murrell Smith, Jr., Esquire  
Daniel John Crooks, III, Esquire

All pictures, Motions, Grievances, request to staffs  
Medical files, depositions statement declarations  
that Appellate gave him because his documents  
and statement was getting missing every time  
they shook his room down. All declarations  
and statements, Letters.

Appellate states that the file of his attorney is  
needed desperately to perfect his appeal.

Appellate states that the pictures and statements  
would over whelm the defendants and that  
this honorable court would rule in Appellate  
favor. Appellate states that his attorney

file is needed desperately to perfect his

appeal and over come summary judgement.

I pray that this honorable court would

grant Rule 260 Motion to file the document  
of out of time Motion due to the lockdown  
his attorney file is needed to perfect his  
appeal.

Sumathy  
**LEGAL MAIL**

Exh I

KRM 1254

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INCIDENT REPORT

#79

NM#

13-10-045

Page 1 of 1

Institution/Center: Lee CI		Time of Report: Approx 12:30 PM	
Date of Report: 4 Oct 2013		Date of Incident: 4 Oct 2013	
Reporting Official: CIO Plemons		Time of Incident: Approx 11:30 AM	
Location of Incident: Contraband		Employee(s) Involved:	
Inmate(s)/Resident:	SCDC#	Age	Race Sex
1. Green, Timothy	113830		
2.			
3.			
4.			
5.			

1. Inv. Tisdale
2. LPN Dixon
- 3.
- 4.
- 5.

MIB

On the above date and approximate time: I, CIO Plemons received an envelope from Inv. Tisdale that was returned to the mail room unavailable to be delivered. Inside was two SCDC medical envelopes for IM Green, Timothy # 113830. LPN Dixon was asked and ascertained that the medication was prescribed to IM Green and were the medication that was on the label. IM Green will be charged being that he was not taking the medication as he was prescribed.

IM Green, Timothy # 113830 is charged with 903 - The Trafficking, Use, and/or Possession of Narcotics, Marijuana, or Unlawful Drugs including Prescription Drugs or Inhalants.

RECEIVED

OCT 07 2013

Signature: CIO R. Pflug # 024824  
LEECI MAJOR'S OFFICE

Evidence: (1) Envelope returned (2) SCDC Med Packs with Meds  
10/11/13

Witness(es): INV Tisdale, LPN Dixon

Supervisor's Comments: Refer to DHO

Signature: [Signature] Title: Lt Date/Time: 10/4/13

Major/Responsible Authority: 903

Signature: A. Pugh Title: Capt. Date: 10-7-13

STG Related - Refer to STG Committee  
 Yes  No  Unknown  
 This Incident is DRUG related  
 Yes  No  Unknown

Action Taken  
 Informal Resolution  
 Administrative Resolution  
 Refer to Disciplinary Hearing

AGREE to a lie detector test with my question given  
to this honorable court to ask. Not only will he  
be fire both of them. They will go to jail. 85%  
of the defendant will be fired. They are  
corrupt. Give them a lie detector test they'll  
quit before they'll take it. GOD is My witness  
they will. I pray that this honorable court  
grant this case before the court for trial or  
give the defendants lie detector test. I know  
Lt. Franklin Richardson Jr. will fail as well  
as nurse Karen Cooper. I pray this day 1-22-  
15 that this court will grant my petition  
before them.

I Am Jimmy [Signature]

## CONCLUSIONS

Plaintiff states that it is clear that Lt. Franklin Richardson Jr. didn't put Karen Cooper down as a witness because he didn't know what she would say.

And Nurse Karen Cooper didn't agree with Lt. Franklin Richardson Jr. until she sees that she was being sued as well for negligence.

But I have two witnesses to her saying something totally different. A trial or lie detector test would show that they are lying. And that I was brutally assaulted and they are trying to cover it up. I will agree to a lie detector test anytime.

Because I am truthfully honest about the whole thing. Everything and I don't curse.

Only a lie detector and or a trial will get to the truth of this matter. I promise you that Lt. Franklin Richardson Jr. or Nurse Cooper will

LEGAL MAIL

CALIFORNIA

(NURSE COOPER SAID THAT ALL HE DID WAS  
THROW HIM TO THE GROUND AND PUT HIS HANDS  
BEHIND HIS BACK) "REMEMBER THEY CAN'T TAKE  
YOU OUT OF A CELL WITHOUT BEING IN  
HANDCUFFS. CLEAR LIES CHECK POLICY SMS.  
YOU CAN'T COME OUT OF ANY ROOMS WITHOUT  
BEING IN HANDCUFFS. I THINK I HAVE  
SHOWN YOU ENOUGH LIES. I KNOW THAT  
YOU CAN LOOK AT EXH B KAREN COOPER RN.  
STATEMENT AND LT FRANKLIN RICHARDSON JR. EXH C  
STATEMENT AND INCIDENT REPORT EXH E.  
AND SEE THE COVERUP AND LIES.

I CAN PROVE WITHOUT A SHADOW OF  
DOUBT THESE ARE LIES. I HAVE FACTS  
TO PROVE IT AND WITNESS ALSO. PLEASE  
GRANT ME A TRIAL SO I CAN GET  
OR RECEIVE JUSTICE.

**LEGAL MAIL**  
SALUDA UNIT

SEE INCIDENT REPORT OF LT. FRANKLIN RICHARDSON JR. THEY ARE CONFLICTING. LT. FRANKLIN RICHARDSON JR. NEVER SEEN NONE OF THE THINGS NURSE COOPER SEEN. ALSO LT. FRANKLIN RICHARDSON JR. INCIDENT REPORT WAS WRITTEN IN A THIRD PARTY. SOMEONE ELSE WRITTEN IT. LOOK AT LT. RICHARDSON STATEMENT ONE OF THEM IS CLEARLY LYING. INMATE GREEN WAS STRAYED BEHIND THE DOOR HE COULDN'T HURT ANYONE. THE REASON HE WAS STRAYED IS BECAUSE HE CALL LT. FRANKLIN RICHARDSON JR AN EX STRIPPER. ALSO HE HAD NO WITNESSES AT THE DHO HEARING. BEFORE YOU CAN TAKE ANYONE OUT A CELL IN SMS HE MUST BE IN HANDCUFF WITH ANOTHER OFFICER THERE. ALSO THERE MUST BE A USE OF FORCE REPORT AND A REPORT OF THE USE OF GAS AND AMOUNT.

**LEGAL MAIL**

SALIDA UNIT

Motion for a jury trial demanded.

SEE EXH AA

SEE EXH 2B

SEE EXH EXH I

SEE EXH K

SEE EXH J

SEE EXH H 1

EXH # 2

EXH # 3

EXH # 4

EXH # 5

EXH # 6

EXH # 7

EXH # 8

EXH # 9

EXH # 10

EXH # 11

EXH # 12

SEE S.C.D.C Medical Summary

The threat of harm that I'll face is greater than the harm the prison officials will face if I get an injunction. I've been denied Medical Attention. I've been brutally Assaulted by defendant Lt. Franklin Richardson Jr. My Ribs were bruised badly. My Right Eye was swollen closed the doctor said I had SCALPEL ON EYE ITSELF AND IT WAS WOUND RED THIS HAPPENED MARCH 11 2010 AND IT'S STILL BLACK. THE NURSE SAID THAT I HAD REAL BAD CONCUSSION. ALSO MY KNEES WERE BUSTED UP REAL BADLY. AND THE ARE MESS'D UP. AND I HADN'T SEEN ANYONE TO GIVE ME SOME TO TAKE THE PAIN AWAY. MY RIGHT EYE THE VISION IS STILL BLURRED. FOR WEEKS I HAD TERRIBLE OR EXTREMELY BAD HEADACHES THEY GAVE ME NOTHING.

