

STATE OF SOUTH CAROLINA,)
)
COUNTY OF)
)
JACK Powell)
)
Plaintiff,)
)
vs.)
)
Medical University)
OF)
South Carolina)
Defendant.)

IN THE COURT OF COMMON PLEAS
2013-CP-10-535

SUMMONS
BY *JULIE J. ARMSTRONG*
CLERK OF COURT

FILED

2013 SEP 16 PM 2:57

FILE NO.

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

, South Carolina

Dated: *9-12-13*

Address:

Jack Powell

Plaintiff/Attorney for Plaintiff

RECEIVED
JUN 19 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Jack Powell,)
)
)
Plaintiff,)
)
)
vs.)
)
Medical University of South Carolina,)
)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

2013-CP-10-5351

COMPLAINT BY
RECEIVED
JUN 19 2015
SC Court of Appeals

FILED
2013 SEP 16 PM 2:57
JULIE J. ARMSTRONG
CLERK OF COURT

The Plaintiff Pro Se; Jack Powell is a resident of Charleston County and reserves all rights to amend this Complaint. The Plaintiff files this Complaint because the Medical University of South Carolina (MUSC) exercised reckless gross negligence when; MUSC Doctors, Nurses, Public Safety and Security Guards weighed competing considerations and intentionally failed to exercise proper protection for the Plaintiff from the contemptuous attitudes & atmosphere that was allowed to continue for almost "2" hours on June 21 & 22, 2012. MUSC knew of the likelihood of harm that could take place and had the sufficient authority and time to make the proper decisions to protect the Plaintiff from emotional harm and pain & suffering WHEN; allowing Security Guards to attempted to pull the injured Plaintiff from the bed the second time.

ALSO; MUSC Doctors & Nurses intentionally failed to supervise a proper discharge of the patient from his wheelchair so he could go freely anywhere he wanted to go. The Public Safety (non-physicians) were not exercising a mere execution of a specific duty that was within their scope of duty when they denied the Plaintiff his reasonable measure of slight care (Jinks v Richland County)(2003) when he requested help from the wheelchair and was refused help at that time so he could go freely and was then confined to the wheelchair by the gross negligent decisions. ALSO denied his option to be taken to Roper Hospital

for a second opinion that was offered by the Public Safety when the Plaintiff was unable to remove himself from the ER bed. Then the Plaintiff was hand cuffed in the front due to his medical issues which again was determined by a non-physician. Then arrested for Trespassing; Refusal to Leave because the Plaintiff was accused of loitering around the premises when just sitting and unable to remove himself from the wheelchair.

THEREFORE, because of the reckless gross negligence exercised by MUSC when; Slandering & documenting Lible, allowing Infliction of Emotional Distress, Assault & Battery and exercising reckless decisions that rendered the Plaintiff confined to his wheelchair and then Falsely Arresting and Imprisoning the Plaintiff which caused Emotional, Physical Pain and Suffering to his neck, shoulder and knee. Pursuant SCTCA 15-78-60 (25)(2003) MUSC does not have immunity and and does not fall under the protection of SCTCA 15-78-60 (5) (2003) because of the reckless gross negligent manner exercised by MUSC.

Because of these abnormal and specific circumstances, a Special Duty Statute could & should be considered when this Special Protected Class was subjected to professional carelessness, breach of duty of reasonable care and reckless gross negligence when allowing the following;

1. When the identifiable patient is uninsured, not under arrest and yelling from pain being inflicted upon them by a hospital just to discharge them.
2. When the identifiable, drugged, in pain and unable to move patient is given more drugs after the first discharge process attempt only for the purpose of discharging them again while in pain.
3. When the patient is under complete control, dominance and mercy of the hospital staff to make the proper due process of slight care to stop foreseeable harm. Then after weighing competing considerations, intentionally inflict emotional and physical harm when attempting to discharge patient.

4. When intentionally confined and at the mercy of the hospital staff they intentionally make improper decisions while discharging the patient. The reckless decision not to perform the duty of completing a discharge of an injured and unable to move patient renders the patient confined to the wheelchair. Then patient is unable to get out of wheelchair and avoid being arrested for loitering.

5. When the hospital staff has complete control over the patient and then allows a contemptuous atmosphere continue inside the ER and outside during discharge of the patient that is unable to get out of his wheelchair. Also when the patient is unable to protect himself from the harmful decisions made by the hospital because of injury and medication.

6. When the hospital lies to the patient and their intentional reckless decisions confines the patient to his wheelchair which denies him safe passage during discharge to be assisted up & out of wheelchair, then be taken home, anywhere he wants to go or Roper Hospital as prescribed and opted to the patient by the Public Safety when he was still on the ER bed and not under arrest.

PLAINTIFF JACK POWELL BRINGS FORTH THE FOLLOWING CAUSES OF ACTION

On 6-21-12 a "56" year old and sober Mr. Powell was walking up Folly Road and tripped over an exposed and unburied cable line in front of the Folly Oaks Center located at 930 Folly road. The Charleston County EMS came and Mr. Powell was transported to the MUSC Emergency Room after being knocked unconscious and receiving injuries to his head, neck, shoulder and knee.