DAILY I PUT IN REQUEST TO STAFF FOR SICK CALL. I HAD TO FILE A LAWSUIT TO FIND OUT THAT THEY HAD LET MY STOMACH GET SO BAD UNTIL I GOT "TWO" 2 KINDS OF ULES NOW THEY DON'T WANT SEE ME OR GIVE ME MEDICAL ATTENTION. SOMETIMES THEY PLAY GAMES WITH MY MEDICINE FOR MY STOMACH AND I BE IN PAIN FOR DAYS BEFORE I RECEIVE IT. AND I PUT IN FOR IT A WEEK BEFORE IT RUNS OUT. I'VE WRITTEN THE WARDEN ANTHONY TADDA. AND DEPUTY WARDEN MAGGIE BELL AND FILED GRIEVANCES LISA JOHNSON AND I WROTE ASS. BRUCE OBERMAN THEY WON'T RESPOND. ALSO I HAVE PROB' SEND OUT MY LEGAL MAIL AND PERSONAL MAIL MRS. SIMON BRACEY. I'VE ORDER LEGAL BOOKS FOR LAST TWO AND RECEIVED NONE I SEND FOR LIVINGSTON. AND I IN PROBLEMS GET LEGAL SUPPLIES.

- The threat of harm that I'll face is greater than the harm the prison officials will face if I get an ~~injunction~~. I've been denied Medical Attention. I've been brutally assaulted by defendant Lt. Franklin Richardson Jr., My Ribs were bruised badly, My Right Eye was swollen closed the doctor said I had SCRAPE ON EYE ITSELF AND IT WAS WOUND RED THIS HAPPENS MARCH 11 2010 AND IT'S STILL HACK. THE NURSE SAID THAT I HAD REAL AND CONCUSSION. ALSO MY KNEES WERE BUSTED UP REAL BADLY. AND THE ANKLE MESSED UP. AND I HADN'T SEEN ANYONE TO GIVE ME SOME- TO TAKE THE PAIN AWAY. MY RIGHT EYE THE VISION IS STILL BLURRED. FOR WEEKS I HAD TERRIBLE OR EXTREMELY BAD HEADACHES THEY GAVE ME NOTHING.

DAILY I PUT IN REQUEST TO STAFF FOR SICK CALL. I HAD TO FILE A LAWSUIT TO FIND OUT THAT THEY HAD LET MY STOMACH GET SO BAD UNTIL I GOT "TWO" 2 KINDS OF ULCERS. NOW THEY DON'T WANT SEE ME OR GIVE ME MEDICAL ATTENTION. SOMETIMES THEY PLAY GAMES WITH MY MEDICINE FOR MY STOMACH AND I BE IN PAIN FOR DAYS. BEFORE I RECEIVE IT. AND I PUT IN FOR IT WEEK BEFORE IT RUNS OUT. I'VE WRITTEN THE WARDEN ANTHONY PARRA. AND DEPUTY WARDEN MAGGIE BELL AND FILED GRIEVANCES LISA JOHNSON AND I WROTE ASS. BRUCE OBERMAN THEY WON'T RESPOND. ALSO I HAVE PROBLEMS SENDING OUT MY LEGAL MAIL AND PERSONAL MAIL MISS. SIMON BRACEY. I'VE ORDER LEGAL BOOKS FOR LAST TWO MONTHS AND RECEIVED NONE. I WROTE LIVINGSTON. AND I HAVE PROBLEMS GET LEGAL SUPPLIES.

2011-11-22 13:11:14

45. Plaintiff Timothy Green's damages includes physical pain from the battery, emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, and a loss of enjoyment of life.

46. Plaintiff Timothy Green seeks actual damages, punitive damages, and attorney's fees and costs from the Defendants SCDOC for battery.

WHEREFORE, Plaintiffs respectfully pray for the following relief:

- A. For judgment against all Defendants for actual damages to be determined by the Court and a jury;
- B. For the costs and disbursements in the pursuit of this action; and
- C. For such other and further relief as this Court may deem just and proper.

THE CAMDEN LAW FIRM, PA



Robert J. Butcher  
Deborah J. Butcher  
Attorneys for Plaintiff  
1029 Broad Street  
Camden, South Carolina 29020  
Post Office Box 610  
Camden, South Carolina 29021  
Telephone: 803.432.7599  
Facsimile: 803.432.7466  
S.C. Bar No.: 74029/74722

Camden, South Carolina  
July 30, 2011

5



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

August 28, 2014

**RECEIVED**

FEB 03 2015

**SC Court of Appeals**

Mr. Robert J. Butcher, Esquire  
PO Box 610  
Camden SC 29021

Mrs. Deborah J Butcher, Esquire  
PO Box 610  
Camden SC 29021

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

Dear Counsel:

This Court has received your motion to withdraw as counsel. By copy of this letter, opposing counsel and your client are requested to file a return to this motion no later than ten (10) days from the date of this letter. The time limits for perfecting the appeal will be held in abeyance until the motion is decided.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Timothy Green, 113830  
Christopher D. Florian, Esquire  
G. Murrell Smith, Jr., Esquire

South Carolina Court of Appeals  
In the Court of Common Pleas  
For The Third Judicial Circuit  
CASE NO: 2011-CP-31-187

Certificate of Service

Timothy Green # 113830  
APPELLATE

✓

Initial Brief of  
APPELLATE APPELLATE

CASE # NO: 2011-CP-31-

187  
SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS Defendant Lt. Franklin  
Richardson Jr.

Dated: [REDACTED] 22, 2011

J.W.  
Timothy Green  
Timothy Green

LEE, ERTER, WILSON, HOLLER &  
SMITH LLC.  
P.O. Box 580  
Sumter, S.C. 29157

S.C.C. OF APPEALS  
P.O. Box 11629  
Columbia, S.C. 29211

**LEGAL MAIL**  
**SALUDA UNIT**

ARGUMENTS

Lt. Franklin Richardson Jr. state in his incident report that inmate Timothy Green Plaintiff was told by nurse Karen Cooper to come out of the holding cell when he came out of the holding cell he charged towards Lt. Richardson spitting on Lt. Richardson on his right arm. Ex. E Now read nurse Karen Cooper statement. That she remembered vividly and the incident between inmate Green and Lt Franklin Richardson Jr. "Remember. I am in handcuffs". states when I arrived at the smu holding cell. Inmate Green was acting irrational and yelling within the cell. He was beating his head up against the walls and slammimg his body. She stated. I approached the cell and advised him that I wanted to see him in Medical. He initially calmed down and agreed to go to the nurses room that was just a few feet away from the holding cell.

SEE OWN  
SOLICITORS  
POLICY  
CALL

SEE EXH A & H  
IMAGE CAPC LHC  
70  
EXAM

SEE INCIDENT REPORT OF LT. FRANKLIN RICHARDSON JR. THEY ARE CONFLICTING. LT. FRANKLIN RICHARDSON JR. NEVER SEEN NONE OF THE THINGS NURSE COOPER SEEN. ALSO LT. FRANKLIN RICHARDSON JR. INCIDENT REPORT WAS WRITTEN IN A THIRD PARTY. SOMEONE ELSE WRITTEN IT. LOOK AT LT. RICHARDSON STATEMENT ONE OF THEM IS CLEARLY LYING. INMATE GREEN WAS SPRAYED BEHIND THE DOOR HE COULDN'T HURT ANYONE. THE REASON HE WAS SPRAYED IS BECAUSE HE CALL LT. FRANKLIN RICHARDSON JR AN EX-STRIPPER. ALSO HE HAD NO WITNESS AT THE DHO HEARING. BEFORE YOU CAN TAKE ANYONE OUT A CELL IN SMS HE MUST BE IN HANDCUFF WITH ANOTHER OFFICER THERE. ALSO THERE MUST BE A USE OF FORCE REPORT AND A REPORT OF THE USE OF GAS AND AMOUNT.

**LEGAL MAIL**

**SALUDA UNIT**

(NURSE COOPER SAID THAT ALL HE DID WAS  
THROW HIM TO THE GROUND AND PUT HIS HANDS  
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HANDCUFFS. CLEAR LIES CHECK POLICY SMS,  
YOU CAN'T COME OUT OF ANY ROOMS WITHOUT  
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SHOWN YOU ENOUGH LIES. I KNOW THAT  
YOU CAN LOOK AT EXH B KAREN COOPER RN,  
STATEMENT AND LT FRANKLIN RICHARDSON JR. EXH. C  
STATEMENT AND INCIDENT REPORT EXH. E.  
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TO PROVE IT AND WITNESS ALSO. PLEASE  
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OR RECEIVE JUSTICE.

**LEGAL MAIL**  
SALUDA UNIT

## CONCLUSIONS

Plaintiff states that it is clear that Lt. Franklin Richardson Jr. didn't put Karen Cooper down as a witness because he didn't know what she would say.

And Nurse Karen Cooper didn't agree with Lt. Franklin Richardson Jr. until she sees that she was being sued as well for negligence.

But I have two witnesses to her saying something totally different. A trial or lie detector test would show that they are lying. And that I was brutally assaulted. And they are trying to cover it up. I will agree to a lie detector test anytime.

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AGREE to a lie detector test with my question given  
to this honorable court to ask. Not only will he  
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quit before they'll take it. GOD is my witness  
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grant this case before the court for trial or  
give the defendants lie detector test. I know  
Lt. Franklin Richardson Jr. will fail as well  
as nurse Karen Cooper. I pray this day 1-22-  
15 that this court will grant my petition  
before them.

I Am Timothy

All pictures, Motions, Grievances, request to staffs  
Medical files, depositions statement declarations  
that Appellate gave him because his documents  
and statement was getting missing every time  
they shook his room down. All declarations  
and statements, Letters.

Appellate states that the file of his Attorney is  
needed desperately to perfect his Appeal.

Appellate states that the pictures and statements  
would over whelm the defendants and that  
this honorable court would rule in Appellate  
favor. Appellate states that his Attorney  
file is needed desperately to perfect his  
Appeal and over come summary judgement.

I pray that this honorable court would  
grant Rule 260 Motion to file the document  
of out of time Motion due to the lockdown  
his Attorney file is needed, to perfect his  
Appeal.

Signature  
**LEGAL MAIL**



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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[www.sccourts.org](http://www.sccourts.org)

February 05, 2015

Timothy Green, 113830  
Broadriver Corr. Inst.  
Wateree Unit # 123 Room  
4460 Broad River Rd.  
Columbia SC 29210

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

Dear Mr. Green:

We are returning to you the documents received by the court on February 3, 2015, as they are not acceptable as the appellant's initial brief and designation of matter. Our records indicate your appellant's initial brief and designation of matter should have been filed with the Court. Within ten days of the date of this letter, you must file your appellant's initial brief and designation of matter along with a motion to file the document out of time. Your case will be dismissed if no motion is filed within ten days of the date of this letter.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: G. Murrell Smith, Jr., Esquire  
Daniel John Crooks, III, Esquire

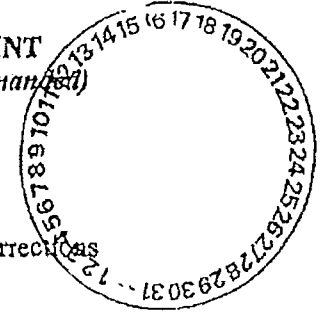
2011-11-22 13:11:10

*A Part of my Brief*

STATE OF SOUTH CAROLINA  
 COUNTY OF LEE  
 Timothy Green,  
  
 Plaintiff,  
  
 v.  
 South Carolina Department of Corrections,  
  
 Defendants.

IN THE COURT OF COMMON PLEAS  
 OF THE THIRD JUDICIAL CIRCUIT  
 Case No.: 2011-CP-31-187

COMPLAINT  
 (Jury Trial Demand)



Plaintiff complains of the Defendant South Carolina Department of Corrections (SCDOC) and states the following:

**I. PARTIES AND JURISDICTION**

1. Plaintiff Timothy Green is a citizen and resident of Aiken County, South Carolina. Green is in the custody of the South Carolina Department of Corrections and was also in Defendant's custody at the time the incidents alleged in this complaint took place. Green currently resides at Lee Correctional Institution in Bishopville, South Carolina.

2. Upon information and belief Defendant SCDOC is a statutory creature created by the General Assembly of the State of South Carolina and it is part of the executive branch. SCDOC was the custodian of Plaintiff Timothy Green at the time he was harmed while in the custody of SCDOC.

3. The tortious acts and constitutional violations described in this Complaint occurred in Lee County, South Carolina.

4. The things and matters alleged herein are within the jurisdiction of this Court pursuant to S.C. Code Ann. § 15-78-100.

5. Venue is proper as the tortious acts occurred here in Lee County.

2011-11-22 13:11:12

22. SCDOC and its managers, supervisors, and employees breached its duty to properly supervise its employees and supervisors to insure that inmates like Timothy Green are not physically beaten by the likes of Lieutenant Franklin Richardson.

23. SCDOC and its managers, supervisors, and employees breached its duty to properly supervise other employees and supervisors to insure that other correctional officers stop the illegal and excessive uses of force.

24. SCDOC and its managers, supervisors, and employees breached its duty to train Lieutenant Franklin Richardson on the proper use of force and chemical munitions to insure that inmates like Timothy Green were not unnecessarily harmed and injured.

25. SCDOC and its managers, supervisors, and employees had a duty to insure that the employees it hires and/or retains are not violent and dangerous and these same employees do not have a history of violence and abusing prisoners and SCDOC and its managers and supervisors, and employees breached that duty by hiring and/or retaining Lieutenant Franklin Richardson even though he had a history of violence and using excessive force.

26. Defendant SCDOC's breach of the duties listed above were the proximate cause of Plaintiff's injuries and had SCDOC not breached those duties Plaintiff would not have suffered and continue to suffer from unnecessary injuries from the assault.

27. Because this duty was breached by SCDOC, Plaintiff was injured and these damages include physical pain from the battery, emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, permanent injury to his eyes, mouth and throat, knees, ribs and back, and he suffers from a loss of enjoyment of life.

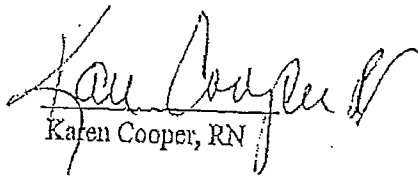
Jun. 26. 2013 2:28PM Lee Law Firm

No. 2858 P. 3

- 6. When inmate Green charged Lt. Richardson, he took the inmate down. All he did was throw him to the ground and put his arm behind his back. I witnessed the entire incident and did not see Lt. Richardson ever strike inmate Green with his fist or kick him. That did not happen.
- 7. Following the incident, inmate Green was placed in handcuffs and taken back to the holding cell.

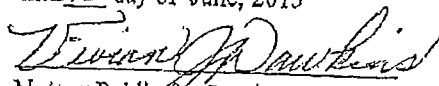
FURTHER THE DEPONENT SAYETH NOT:

DATED this 27 day of June, 2013.

  
 Karen Cooper, RN

SWORN to and subscribed before me

this 27 day of June, 2013

  
 Notary Public for South Carolina

My Commission Expires: April, 23, 2023

2011-11-22 13:11:11

13. Other correctional officers did not stop the beating.
14. Plaintiff suffered painful and permanent damages to his eye, head, neck, back, and knee.
15. Plaintiff has not received proper medical attention for these injuries and has been refused treatment by the corrections offices and medical staff.

**FOR A FIRST CAUSE OF ACTION  
(Gross Negligence and Negligence Per Se)**

16. Plaintiff incorporates paragraphs 1-15 as if stated herein verbatim.
17. SCDOC and its managers, supervisors, and employees had a duty to protect its inmates from harm from the general population of inmates and from its correctional officers.
18. SCDOC and its managers, supervisors, and employees had a duty to supervise its employees and insure that they did not physically harm or use excessive force on its inmates.
19. SCDOC and its managers, supervisors, and employees had a duty to train its employees on the proper use of force and chemical munitions to insure that inmates were not unnecessarily harmed.
20. SCDOC and its managers, supervisors, and employees had a duty to insure that the employees it hires and/or retains are not violent and dangerous and these same employees do not have a history of violence and abusing prisoners
21. SCDOC and its managers, supervisors, and employees breached its duty to protect its inmates when Timothy Green was physically beaten by Lieutenant Franklin Richardson and no other correctional officer attempted to stop the illegal and excessive use of force.