Dr. Simon Watson and Billy Jacobsen were attending to Mr. Powell. Mr. Powell was in terrible pain and the doctor said a pain shot was on the way. Then someone began to push Mr. Powell's bed out of the room and he asked where are we going and he said to X-Rays. Mr. Powell asked how long will this take because I'm in pain and a pain shot is on the way. He said maybe a couple of hours and would you rather stay and wait for the shot? Mr. Powell said yes, so he pushed the bed back into the ER. Then a few minutes later the same doctor that said the pain shot was on way comes in and asked Mr. Powell if he had told the man (pushing his bed out of the room) that he wanted to stay and wait for his pain shot, Mr. Powell said yes. Then the doctor asked are you sure you want to wait for the pain shot or go to the X-Ray department? Mr. Powell who was having severe pain told the doctor that is about the stupidest question a doctor has ever asked me. The doctor rolled his eyes then left. Later after the X-Rays were finished and Mr. Powell was back in the ER the doctor comes in and rudely starts taking off the neck brace (that had been put on by the EMS). Then he tells Mr. Powell you have been discharged. The doctor then said other than the severe Arthritis you have from ("4" surgeries on Mr. Powell's neck, shoulder and knee) you do not have any major injuries like broken bones or fractures. Mr. Powell then said how can i leave, i can't move because of the pain. The doctor repeated the demand and Mr. Powell again said I can't move.

NOTE; at this time Mr. Powell was unaware that the Charleston County EMS stated that Mr. Powell was abusive and apparently this was believed and repeated ACCORDING to the Nurse Assessment written by Nurse Jill Pentz. Of course there was no mention that Mr. Powell had been knocked unconscious after tripping over a cable line in the dark on Folly road and then was barely conscious, with his face in the dirt , in severe pain because of his neck, shoulder and knee, unable to move, then asked repeatedly which hospital would you like to go to and Mr. Powell would answer I don't care. Then with a long pause between being asked, even with EMS getting up and walking around. Mr. Powell

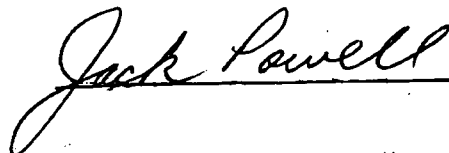
then uttered out of fear and severe pain, I don't give a which hospital you take me to, get me up I'm in pain. Then the EMS put a collar around Mr. Powell's neck and assisted him to the ambulance, then transported him to MUSC.

NOW; back in the ER the security guards are called in and the doctor allows them to try and pull Mr. Powell from the bed. They are pulling on Mr. Powell's injured arm/shoulder and knee. Mr. Powell is yelling because of the pain being inflicted upon him and the security guards stop pulling. Then they try again and again they stop trying to pull Mr. Powell from the ER bed because of the yelling from pain.

Then the Public Safety Officers came in and rudely told Mr. Powell to get off the bed and leave. The injured Mr. Powell responds with I'm in too much pain, I can't move. The Public Safety Officers again tells Mr. Powell to get off the bed and leave. Mr. Powell says I can't move and I'm not going to inflict anymore pain on myself, you will have to help me off the bed. Mr. Powell then said I want a second opinion and if you don't stop hurting me I will sue MUSC. The Officers then tell Mr. Powell we will take you home, anywhere you want to go or Roper Hospital.

The Officers painfully remove Mr. Powell from the bed and take him outside in a wheelchair. Then the public safety rudely tells Mr. Powell to get out of the wheelchair and leave. Mr. Powell says he can't get up because of the pain. Then they tell Plaintiff to leave premises or we will arrest you. Mr. Powell says I will not inflict anymore pain on myself for you and you will have to help me out of the wheelchair. Then the Public Safety Officers Kyle Radford and Jermaine Chapmen lifted Mr. Powell out of the wheelchair and put him into their police car to take him to the Al Cannon Jail for Trespassing; Refusal to Leave.

DATED 9/12/2013



Pro Se; Jack Powell

“CRAVE REFERENCE TO”

the following statements made on Official MUSC Documents
and under Oath!

- A. Interrogatory Questions answered during Discovery.
- B. Security Guards Detailed Activity Report.
- C. Triage Nurse Assessment Report
- D. MRN # 1413630; provider Dr. Jacobsen & (Dr. Simon Watson)
- E. Plaintiff's Admit to Defendant
- F. Record Submitted by Dr. Shree Subedi)
- G. Public Safety Incident Report

Documented & Under Oath Statements

- “D” 1. Head, neck and leg injury
- “D” 2. Shoulder surgery, unknown spine surgery
- “D” 3. C-spine pain – shoulder pain
- “D” 4. Help to raise legs.
- “D” 5. Degenerative disc disease.
- “D” 6. Chronic MSK pain.
- “C” 7. Pain scale 10/10.
- “C” 8. Requiring physical assistance.
- “F” 9. SHOULDER; indication pain, chronic Degenerative changes of the Acromioclavicular and Glenohumeral joints. Irregularity of the greater Tuberosity noted due to Rotor Cuff Disease.
- “F” 10. RIGHT KNEE; indication pain frontal and lateral views of the right knee demonstrate severe “3” compartment Osteoarthritis with Osteophyte formation and joint narrowing with a “U” shaped Metallic device overlaying Lateral Condyle. Chronic loose bodies are seen.