2011-11-22 13:11:12

28. Plaintiff Timothy Green seeks damages and costs against SCDOC.

**FOR A SECOND CAUSE OF ACTION.  
(Gross Negligence and Negligence Per Se)**

29. Plaintiff incorporates paragraphs 1-28 as if stated herein verbatim.

30. SCDOC and its managers, supervisors, and employees had a duty to provide medical attention and treatment to its inmates that have suffered from physical injury.

31. SCDOC and its managers, supervisors, and employees had a duty to supervise its medical staff and insure that the injured inmates were provided proper medical attention and treatment.

32. SCDOC and its managers, supervisors, and employees had a duty to train its employees to properly treat injured inmates and to provide injured inmates proper medical attention and treatment.

33. SCDOC and its managers, supervisors, and employees breached its duty to provide medical attention and treatment to Plaintiff as his treatment was limited to first aid, triage, and little else.

34. SCDOC and its managers, supervisors, and employees breached its duty to supervise its medical staff and insure that Plaintiff was provided proper medical attention and treatment.

35. SCDOC and its managers, supervisors, and employees breached its duty to train its employees to properly attend and treat injured inmates like Timothy Green and to provide injured inmates like Timothy Green proper medical attention and treatment.

2011-11-22 13:11:13

36. Defendant SCDOC's breach of the duties listed above were the proximate cause of Plaintiff's injuries and had SCDOC not breached those duties Plaintiff would not have suffered and continue to suffer from unnecessary injuries from the assault.

37. Because this duty was breached by SCDOC, Plaintiff was injured and these damages include physical pain from the battery, emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, permanent injury to his eyes, mouth and throat, knees, ribs and back, and he suffers from a loss of enjoyment of life..

38. Plaintiff Timothy Green seeks damages and costs against SCDOC.

**FOR A THIRD CAUSE OF ACTION  
(Assault)**

39. Plaintiff incorporates paragraphs 1-38 as if stated herein verbatim.

40. The actions and conduct, as listed above of Lieutenant Franklin Richardson placed Timothy Green in reasonable fear of bodily injury.

41. Timothy Green's damages includes emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, and a loss of enjoyment of life.

42. Plaintiff Timothy Green seeks actual damages and costs from the Defendants SCDOC for assault.

**FOR A FOURTH CAUSE OF ACTION  
(Battery)**

43. Plaintiff's incorporate paragraphs 1-42 as if stated herein verbatim.

44. Lieutenant Franklin Richardson caused forcible contact on the person of Plaintiff Timothy Green.

STATE OF SOUTH CAROLINA  
COUNTY OF LEE  
TIMOTHY GREEN APPELLATE  
vs

IN THE COURT OF APPEALS  
SOUTH CAROLINA SUPREME  
COURT.  
CASE NO.: 2011-CP-31-187

Lt. FRANKLIN RICHARDSON JR. &  
DEFENDANTS

CERTIFICATE OF SERVICE

I TIMOTHY GREEN HAVE SERVED THE DEFENDANTS  
REPRESENTATIVE AND THIS HONORABLE COURT OF APPEALS  
THIS 2-13-15 VIA U.S. MAIL AND DEPOSITED  
IN EACH MAIL BOX

LEE ERTER WILSON HOLLERET  
SMITH P.O. BOX 580  
SUMTER, S.C. 29151

S.C.L. APPEALS  
P.O. BOX #1629  
COLA S.C. 29211



**LEGAL MAIL**

THE SOUTH CAROLINA COURT OF APPEALS

Timothy GREEN 113830  
↓  
APPELLATE

Motion to file the  
document out of time

Lt. Franklin Richardson Jr. CSC D.C  
Defendants.

APPELLATE CASE NO:  
2014-000674

I Timothy GREEN Move or request this Honorable to  
grant this Motion before this Honorable Court, to  
grant motion to file the document out of time.  
APPELLATE states that because of lockdown situations  
and other problems that have occurred to prevent  
~~APPELLATE~~ APPELLATE from perfecting his APPEAL. APPELLATE states  
that he filed an order to this Court to release his  
Attorney Robert Butcher from his APPEAL PROCESS.  
And requested this Honorable to order him to  
send all information in his file dealing with  
Timothy GREEN'S CASE.

**LEGAL MAIL**

The South Carolina Court of Appeals

Timothy GREEN, 113830

Appellant

Initial Brief

CASE NO. 2011-~~AB-317~~187

2011-CP-31-187

Lt Franklin Richardson Jr. +

2014-000674

Defendants S.C.D.C.

This Matter Comes before this Honorable Court in a Civil Action C.A. 2014-000674. Plaintiff states that he can prove deliberate indifference.

Plaintiff was beaten by Lt. Franklin Richardson Jr.

Severely and placed on lock up. In a corner

Room where NO ONE could see him. Plaintiff wrote

Request to the investigator and Bishopville County

Court trying to get him arrested. Plaintiff Right

eye closed shut 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 the three officers.. Lt. Franklin Richardson Jr. Sgt. Price Officer Cain, Officer Farmer Officer ~~Mc~~ Jenkins, Officer Finkley, Inmate Artie Burrell. All of these people present and none of them will take a lie detector test about any of the things they are stating in their statements.

Lt. Franklin Richardson Jr. and Nurse Cooper are lying. Policy states that no inmate in the S.M. Build can be taken out of their cell with being in handcuffs.

Nurse Cooper and Lt. Franklin Richardson Jr. will not ~~tell~~ the courts or a jury such a lie. She told them next page

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 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

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 ~~corner~~ came  
up to "SMU" 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 hungerstrike. I went without food and water  
for 19 days. But they had documents of 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 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 constabular 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 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. 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)

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 FARMAH  
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 ~~see~~ and hear 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)

GREENO 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. BUTTER 890 F.2d 1001,

1003 (8th Cir 1989). BOUCHARD V. MAGNUSSEN 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 allowed 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 fail 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 Dixon guards complied South Carolina's official policy governing use of force when inmate has been restrained and

IN A HOLDING CELL. POLICY DOES NOT STATE 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 EXPERT 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 RICHARDSON 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 STAM HIS HEAD ON THE FLOOR AND DROP DOWN ON PLAINTIFF SIDE. AND SPRAY GAS DOWN HIS THROAT AND IT WASN'T PERSONAL. IF DASS I'LL DROP THIS CASE.

I KNOW JUST AS MOSES STOOD BEFORE THE BURNING BUSH HE'LL FAIL. WILLIAMS V. BENJAMIN 77 F.3d 256-14th CIR. 1996).

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 L.Ed.2d 238 (1995) 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 score 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. WAUPACA County, 875 F.2d 578, 583 (7th Cir. 1984). 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. See *Swann 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 1570, 1578 (7th Cir. 1990).

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

objectively 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 & counselor, a professional in his craft. There is no way possible that attorney could have filed suit against the department. Attorney violated Rule of Professional Conduct. Rules violated Rule 4.07, 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



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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August 28, 2014

**RECEIVED**

FEB 09 2015

**SC Court of Appeals**

Mr. Robert J. Butcher, Esquire  
PO Box 610  
Camden SC 29021

Mrs. Deborah J Butcher, Esquire  
PO Box 610  
Camden SC 29021

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

Dear Counsel:

This Court has received your motion to withdraw as counsel. By copy of this letter, opposing counsel and your client are requested to file a return to this motion no later than ten (10) days from the date of this letter. The time limits for perfecting the appeal will be held in abeyance until the motion is decided.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Timothy Green, 113830  
Christopher D. Florian, Esquire  
G. Murrell Smith, Jr., Esquire

I Timothy Green #1139320 hereby declare: That on the 31st of  
Lt. Franklin Richardson Jr. did brutally Assaulted one Timothy  
Green while in handcuffs and also sprayed gas into his  
mouth which resulting blisters all over his tongue. And the  
lost of taste in his Mouth. Also bruised ribs and a bruised  
eye with a scrape on the eye ball. which resulting in  
blurred vision in his right eye. when the sun is shining  
outside and light hits his eye. It causes severe head aches  
and both knees are dusted up and Plaintiff is in great pain  
with his knee on a daily bases. Lt. Franklin Richardson Jr.  
Assaulted [REDACTED] Plaintiff Timothy Green because Plaintiff filed  
A law suit against him and defamed him. Lt. Richardson every  
since he found out Plaintiff was suing him. Lt. Richardson  
and the rest of the officers would delay in bringing  
Plaintiff his fresh food when he receive it. It would be cold.  
Plaintiff wrote Sled. Lee County Sheriff department and also  
Investigator General. The investigator at Lee County Inst.  
and the Attorney Generals office. The warden Anthony Padola  
Deputy Warden Margaret Bell about the Assault. Trying to  
press criminal charges against Lt. Franklin Richardson Jr.