"F" 11. CERVICAL SPINE CT; multilevel Degenerative Disc Disease with Osteophyte formation complex causing mild Effacement of the Spinal Canal at the same level.

"F" 12. BRAIN CT; acute pain due to fall, loss of Consciousness, Cervical Spine Tenderness.

"F" 13. Powell still complained pain was unbearable. Officer Kyle Radford states; Dr. Watson gave Powell Medication & was taken before Discharge.

NOTE; Discharged at 12:25:10 am Dr. orders, given oxycodene 10 mg. at 12:57

"H" 14. Nurse Assessment states; 12:45 am preparing patient for Discharge. 1:00 am patient given oxycodene. Patient assisted up and moved with ease to the edge of the bed. Then nurse Pentz states; patient stated; he will not leave "he can't move".

"A" 15. NOW Nurse Pentz states under oath that; at one point in time Mr. Powell sat in an upright position on the side of the bed. NOTE; no moved with ease.

"A" 16. Security Guards arrive at 1:00 am. Officer Mckinnie stopped trying to assist Patient from a lying to a seated position because Patient stated he would not put any more pain on himself by moving.

"B" 17. Mckinnie, Bowers and Mullins tried to convince Powell to leave.

"B" 18. Still complained that the pain was unbearable.

"B" 19. I am in pain and I cannot move without feeling pain and I will not move. I will not inflict more pain for myself for this hospital. I don't have to do anything. I don't want to and I'm starting to get a little pissed off.

"G" 20. Assisting Powell in the process but became Agitated and stated he would sue the Hospital and wanted a second opinion.

"B" 21. NOTE; Security Guards say they arrived at 1:00 am.

"G" 22. Now Security Officer Bowers contacts Public Safety Dispatcher and Public Safety 'NOTE' they arrive at 12:57:10 am and Officer Kyle Radford states; he lay in the middle of the bed in a seated position.

"G" 23. Officer Kyle Radford states; his response to me was I am in pain.

"G" 24. CPL Chapman attempted to talk Powell into leaving, Patient again stated; he was not going to put any more pain on himself by moving.

"A" 25. Public Safety gave the Patient several options; taking him home or anywhere he wanted to go or Roper Hospital.

"G" 26. Public Safety Officer Warner then told Mr. Powell he had to go. Mr. Powell was assisted to wheelchair.

"A" 27. Officer Mckinnie stated; Mr. Powell was never pulled from the bed!

NOTE; What Mckinnie stated in "A" 16.

"A" 28. Dr. Simon Watson stated; Mr. Powell was never pulled from the bed.

"A" 29. Public Safety Officer Warner talked to the in charge physician

(NOTE; Simon Watson) and then Mr. Powell was taken from the bed.

"C" 30. MUSC states; neither physicians ordered Public Safety or Hospital Security to remove Mr. Powell from the bed. NOTE; What was stated in "G" 20

At 1:40 am Public Safety at bedside, put into wheelchair.

"E" 31. Once outside Mr. Powell was told to leave the premises.

"A" 32. Powell said he could not get out of wheelchair.

"G" 33. Then told suspect he had the choice of leaving the area under his own free will and better do so, failure to leave would result in arrest & jail.

"A" 34. Suspect said he would need help getting out of the wheelchair.

"D" 35. Oral Narcotic given; the effects may begin 30 minutes to an hour. It will impair your judgement, slow your reaction time and make you sleepy. Don't do anything requiring mental alertness. NOTE; taken by mouth on ER bed # 31.

"G" 36. Suspect stated; that he would not inflict any more injury.

"G" 37. The Suspect was advised again that he needed to leave the area.

"G" 38. The Suspect then did not move.

"G" 39. Under arrest for Trespassing; Refusal to Leave due to his loiter about the premise after being warned off!

"G" 40. He was handcuffed in front due to his Medical issues !!

"G" 41. With regard to Mr. Powell's condition disposition and reason for his arrest.

"G" 42. Public Safety assisted him from the wheelchair into patrol car.

"G" 43. At 2:10 am Public Safety arrived at headquarters and left for Charleston County Detention Center at 2:44 am.

NOTE; lying on cramped backseat, arms and legs handcuffed for 34 minutes.

"G" 44. Drugs; unknown type; Stated on Public Safety Report.

"G" 45. Public Safety gave the patient several options; taking him home or anywhere he wanted to go or Roper Hospital.

RECKLESS AND GROSS NEGLIGENCE

1. MUSC acted wrongfully and demonstrated willful gross negligence when physicians & nurses ignored foreseeable harm taking place when the security guards were recklessly allowed to try and take the already injured, in pain, unable to move Plaintiff/Patient from the ER bed the second time.

PUBLIC SAFETY; INCIDENT REPORT

(On ER bed) I am in pain and I cannot move without feeling pain and I will not move, I will not inflict more pain for myself for this hospital. I don't have to do anything, I don't want to and I'm starting to get a little pissed off.

Assisting Powell in the process but became Agitate and stated he would Sue the hospital and wanted a Second Opinion.