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.C.D.C. BECAUSE Plaintiff told Mr.  
Butcher 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 judgment 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.

Sumather Dreen

Plaintiff thinks that Miss Robin Shadish should be very busy to forward his letters out in the trash. They wouldn't send my civil rights complaint out until Plaintiff had inmate to mail his complaint out for him inmate AJANAE ROACH #291227.

Also Medical hasn't been treating my injuries and my knees are killing me. And I have headaches every day. From Lt Richardson's slamming my head on the floor and punching me in my face. Officer L. Thompson that works lockup will tell you about all the blisters I had on my tongue and in my mouth and Medical hasn't treated me for that yet on my knees.

Also they "Medical" has allowed my stomach to get so bad that I have "two" 2 types of ulcers that killing me daily.

And I still think that my liver is very damaged from the water at Alameda Corr. Inst. Lee Corr. Inst. Suisun Corr. Inst. with this boil water advisories. Especially at Alameda and here. The water smell bad sometimes. They want run test on my liver or check my liver. They know that I am right. And they are allowing my health to deteriorate. I filed grievances after grievances the grievance corp. LESIA Johnson and Catherine James are covering up for the warden, Deputy warden and staff. Also the warden Antonio Padilla, Deputy warden Bell was serving pork to the Muslim community here at Lee Corr. Inst. See complaint amendments to complaint or amended of my civil complaint. Also LAIS LIBRARIAN Jennifer Livingston hasn't sent my book yet. I've filed request March. I haven't gotten legal books yet. I've sent request after request nothing no replies.

I have problem getting my legal supplies and they don't even care. I've file complaints through I.R.C. About policy violations by warden, Deputy warden and DHO Sharon Pattersons. The warden told

IRC MEMBERS AND CHAIRMANS TO SEE HIM. IVE WRITTEN ASS. BRUCE DIERMAN ABOUT MY LEGAL PROBLEM HE WOULDN'T RESPOND. AND WHEN HE COMES THROUGH HE ACTS AS THOUGH HE DIDN'T HEAR ME CALL HIM.

I PRAYING THAT THIS HONORABLE COURT WOULD TRANSFER ME TO ANOTHER INSTITUTION UNTIL MY CASE IS RESOLVED AND TO GET MEDICAL ATTENTION THAT I DESPERATELY NEED.

AFTER THE ASSAULT I WAS UP HERE 7 DAYS IN SEVERE PAIN WITHOUT MEDICAL ATTENTION. THE LIEK AND SAID THAT I HAD SEEN THE NURSE. BUT SHE HAD WROTE DOWN HER FILES THAT SHE TOLD THE OFFICERS THAT I NEEDED MEDICAL ATTENTION AND THAT I NEEDED BRAYS ON MY HEAD THZ HE WAS SLAMMING MY HEAD ON THE FLOOR.

THEY WERE HOPING THAT I WOULD LAY DOWN AND EXCEPT HAD NARROWED FOAME. I KNOW THAT I CAN'T WHO PUTTING HANDS ON THE OFFICERS. I'M NONVIOLENT AND I REACT THAT TO THE YOUNG GUYS AND THEY LISTEN TO ME.

THEY HAVE ALOT OF RESPECT FOR ME OLD AND YOUNG BECAUSE GUYS FROM ALLEN COUNTY COME IN HERE AND TELLING PEOPLE WHEN THEY SEE ME THAT I'M IN PRISON FOR A CRIME I DIDN'T COMMIT. AND THEY TRUST ME. BUT I ALWAYS TELL THEM THAT THE WAY I TALK ABOUT THINGS WERE WRONG. I LOST ALMOST ALL OF MY FAMILY AND MY SON HAS CROSSED OVER THE GREAT LAKE TO THE AFTER LIFE BECAUSE OF MY SO CALL HONOR. I WAS ONLY 17 YEARS OLD. DID SHARON PATTERSON I START HER AN ORDER OF RECALL. BECAUSE I'M SUFFERING HERE AND THAT SHE WOULD HATE AGAINST ME. SHE ALSO SAID YOU ALREADY SUFFER ME AND THIS ON. WHICH IS A VIOLATION OF MY DUE PROCESS.

And D.H.O Sharon Patterson lied about receiving my witness list. Because I put it in the mailbox and and officer said that she had to have it. Because the mailbox would have placed it in her box. This is the second time she's said she didn't receive my witness list. That's how they cover for each other through D.H.O and Greerance. But I have them this time. Because I my list of witness to Sgt. Cain that workstockop. And he will tell you himself that I gave him the witness list. And I told warden Anthony Padula in request to him about Sgt. Cain. So I could get a new hearing to clear up these lies. But he knew that I would and he knew that Greerance courts would support him. See attached Greerances also Lenise Johnson sent Greerance to me that I had to have back the next day. She thought she was sick but I show them to officer L. Thompson and the dates. I pray that this Honorable Court will Rule in my favor as soon as possible in this matter. I am working on this with no law books. I pray that you'll except my humble effort. God bless.

I declare under penalty of perjury that the fore going is true and correct. Executed at Lee County South Carolina on 6/1/10

Simethy Deen

- The threat of harm that I'll face is greater than the harm the prison officials will face if I get an injury.  
I've been denied Medical Attention. I've been brutally assaulted by defendant Lt. Franklin Richardson Jr.,  
My Ribs were bruised badly, My Right Eye was swollen closed the doctor said I had SCRAPE ON EYE ITSELF AND IT WAS WOUND RED THIS HAPPENED MARCH 11 2010 AND IT'S STILL BLACK. THE NURSE SAID THAT I HAD REAL HARD CONCUSSION. ALSO MY KNEES WERE BUSTED UP REAL BADLY. AND THE ARE MESS'D UP. AND I HADN'T SEEN ANYONE TO GIVE ME SOME- TO TAKE THE PAIN AWAY. MY RIGHT EYE THE VISION IS STILL BLURRED. FOR WEEKS I HAD TERRIBLE OR EXTREMELY BAD HEADACHES THEY GAVE ME NOTHING.

DAILY I PUT IN REQUEST TO STAFF FOR SICK CALL. I HAD TO FILE A LAWSUIT TO FIND OUT THAT THEY HAD LET MY STOMACH GET SO BAD UNTIL I GOT "TWO" 2 KINDS OF ULCERS. NOW THEY DON'T WANT SEE ME OR GIVE ME MEDICAL ATTENTION. SOMETIMES THEY PLAY GAMES WITH MY MEDICINE FOR MY STOMACH AND I BE IN PAIN FOR DAYS. BEFORE I RECEIVE IT. AND I PUT IN FOR IT A WEEK BEFORE IT RUNS OUT. I'VE WRITTEN THE WARDEN ANTHONY PABLA. AND DEPUTY WARDEN MARQUET BELL AND FILED QUIRRANCES LISA JOHNSON AND I WROTE ASS. BRUCE OBERMAN THEY WON'T RESPOND. ALSO I HAVE PROBLEMS SENDING OUT MY LEGAL MAIL AND PERSONAL MAIL MRS. SHARON SIMON BRACEY. I'VE ORDER LEGAL BOOKS FOR LAST TWO MONTHS AND RECEIVED NONE JENNIFER LIVINGSTON. AND I HAVE PROBLEMS GET LEGAL SUPPLIES.