CRAVE REFERENCE TO INTERROGATORIES ANSWER #13

ANSWER #3 Officer Mckinnie stopped trying to assist Plaintiff/Patient from lying to a seated position because Patient stated he would not put any more pain on himself.

PUBLIC SAFETY INCIDENT REPORT Officer Warner then told Mr. Powell he had to go. Officer Kyle Radford talked to the in charge physician (Dr. Simon Watson) and then Mr. Powell was taken from the bed.

2. Dr. Simon Watson allowed bodily harm and emotional distress to be inflicted upon the Plaintiff/Patient while he was under the supervision, complete control and at the mercy of the MUSC ER. This specific and reckless act had taken place after the Plaintiff/Patient had been discharged. Then, again administered drugs only for the removal of the in pain and unable to move Plaintiff/Patient from the ER bed.

0045 preparing Pt. (patient) for Dic (discharge) 0100 pt. Given oxycodone

TRIAGE; Dr. orders, given oxycodone 10 mg. at 12:57

PUBLIC SAFETY INCIDENT REPORT Officer Kyle Radford states; Powell still complained pain was unbearable. Dr. Watson gave Powell medication & was taken before discharge. Discharged at 12:25:10 ?

Public Safety states; Powell was being discharged and refusing to leave. Dr. Watson explained to patient that he was medically cleared to leave 12:25AM.

Powell still complained that the pain was unbearable. Dr. Watson gave Powell pain medication at 1:00 AM. This is proof that Dr. Watson made an improper and negligent decision when he ordered more medication and then allowed the security guards to start pulling on Mr. Powell's injured arms & legs to take him from the E.R. bed within minutes after taking medication that takes 30 minutes to an hour to take effect.

3. Then the public safety with their contemptuous attitude harmed and assaulted the Plaintiff/Patient while removing him from the wheelchair, only to arrest him. The contempt and angry attitude is expressed by their reckless decision to take the Plaintiff/Patient to jail after putting him in the car when the same procedure would have taken place to take the Plaintiff/Patient to the Roper Hospital, for a second opinion. But, it is obvious that MUSC did not want the Plaintiff/Patient to get a second opinion after being delivered by the public safety and then the Plaintiff/Patient sharing his complaints about MUSC and the Charleston County EMS.

PLAINTIFF'S INTERROGATORIES ANSWER #14 Plaintiff/Patient given several options; taking him home or anywhere he wanted to go or to Roper hospital, Officer Warner then told Mr. Powell he had to go.

The suspect was taken from the bed.

Then told the suspect he had the choice of leaving the area under his own free will and needed to do so. NOTE; Outside of ER.

Suspect stated; that he would not inflict any more injury for the hospital.

Once outside Mr. Powell was told to leave the premises.

The suspect then did not move.

Under arrest for Trespassing; Refusal to Leave due to his loiter about the premises. NOTE; unable to get out of a wheelchair is not refusing to leave!

He was handcuffed in front due to his medical issues. (Proves needs help) and this proves the likelihood of harm was ignored.

The Plaintiff/Patient is in fact identifiable when under the complete control and mercy of the hospital (MUSC). Also when the Plaintiff/Patient is unable to protect and remove himself from the harmful decisions & actions of the staff that were exercised in a contemptuous and reckless manner. Then the reckless negligent decisions led to unwarranted physical contact that caused physical, emotional pain and suffering. MUSC is in fact Liable for these reckless, grossly negligent acts that caused physical harm to the Plaintiff/Patient neck, shoulder and knee.

1. NOTICE nurse Pentz is very specific about what Mr. Powell said on several occasions but is proven to be slander. She states; that Patient stated; he will not leave he "can't move". Then she states; at 0140 (1:40am) patient refuses to leave hospital. This again is her version of the truth when actually Mr. Powell said; was;

SECURITY GUARDS; DETAILED ACTIVITY REPORT

Still complained that the pain was unbearable.

Assisting Powell in the process; but became agitated and stated he would sue the hospital.

CPL Chapman attempted to talk Powell into leaving, patient again stated; he was not going to put any more pain on himself by moving.

PUBLIC SAFETY; INCIDENT REPORT & ADDITIONAL NARRATIVE

(On ER bed) I am in pain and I cannot move without feeling pain and I will not move, I will not inflict more pain for myself for this hospital. I don't have to do anything, I don't want to and I'm starting to get a little pissed off.

NOTE; Nurse Pentz stated; Mr. Powell said he will not leave "he can't move" and out of all the other statements under oath and on the Security Guards & Public Safety reports no one stated; Mr. Powell said he will not leave.

CRAVE NURSE TRIAGE ASSESSMENT

2. Nurse Pentz states at 1:00 am Pt. assisted to upright position & edge of bed, moved with ease. (this is an untruth statement) by nurse Pentz as you will see when she answers under oath (ANSWER #20) below. Mr. Powell was unable to move because of the pain and he never moved with ease to the edge of the bed. Nurse Pentz stated that at 0100 or 1:00 a.m. now given oxycodone and moved with ease.

CRAVE INTERROGATORIES ANSWER #20

Now Pentz/MUSC states that at one point in time, Mr. Powell sat in a upright position on the side of the bed.(originally said this happened at 1:00am)

Public Safety Incident Report states they arrive at 12:57:10 and Officer Kyle Radford states; he lay in the middle of the bed in a seated position. His response to me was I am in pain.