The threat of harm that I'll face is greater than the harm the prison officials will face if I get an injunction. I've been denied Medical Attention. I've been brutally Assaulted by defendant Lt. Franklin Richardson Jr. My Ribs were bruised badly. My Right Eye was swollen Closed the doctor said I had SCARF on eye itself and it was blood red this happened MARCH 11 2010 and it's still black. The Nurse said that I had real bad concussion. Also My Knees were busted up real badly. And the AKE MESS'ED UP. And I hadn't seen ANYONE to give me some to take the PAIN AWAY. My Right eye the vision is still blurred. For weeks I had TERRIBLE OR EXTREMELY bad headaches They gave me nothing.

Daily I put in Request to staff for sick call. I had to file a lawsuit to find out that they had let my Stomach get so bad until I got "two" 2 kinds of ulcers Now they don't want SEE ME OR give me Medical Attention. Sometimes they Play games with my Medicine for my stomach and I have to wait for days before I receive it. And I put in for it a week before it runs out. I've written the warden Auth Padua. And Deputy Warden Margaret Bell and filed Grievances Lisa Johnson and I wrote Ass. BRUCE OBERMAN they won't respond. Also I have prob' sending out my legal mail and personal mail Mrs. SHAW SIMON BRACEY. I've order legal books for last two and received none Jennifer Livingstone. And I'm Problems get legal supplies.

# The South Carolina Court of Appeals

Timothy LOREEN #113830

BROADRIVER CORR. INST.

MAZODAS A RM# 165

4460 BROADRIVER RD.

Columbia S.C. 29210 Appellant

v.

Lt. FRANKLIN RICHARDSON Jr. (S.C.D.C.)

~~Case~~ CASE NO. 2014-~~000~~ 674

Respondent

Timothy LOREEN #113830 declares under the penalty of perjury that he mailed a copy of his Disqualification of Matter to the parties listed below. By placing in the U.S. Mail clearly addressed

LEE, ERTEK, WILSON, HOLLER & SMITH L.L.C.

P.O. Box 580

Sumter, S.C. 29151

S.C.C. OF APPEALS

P.O. Box 11629

Columbia, S.C. 29211

**LEGAL MAIL**  
**SALUDA UNIT**

The South Carolina Court of Appeals

Appeal from Lee County +  
Dishonville Court. Judge  
Administrative Law Court

Timothy Green 11.38.30  
✓ Appellant

Lt Franklin Richardson Jr  
Respondent

Designation of Matter to be included in  
the Record on Appeal.

1. Motions Attacking Summary Judgment.
2. Grievance 2/3/14 - 3-22-10 - 3/23/10 - 4-2-10 <sup>1/6/10</sup>
3. Complaint ~~1/1/11~~ July 30, 2011 -
4. Grievance 1/31/12 - 1/27/12 - 3-10-10 - 3-15-10
- " " 1/27/12
- Request to stay 1/4/12
- Summons 8/2/11
- Incident Report 10/4/13
- Grievance 9-10/10 - 9-18-10 2/10/10
- 3/11/12 9/10/10 - 1-30-12

**LEGAL MAIL**  
**SALUDA UNIT**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEALS FROM THE COURT OF COMMON PLEAS  
FOR THE THIRD JUDICIAL CIRCUIT  
CASE NO: 2011-CP-31-187

ROBERT GREEN #113830  
✓ APPELLATE

LT. FRANKLIN RICHARDSON JR (S.C.D.C.)  
RESPONDANT

Designation of Matter to be included in the Record  
ON APPEAL:

APPELLANT REQUESTS THE FOLLOWING BE INCLUDED IN THE  
RECORD ON APPEAL.

1. ATTORNEY ROBERT BUTCHER IS A WITNESS TO THE  
INJURIES TO MY EYE, RIBS, AND KNEES.
2. ATTORNEY ROBERT BUTCHER HAS THE PICTURES OF  
MY INJURIES.

LEGAL MAIL  
SALUDA UNIT

3. EXCESSIVE USED FORCE

4. ASSAULT & BATTERY

5. GROSS NEGLIGENCE AND NEGLIGENCE

6. MOVE FOR SANCTIONS AGAINST NORSE COOPER AND LT. FRANKLIN RICHARDSON JR. FOR LYING TO THIS HONORABLE COURT IN A SWORN STATEMENT.

7. SANCTIONS FOR PERJURY

8. LT. FRANKLIN RICHARDSON JR., LT. DAVIS LT. JUNE SGT. BRAYDOY LT. MAJOR, ~~ASS.~~ WARDEN DEAN, HAS A HISTORY OF ASSAULTING INMATES. I HAVE A LIST OF INMATES AND STATEMENTS SWEARING TO THIS HONORABLE COURT ABOUT THE ASSAULTS AND BEATINGS BY THE OFFICERS. SOME HAVE BEEN FIRED. THE ADMINISTRATION HAS COVERED UP YEARS OF BEATINGS BY THESE PEOPLE. THEY HAVE A HISTORY OF THESE CRIMES AND OTHER TRICKS, QUIBBLES, AND MANIPULATIONS.

**LEGAL MAIL**

SALUDA UNIT

7. This is not an isolated incident this is a PATTERN.

8. Lt. FRANKLIN Richardson Jr. did not file A MURKIN'S REPORT.

9 Lt. Richardson Jr. AND NURSE COOPER STATEMENTS OR CONFLICTING.

SEE EXH A.1 EXH.2

10. INADEQUATE MEDICAL TREATMENT

11. MEDICAL MALPRACTICE

Plaintiff have statement to show the actions of Lt. FRANKLIN Richardson Jr. over the years AND HIS ASSAULTING FRIENDS.

12. Plaintiff Attorney had Plaintiff afraid for his life. BECAUSE he left him in the hands of these people A Lec con. Inst

**LEGAL MAIL**  
SALUDA UNIT

1. Plaintiff ASK this HONORABLE COURT to look AT these  
Exhs B. Exh. C. EXH E.
2. Exh E. Initial report 3/11/10 NO WITNESSES, NO EMPLOYEES  
INVOLVED. NO EVIDENCE.
3. Incident Report written in the third persons.  
Meaning he didn't write it.
4. The conflicting statement of Lt Franklin Richardson Jr.  
And Nurse Cooper
5. Nurse Cooper NEVER made a initial report or report  
As a witness I would've called her at the  
D.H.O hearing. She stated she didn't witness  
Anything I have proof.
6. Lt Franklin Richardson Jr. didn't write or file a  
USE OF force report.

## Table of Authorities

CLEMENT V GOMEZ 298 F.3d 898 (9th Cir 2009)

ELLIS V. BUTLER 890 F.2d 1001 1003 (8th Cir 1989)

BOUCHARD V. MAGNUSSON 715 F. Supp. 1146-1148 CD  
ME 1989.

Policy under use of force

Policy regarding using gas on inmate in lockup  
cell or holding or in handcuffs.

WILLIAMS V. BENJAMIN 77 F.3d 756 (4th Cir 1996)

SCHERTZ V. WAUPACA COUNTY 875 F.2d 578, 583

7th Cir 1989) SCREWS V. UNITED STATES 385 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 1990)

# Table of Authorities

S.C. Code Ann 15-78-100

Violations of State & Federal Court.

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)

Id At 843 Brady v. Pickett 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, 5, cf.

At 997, 1000 Riley v Dorton Riley v. Dorton 115 F.3d 1159, 1168 14th Cir 1997)

FARMER 511 U.S. At 835. Id. At 847

Eighth Amend violation

Knowledge of a substantial risk of serious

harm Id. At 842 Clement v. Gomez

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

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

Brock v. Wright 315 F.3d 158, 163-64 (2nd Cir

2003)

**LEGAL MAIL**

SALVADORE

## Table of Contents

Exh A, B, C, D.