CRAVE INTERROGATORIES ANSWER #3

(Arrived at 1:00am)

Officer Mckinnie stopped trying to assist Plaintiff from lying to a seated position because Plaintiff stated he would not put any more pain on himself.

(after 1:00am)

3. Nurse Pentz stated; became belligerent. patient refused to move to wheelchair. Security said they arrived at 1:00am officer Mckinnie stopped trying to assist Patient from a lying to a seated position because Patient stated he would not put any more pain on himself by moving.

Mckinnie, Bowers and Mullins tried to convince Powell to leave.

Still complained the pain was unbearable.

I am in pain and I cannot move without feeling pain and I will not move. I will not inflict any more pain for myself for this hospital. I don't have to do anything. I don't want to and I'm starting to get a little pissed off.

Assisting Powell in the process but became agitated and stated he would sue the hospital and wanted a second opinion.

Public Safety was called and officer Kyle Radford stated Mr. Powell's response was I'm in pain.

This is the truthful version of what happened and not the story of slander created by Nurse Pentz. Not one mention even close to belligerent by public safety

4. Pentz states; began yelling at staff. Not one mention about yelling at staff by the public safety or the security guards on their very detailed reports.

5. Officer Kyle Radford did not complete the public safety report when he did not answer the visible injury (head wound that was cleaned and medicated by the second nurse at Al Cannon Jail, (NOTE; not MUSC). This specific and intentional act exercised appears to be part of a cover up to prepare for a backlash from their contemptuous reckless attitude exercised at MUSC, which harmed Mr. Powell emotionally and injured his neck, shoulder and knee.

6. Dr. Watson stated; Mr. Powell was never pulled from bed.

Officer Kyle Radford talked to the in charge physician (Simon Watson) and then Mr. Powell was taken from the bed.

Security Guard Ron Mckinnie stated; INTERROGATORIES ANSWER #3 that he stopped trying to assist patient from lying to a seated position because Patient stated he would not put any more pain on himself.

NOTE; Ron Mckinnie stated; INTERROGATORIES ANSWER # 7

No one attempted to pull Patient from the bed at anytime.

Assisting Powell in the process but became Agitated and stated he would sue the hospital and wanted a second opinion.

When RN Pentz wrote these exaggerated, incorrect facts and shared with staff members this claim about being abusive. Mr. Powell was almost unconscious, suffering unbearable pain, while in fear uttered a cry for help that exposed Mr. Powell to an unwarranted contemptuous atmosphere exercised by MUSC helped to fuel the contempt and ridicule towards the Plaintiff/Patient that caused Emotional and Physical pain & suffering to Mr. Powell's neck, shoulder and knee.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1. The MUSC security guards failed to perform their duty when they did not protect the "identifiable" in pain and unable to move patient from harm. They harassed the Plaintiff/Patient for a long period of time to leave the ER bed. Then they recklessly attempted a second time to remove the patient from the MUSC ER bed by pulling on him while he was yelling, because of his unbearable pain. This second attempt was harmful emotionally and inflicted pain & suffering which was not within the scope of the security guards duty to make medical decisions determining how much pain a patient can suffer before getting permission from the Dr. to continue pulling on an injured and yelling patient since physicians already stated they never ordered Mr. Powell to be removed from the bed.

Officer Mckinnie stopped trying to assist Patient from a lying to a seated position because patient stated he would not put any more pain on himself by moving.

Still complained that the pain was unbearable.

Mckinnie, Bowers and Mullins tried to convince Powell to leave, Assisting Powell in the process; but became agitated and stated he would sue the hospital. NOTE; the emotional distress taking place CPL Chapmen attempted to talk Powell into leaving, patient again stated; he was not going to put any more pain on himself by moving.

MUSC states; Neither Physicians order Public Safety or Hospital Security to remove Mr. Powell from the bed.

PUBLIC SAFETY; INCIDENT REPORT & ADDITIONAL NARRATIVE

(On ER bed) I am in pain and I cannot move without feeling pain and I will not move, I will not inflict more pain for myself for this hospital. I don't have to do anything, I don't want to and I'm starting to get a little pissed off. NOTE; public safety ignored the likelihood of harm.

The suspect was taken from the bed.

2. Then the public safety said they would take the Plaintiff/Patient anywhere he wanted to go and even to Roper hospital because he said he wanted to get a second opinion. Then the public safety took the "Identifiable" in pain and unable to move Plaintiff/Patient from the bed while he was still yelling because of the pain. Then he was wheeled outside to the ER entrance. He was then told by public safety to get up and leave the premises (without any assistance) The Plaintiff/Patient told them he could not get up because of the pain. The public safety again threatened and harassed him just like they did in the ER. The Plaintiff/Patient was already emotionally distraught and in pain from the attacks in the MUSC ER that injured his neck, shoulder and knee. Now the Plaintiff/Patient is fearful that more physical and emotional harm will be inflicted upon him. The public safety failed in their responsibility to protect the Plaintiff/Patient during the discharge when they refused to assist the Plaintiff/Patient from his wheelchair so he could go freely after making the decision to in fact lie to the Plaintiff/Patient who was not under arrest and was unable to get off the bed and out of his wheelchair because of his medical condition. This exercised gross negligent manner was not within the scope of duty when assuring the Plaintiff/Patient with options of safe passage to Roper Hospital and then the public safety determining the extent of the his medical issues. outside when there was no supervision by a physician, when handcuffing in front because of his medical condition, when not allowing for or even being aware of the 30 minutes to an hour it takes for medication to take effect and also would render the patient with impaired judgement, slow reaction, don't do anything requiring mental alertness. MR #1413630 provider; Jacobsen/Watson

On Public Safety report; Drugs; unknown type NOTE; administered by MUSC

Once outside Mr. Powell was told to leave the premises.

(Outside) Then told the suspect he had the choice of leaving the area under his own free will and needed to do so.

Suspect stated; that he would not inflict any more injury for the hospital. NOTE; Plaintiff/Patient is very distraught and in pain.

Suspect was advised again that he needed to leave the area.

The suspect then did not move.

Under arrest for Trespassing; Refusal to Leave due to his loiter about the the premises. NOTE; Mr. Powell was unable to get out of the wheelchair. He was handcuffed in front due to his medical issues. NOTE; injured

3. Also according to the PUBLIC SAFETY; INCIDENT REPORT Mr. Powell was handcuffed in front due to his medical condition and they arrived at the HDPS Headquarters at 2:10 am then left at 2:44 am. If their concerned about his condition then why was he left lying down in their back seat for 34 minutes to pickup up paper work. This was also a reckless negligent decision to not protect the Plaintiff/Patient from harm. MUSC is liable for exercising gross negligence when they chose to cause more physical & emotional harm to the Plaintiff/Patient.

These intentional, reckless gross negligent decisions and actions did in fact cause emotional & physical harm to Mr. Powell's neck, shoulder and knee. MUSC is liable for these gross negligent decisions and actions that were not within the scope of duty for the public safety (non-physicians) who were not properly supervised to discharge a patient who was unable to remove himself from his wheelchair. MUSC allowed the public safety to decide if Mr. Powell was being harmed or injured considering again, he stated he was in pain, needed help out of the wheelchair, repeatedly threatened to leave and/or jail and was handcuffed in front due to his medical condition. NOTE; lying in pain in the back seat with handcuffed legs and arms.

FALSE ARREST AND IMPRISONMENT

The public safety physically pulled the plaintiff from the ER bed and then put the Plaintiff/Patient into a MUSC wheelchair. Then outside in the MUSC parking lot the public safety engaged in reckless wrongdoing and gross negligence when they intentionally failed to complete the discharge. The public safety did not take the Patient to Roper Hospital, as they said they would as an option. The public safety recklessly opted to make the decision not to complete the discharge of taking the Plaintiff/Patient anywhere he wanted to go and/or to Roper Hospital for his second opinion or assisted up to go freely anywhere.

PLAINTIFF'S INTERROGATORIES SUBMITTED TO MUSC

ANSWER #14 Public Safety gave the Plaintiff/Patient several options; taking him home or anywhere he wanted to go or Roper Hospital.

PUBLIC SAFETY; INCIDENT REPORT & ADDITIONAL NARRATIVE

Officer Warner then told Mr. Powell he had to go.

The suspect was taken from the bed.

Once outside Mr. Powell was told to leave the premises.

Mr. Powell said he could not get out of wheelchair.

Suspect stated; that he would not inflict any more injury for the hospital.

Suspect was advised again that he needed to leave the area.

The suspect then did not move.

Under arrest for Trespassing; Refusal to Leave due to his loiter about the premises. NOTE (no assistance) unable to get up is not a refusal to leave. He was handcuffed in front due to his medical issues. (proves needs assistance)

The public safety did not weigh the competing situations properly and apply proper discretion to act in a good faith manner. The public safety recklessly took complete control over the Plaintiff/Plaintiff by confining him to the wheelchair when they would not assist him from it. The public safety refused to complete the discharge and help the Plaintiff/Patient from the MUSC wheelchair when they had sufficient authority and time to fulfill their duty. After this grossly negligent act the public safety again acted improperly and arrested the Plaintiff/Patient for Trespassing; Refusal to leave because he loitered.

MUSC is liable for their intentional gross negligent actions when they falsely arrested and imprisoned the Plaintiff/Patient. Also MUSC injured the neck, shoulder and knee of the Plaintiff/Patient when performing this action in an intentional reckless manner.

ASSAULT AND BATTERY

1. The MUSC ER staff had the authority and reasonable time to weigh all options to act properly in these circumstances. The MUSC staff demonstrated reckless and gross negligence when they did not protect the patient from foreseeable harm after administering drugs to the already discharged patient, only for removal of the patient. Then the security guards were allowed to try and remove a still in pain and unable to move patient causing pain & suffering.

Still complained the pain was unbearable.

Mckinnie, Bowers and Mullins tried to convince Powell to leave, Assisting Powell in the process; but became agitated and stated he would sue the hospital.

CPL Chapmen attempted to talk Powell into leaving, patient again Stated; he was not going to put any more pain on himself by moving.

Assisting Powell in the process but became Agitated and stated he would sue the Hospital and wanted a second opinion.