Medical Exam

Medical Records

SEE Affidavit of

SEE Declaration by SIMAKA HUNTER # 249892

SEE Declaration by Jabbar Jomo STANUS # 231018

SEE Exh D.

SEE Exh G.

SEE Exh Motion for his legal files with Attorney  
Robert Butcher that's before his Honorable

Court

Robert Butcher + Deborah Butcher is a witness

that it's "NO WAY" possible that Plaintiff

could have fell and hit his eye.

SEE Motion before the Court of Common  
Pleas of the Third Judicial Circuit.

**LEGAL MAIL**  
SALUDA UNIT

John Porter Jr. # 263560

AFFIDAVIT OF  
John Porter Jr.

I, John Porter Jr., duly swear, depose and state:

1. My name is John Porter Jr., inmate number 263560, and I am currently incarcerated at Broad River Correctional Facility.
2. In the year 2009 I was incarcerated at Lee County Correctional Facility.
3. During the year as stated, I was housed in Chesterfield Unit.
4. I was standing in the doorway looking out my cell window because I heard a lot of commotion within the area.
5. All of the other several officers including one Lt. Richardson converged on inmate.
6. The inmate was placed in handcuffs without any restraints.
7. However, Lt. Richardson approaches and slaps the (forcibly restrained) inmate on his face and begins to pound his face on numerous occasions into the floor.

FURTHER, AFFIRMED SAYETH NOT.

John Porter Jr.  
John Porter Jr. #263560  
BRCI  
440 Broad River Rd.  
Columbia, S.C. 29213

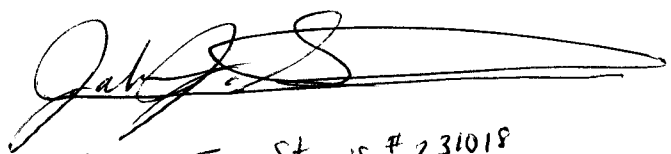
DECLARATION OF JABBAR JOMO STRAWS, # 231018

I, Jabbar J. Straws, # 231018, a prisoner currently incarcerated at Broad River Correctional Institution (BRCI), a department within the South Carolina Department of Corrections (SCDC), hereby declares:

1. Before being housed here at Broad River Correctional Institution I was housed at Lee Correctional Institution from 07-25-06 to 11-10-10.
2. That while at Lee Correctional Institution I did witness then Sgt. F. Richardson and later Lt. F. Richardson use excessive force on prisoners that did not pose a immediate threat by spraying them with pepper spray in the face.
3. I did also hear of rumors of this same officer jumping on prisoners in isolated areas of the prison while the prisoner was in handcuffs.

I declare under the penalty of perjury that the foregoing is true and correct.

This 24 day of  
January, 2015



Jabbar Jomo Straws, # 231018  
Broad River Correctional Institution  
4460 Broad River Rd.  
Columbia, South Carolina 29210

DECLARANT

DECLARATION OF TRUTH BY SINATRA HUNTER.

I SINATRA HUNTER #249892 HEREBY DECLARE UNDER THE PENALTY OF PERJURY.

1, THAT I AM A PRISONER, IN CUSTODY OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, CURRENTLY IN THE CHESTERFIELD NORTH OF THE LEE COUNTY CORRECTIONAL INSTITUTION.

2, I AM OF LEGAL AGE, COMPETENT, AND MAKE THIS DECLARATION OF TRUTH WITHOUT FORCE OR COERCION, BUT OF MY OWN FREE WILL AND THOUGHT.

3, THE FACTS ARE SET FORTH IN THIS DECLARATION AS FOLLOWS:  
IN 2009 WHILE BEING HOUSED IN THE CHESTERFIELD UNIT, OF LEE CORRECTIONAL INST. LIEUTENANT MR. FRANKLIN RICHARDSON WAS THE DORM UNIT SUPERVISOR, WHO HOLDS THE RANK OF LIEUTENANT.

4, LT. MR. RICHARDSON IS VERY UNPROFESSIONAL, AGGRESSIVE AND ABUSIVE TOWARD PRISONERS. I SINATRA HUNTER HAVE ON SEVERAL OCCASIONS WITH MR. RICHARDSON, CHOKED PRISONERS WITH HIS BEAR HANDS, BIC HE'S ALWAYS OUT TO PROVE THIS TROUGH ANY IMAGE TOWARD PRISONERS, AND I SAW RICHARDSON SPRAY PRISONERS IN THE FACIAL AREA, WITH GAS CHEMICALS, WHEN PRISONERS ARE AT NO POINT POSEEN A THREAT TO HIMSELF OR OTHERS.

5, LT. MR. RICHARDSON HAS A HABIT OF QUOTE OUT LOUD, ALL PROUDLY WHICH HE USES TO JUSTIFY HIS ABRUISE, IS, WHO WHO HOLD'S THE MOST WEIGHT WITH HIS ADMWSTRATIVE CO-WORKERS HERE FOR VIOLATION THE LAWS. SOMETHING OF THAT EXACT NATURE IS WHAT LT. RICHARDSON BOOSTS ABOUT.

Motion for a jury trial demanded.

SEE EXH AA

SEE EXH 2B

SEE EXH EXH I

SEE EXH K

SEE EXH J

SEE EXH H 1

EXH H 2

EXH H 3

EXH H 4

EXH H 5

EXH H 6

EXH H 7

EXH H 8

EXH H 9

EXH H 10

EXH H 11

EXH H 12

SEE J.C.D.C Medical Summary

Plaintiff states that Lt. Franklin Richardson Jr. tried to conceal the fact that he brutally assaulted plaintiff.

Plaintiff states that Lt. Franklin Richardson Jr. tried to deny plaintiff medical treatment. To cover up the assault.

3) Plaintiff attorney has the pictures Robert Butcher of the case and unusual punishment. *Hudson v. McMillian*

503 U.S. 1 1992 "excessive force" by prison guard  
Eighth Amendment violation. Prison official punched

Plaintiff numerous times knee'd Plaintiff in his side slammed his head on the floor a few times

sprayed gas down his throat. Attorney Robert Butcher has the pictures in his file.

Plaintiff family and Plaintiff requested that Attorney Robert Butcher give them a copy of the pictures

he took of Plaintiff and showed his family.  
4) defendants violated Plaintiff const rights and deliberately denied Plaintiff medical attention while Plaintiff asked nurse Pratt and nurse Jones

LEGAL MAIL

Plaintiff for assistance. And was denied Plaintiff  
complained about his stomach for months and his throat  
and tongue. Plaintiff finally saw nurse Franklin,  
and nurse Moody who saw the blisters on  
Plaintiff tongue and throat. The burning of his  
throat stomach and behind part for months,  
from the gas Lt. Franklin Richardson Jr.

This is deliberate indifferent and Eighth Amend  
ment violation. Estelle v. Gamble, 429 U.S. 97,  
103 (1976) The Supreme Court explained  
that is because and inmate must rely on prison  
authorities to treat his medical needs; if the  
authorities fail to do so, those needs will  
not be met.

Prison officials put Plaintiff in the corner on  
lockup so that he won't be seen. Hiding him  
from the rest of the officers and inmates.

LEGAL MAIL

Plaintiff was throwing up the gas that Lt. Franklin Richardson Jr. sprayed it down his throat. The defendants knew what Lt. Franklin Richardson Jr. was getting ready to do. That why that ran into the office so they couldn't witness it. Lt. Franklin Richardson Jr. has been assaulting numerous inmates while in handcuffs. Attorney Robert Butcher has numerous statements to this fact. I am requesting his files all grievances to all allegations against him and defendants. Doctor gave Plaintiff medication that took Plaintiff's sight and smell Plaintiff up with water in his arms, hands, legs knees and feet. Plaintiff sent the medicine to his attorney Robert Butcher along with statements. They administration said that he sent it back to them. HERE'S THE GRIEVANCES

LEGAL MAIL

evidence. They went into a letter sent to his attorney. Someone told me that Attorney Robert Butcher is selling me out. They told me to ask him for the pictures, he never sent them to me. I am requesting his entire file, he has not sent it so I can't prepare my case before this court. And perfect my case. He has the files. I pray that this honorable court will order Attorney Robert Butcher send the entire file along with "pictures" of Plaintiff injuries. When this honorable court reads the statements from the inmates alot of people will go to jail. And this honorable court grant me a trial. I promise you alot of people will go to prisons and get freed.