Officer Mckinnie stopped trying to assist patient from lying to a seated position because patient stated he would not put any more pain on himself.

Actually the security guards stopped pulling because Mr. Powell was yelling from the pain that was being inflicted upon his neck, shoulder and knee.

NOTE; with the Doctors approval the guards continue to harm Mr. Powell.

Public safety officer Warner stated; He has to go.

Public safety officer Kyle Radford talked to in charge physician (Simon Watson) and then Powell was taken from bed.

TRIAGE NURSE ASSESSMENT States; At 1:40 am Public Safety at bedside, put into wheelchair.

This was the first causation of the Plaintiff/Patient physical and emotional pain & suffering when MUSC recklessly touched, pulled and/or assisted in a contemptuous manner when the Plaintiff/Patient should have been given more time for the drugs to take effect or even admitted to the hospital.

This was in fact Assault & Battery that was witnessed and ignored by the MUSC staff. This was unwarranted reckless gross negligent contact that was harmful and injured the Plaintiff/Patient already injured neck, shoulder and knee when MUSC allowed this contemptuous atmosphere continue.

2. The Plaintiff/Patient was not under arrest when he was wheeled out of the MUSC ER by the public safety. The public safety were not properly trained to complete a total discharge of a patient who is still in pain and unable to move from the wheelchair. The public safety was recklessly negligent when they intentionally did not assist the Plaintiff/Patient from the wheelchair so he could go freely, be taken home or to Roper hospital as prescribed as an option,

PLAINTIFF'S INTERROGATORIES SUBMITTED TO MUSC

ANSWER # 14 Public Safety gave the Plaintiff/Patient several options; taking him home or anywhere he wanted to go or Roper Hospital. (when on E.R. bed)

ANSWER #13 Mr. Powell stated he will not inflict any more pain on himself for the hospital.

PUBLIC SAFETY; INCIDENT REPORT & ADDITIONAL NARRATIVE

DRUGS; unknown type. Discovered on Public Safety report.

Officer Warner then told Mr. Powell he had to go.

(Outside)Then told the suspect he had the choice of leaving the area under his own free will and needed to do so.

Suspect stated; that he would not inflict any more injury for the hospital.

Suspect was advised again that he needed to leave the area.

The suspect then did not move.

Under arrest for Trespassing; Refusal to Leave due to his loiter about the premises.

He was handcuffed in front due to his medical issues. (proves needs assistance)

Public safety assisted him from the wheelchair into a patrol car.

The MUSC staff weighed competing considerations and made a conscious choice to ignore foreseeable harm being inflicted upon the Plaintiff/Patient. Then the MUSC staff continued to harass, confine, assault and inflict physical harm to the Plaintiff/Patient neck, shoulder and knee. !

MUSC ignored the likelihood of harm taking place and is in fact liable for their intentional gross negligent Infliction of Emotional Distress, their contemptuous False Arrest & Imprisonment, harmful handling and Assault that caused the Plaintiff unwarranted pain & suffering to his already injured neck, shoulder and knee.


DAMAGES

Medical University of South Carolina "MUSC" intentionally failed to make the proper conscious decisions to protect the Plaintiff from emotional & physical harm to the Plaintiff's neck, shoulder and knee. MUSC falsely arrested, imprisoned, assaulted, caused intentional infliction of emotional distress and exercised slander & libel. The Plaintiff also suffered financial losses due to the fact that he was unable to work because of the injuries MUSC inflicted upon him. Also the embarrassment & shame the Plaintiff and his family had to endure after being falsely arrested & jailed. Then the arrest being made public by the media is un-repairable.

WHEREFORE the Plaintiff seeks monetary compensation of \$1,200,000 for these specific intentional acts of gross negligent conduct exercised by the MUSC in-charge Physicians, Nurses, Security Guards and Public Safety.

SCTCA 15-78-120 (A) (3) SCTCA 15-78-10 SCTCA 15-78-60 (25) (2003)

DATED; 9/12/2013

A handwritten signature in black ink that reads "Jack Powell". The signature is written in a cursive style with a horizontal line underneath the name.

Pro Se; Jack Powell

Medical University of South Carolina

171 Ashley Avenue
Charleston, SC 29425
843-792-3826

Patient: Jack Powell MR#: 1413630 Date: 06-22-2012 Time: 00:25:10 Page 1

Instructions for: Jack Powell MR#: 1413630
Date: 06-22-2012 Your care provider was: Jacobsen/Watson

Fall without apparent injury:

No apparent injury was found during today's exam. You may develop some soreness and stiffness over the next two days. Mild neck and back strain is common in auto accidents, and may not be painful until the muscle becomes inflamed. But if nothing is painful now, there is no fracture, and x-rays are not needed.

If you develop pain over the next couple of days, treat each tender area. Apply cold packs directly to the painful spot. Rest. Antiinflammatory pain medication, such as ibuprofen, can decrease soreness and inflammation.

Most of the time, these late-developing pains go away within a few days. Most patients are back at work or school within a week. The area might be little irritable for two or three weeks.

You should call the doctor, or go to the hospital, if you develop severe neck, chest, or abdominal pain, repeated vomiting, severe lightheadedness or weakness, trouble breathing, numbness or weakness in any extremity, problems with your bladder or bowel, or pain radiating down an arm or leg.