LEGAL MAIL

Also she told me that S.I.C.D.C. should be liable for my treatment. They NEVER told me I had Hepatitis C. At Allendale. They kept it a secret from me. The nurse told me to review my medical file and make them treat me. I filed grievances and never got a response. It's been about two years and more.

This is deliberate indifference as well. When the state give me a ~~disease~~ disease they are responsible for treatment. She said they check blood urine and stool for everything. I was clean. I don't have sex I am very religious and pious. I pray this honorable court order Attorney Robert Butcher to send me my complete file with pictures and medical records. To perfect my appeal and my case before you. I pray.

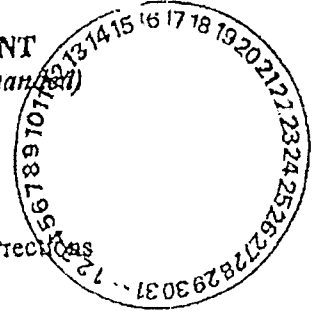
2011-11-22 13:11:10

*A Part of my Brief*

STATE OF SOUTH CAROLINA  
 COUNTY OF LEE  
 Timothy Green,  
  
 Plaintiff,  
  
 v.  
 South Carolina Department of Corrections,  
  
 Defendants.

IN THE COURT OF COMMON PLEAS  
 OF THE THIRD JUDICIAL CIRCUIT  
 Case No.: 2011-CP-31-187

COMPLAINT  
 (Jury Trial Demand)



Plaintiff complains of the Defendant South Carolina Department of Corrections (SCDOC) and states the following:

**I. PARTIES AND JURISDICTION**

1. Plaintiff Timothy Green is a citizen and resident of Aiken County, South Carolina. Green is in the custody of the South Carolina Department of Corrections and was also in Defendant's custody at the time the incidents alleged in this complaint took place. Green currently resides at Lee Correctional Institution in Bishopville, South Carolina.

2. Upon information and belief Defendant SCDOC is a statutory creature created by the General Assembly of the State of South Carolina and it is part of the executive branch. SCDOC was the custodian of Plaintiff Timothy Green at the time he was harmed while in the custody of SCDOC.

3. The tortious acts and constitutional violations described in this Complaint occurred in Lee County, South Carolina.

4. The things and matters alleged herein are within the jurisdiction of this Court pursuant to S.C. Code Ann. § 15-78-100.

5. Venue is proper as the tortious acts occurred here in Lee County.

2011-11-22 13:11:11

13. Other correctional officers did not stop the beating.
14. Plaintiff suffered painful and permanent damages to his eye, head, neck, back, and knee.
15. Plaintiff has not received proper medical attention for these injuries and has been refused treatment by the corrections offices and medical staff.

**FOR A FIRST CAUSE OF ACTION  
(Gross Negligence and Negligence Per Se)**

16. Plaintiff incorporates paragraphs 1-15 as if stated herein verbatim.
17. SCDOC and its managers, supervisors, and employees had a duty to protect its inmates from harm from the general population of inmates and from its correctional officers.
18. SCDOC and its managers, supervisors, and employees had a duty to supervise its employees and insure that they did not physically harm or use excessive force on its inmates.
19. SCDOC and its managers, supervisors, and employees had a duty to train its employees on the proper use of force and chemical munitions to insure that inmates were not unnecessarily harmed.
20. SCDOC and its managers, supervisors, and employees had a duty to insure that the employees it hires and/or retains are not violent and dangerous and these same employees do not have a history of violence and abusing prisoners
21. SCDOC and its managers, supervisors, and employees breached its duty to protect its inmates when Timothy Green was physically beaten by Lieutenant Franklin Richardson and no other correctional officer attempted to stop the illegal and excessive use of force.

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22. SCDOC and its managers, supervisors, and employees breached its duty to properly supervise its employees and supervisors to insure that inmates like Timothy Green are not physically beaten by the likes of Lieutenant Franklin Richardson.

23. SCDOC and its managers, supervisors, and employees breached its duty to properly supervise other employees and supervisors to insure that other correctional officers stop the illegal and excessive uses of force.

24. SCDOC and its managers, supervisors, and employees breached its duty to train Lieutenant Franklin Richardson on the proper use of force and chemical munitions to insure that inmates like Timothy Green were not unnecessarily harmed and injured.

25. SCDOC and its managers, supervisors, and employees had a duty to insure that the employees it hires and/or retains are not violent and dangerous and these same employees do not have a history of violence and abusing prisoners and SCDOC and its managers and supervisors, and employees breached that duty by hiring and/or retaining Lieutenant Franklin Richardson even though he had a history of violence and using excessive force.

26. Defendant SCDOC's breach of the duties listed above were the proximate cause of Plaintiff's injuries and had SCDOC not breached those duties Plaintiff would not have suffered and continue to suffer from unnecessary injuries from the assault.

27. Because this duty was breached by SCDOC, Plaintiff was injured and these damages include physical pain from the battery, emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, permanent injury to his eyes, mouth and throat, knees, ribs and back, and he suffers from a loss of enjoyment of life.

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28. Plaintiff Timothy Green seeks damages and costs against SCDOC.

**FOR A SECOND CAUSE OF ACTION.  
(Gross Negligence and Negligence Per Se)**

29. Plaintiff incorporates paragraphs 1-28 as if stated herein verbatim.

30. SCDOC and its managers, supervisors, and employees had a duty to provide medical attention and treatment to its inmates that have suffered from physical injury.

31. SCDOC and its managers, supervisors, and employees had a duty to supervise its medical staff and insure that the injured inmates were provided proper medical attention and treatment.

32. SCDOC and its managers, supervisors, and employees had a duty to train its employees to properly treat injured inmates and to provide injured inmates proper medical attention and treatment.

33. SCDOC and its managers, supervisors, and employees breached its duty to provide medical attention and treatment to Plaintiff as his treatment was limited to first aid, triage, and little else.

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34. SCDOC and its managers, supervisors, and employees breached its duty to supervise its medical staff and insure that Plaintiff was provided proper medical attention and treatment.

35. SCDOC and its managers, supervisors, and employees breached its duty to train its employees to properly attend and treat injured inmates like Timothy Green and to provide injured inmates like Timothy Green proper medical attention and treatment.

2011-11-22 13:11:13

36. Defendant SCDOC's breach of the duties listed above were the proximate cause of Plaintiff's injuries and had SCDOC not breached those duties Plaintiff would not have suffered and continue to suffer from unnecessary injuries from the assault.

37. Because this duty was breached by SCDOC, Plaintiff was injured and these damages include physical pain from the battery, emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, permanent injury to his eyes, mouth and throat, knees, ribs and back, and he suffers from a loss of enjoyment of life..

38. Plaintiff Timothy Green seeks damages and costs against SCDOC.

**FOR A THIRD CAUSE OF ACTION  
(Assault)**

39. Plaintiff incorporates paragraphs 1-38 as if stated herein verbatim.

40. The actions and conduct, as listed above of Lieutenant Franklin Richardson placed Timothy Green in reasonable fear of bodily injury.

41. Timothy Green's damages includes emotional distress, alteration of his lifestyle, psychological trauma, apprehension, anxiety, depression, embarrassment, shame, and a loss of enjoyment of life.

42. Plaintiff Timothy Green seeks actual damages and costs from the Defendants SCDOC for assault.

**FOR A FOURTH CAUSE OF ACTION  
(Battery)**

43. Plaintiffs incorporate paragraphs 1-42 as if stated herein verbatim.

44. Lieutenant Franklin Richardson caused forcible contact on the person of Plaintiff Timothy Green.



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**SC Court of Appeals**

South CAROLINA Court of Appeals  
Jenny ABBOTT Kitchings, Clerk  
P.O. Box 11629  
Columbia S.C. 29211