Extremity X-Ray: Right Knee; Right Shoulder Plain Films

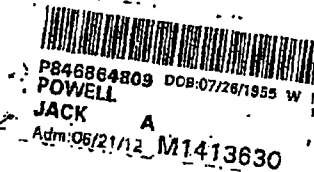
This radiographic study was performed during your ED visit.

CT Scan of Head

This radiographic study was performed during your ED visit.

CT Scan of C-Spine

This radiographic study was performed during your ED visit.



Pain medication injection:

You have received an injection of a pain medication. You should experience significant pain relief within 45 minutes. This drug is a narcotic — it will impair your judgement, slow your reaction time and make you sleepy (as well as relieve your pain). Narcotics also can cause nausea.

You should not drive, work with machinery, or perform any task requiring mental alertness until all effects of the medication are gone — six to eight hours. Do not take any alcohol, or sedatives, and do not take any other medication without checking with your physician.

Oral narcotic given:

You've been given an oral narcotic pain medication. The effects may begin 30 minutes to an hour after swallowing the medicine. You should have significant pain relief. The effects will usually last at least four hours.

Most oral narcotics contain a dose of acetaminophen (Tylenol). Don't take any other acetaminophen-containing medicines until you've discussed it with the doctor.

This drug is a narcotic — it will impair your judgment, slow your reaction time, and make you sleepy. Narcotics also can cause nausea and constipation. If you feel sick, you should eat. A full stomach reduces the nausea that pain pills can cause.

You should not drive or work with machinery (including blenders, knives, lawn mowers or sewing machines) for six to eight hours. Don't do anything requiring mental alertness until the effects of the medication are gone. Do not take any alcohol or sedatives, and don't use any other medication without checking with your physician.

Follow-up care:

You should follow up with your primary care physician within the next 3-5 days regarding your visit today. If you do not have a primary care physician a list of providers is listed below. You should return if there is unexpected worsening or a significant change in your symptoms. If you have a question, please



PTINSTRUC

Patient: POWELL, JACK A

MRN: 1413630

Encounter: 846864809

Page 1 of 4

PAIN

Technologist: JOHN DAVIS
Radiologist 1: RUSSELL CHAPIN
Radiologist 2: SHREE SUBEDI
Radiologist 3:

Transcribed by: Tech IntTalk
Date Dictated:
Proxy Signer:
Authenticating Radiologist: RUSSELL CHAPIN
Date Authenticated: 06/22/2012 08:38

EXAMINATION: KNEE 06/21/12 23:38:00

ACCESSION NUMBER: 6717631

INDICATION: PAIN

COMPARISON: None

FINDINGS: Frontal and lateral views of the right knee demonstrate severe 3 compartment osteoarthritis with osteophyte formation and joint space narrowing worst in the medial compartment. Evidence of prior surgery with U shaped metallic device overlying lateral condyle. Chronic loose bodies are seen. No joint effusion. No acute fracture.

IMPRESSION:

Severe 3 compartment osteoarthritis worse medially. No acute fractures.

Key findings discussed with emergency room physician 6/22/2012 12:24 AM

VOICE DICTATED BY: Dr. Shree Subedi

acute pain due to fall, loc+, c spine tenderness

Technologist: BETH POTTS
Radiologist 1: RUSSELL CHAPIN
Radiologist 2: SHREE SUBEDI
Radiologist 3:

Transcribed by: Tech IntTalk
Date Dictated:
Proxy Signer:
Authenticating Radiologist: RUSSELL CHAPIN
Date Authenticated: 06/22/2012 08:07

EXAMINATION: CERVICAL SPINE CT 06/22/12 00:09:00

ACCESSION NUMBER: 6717627

INDICATION: acute pain due to fall, loc+, c spine tenderness, acute pain due to fall, loc+, c spine tenderness acute pain due to fall, loc+, c spine tenderness

COMPARISON: None

TECHNIQUE: Multiple contiguous spiral CT images were obtained through the cervical spine without IV contrast.

FINDINGS: Suboptimal elevation due to significant artifact. There is normal alignment of the cervical spine with no evidence of acute fracture or dislocation. Vertebral body heights are preserved. Posterior elements are unremarkable. There is multilevel degenerative disk disease most prominent at C5-6 and C6-7 levels with disk osteophyte complex formation and mild effacement of the spinal canal at the same level. There is no prevertebral soft tissue swelling, no evidence of pneumothorax. Visualized portion of the skull base shows no evidence of fractures.

IMPRESSION:

No acute fracture or dislocation of the cervical spine noted given the degree of artifact.

Multilevel degenerative disk disease most prominent at C5-6 and C6-7 with disk osteophyte complex formation causing mild effacement of the spinal canal at the same level.

VOICE DICTATED BY: Dr. Shree Subedi

Patient: POWELL, JACK A

MRN: 1413630

Encounter: 846864809

Page 1 of 1

23.

BWPH 1.555 (Powell)
MUSC MUSC28 OF 82
117

PAIN

Technologist: JOHN DAVIS
Radiologist 1: RUSSELL CHAPIN
Radiologist 2: SHREE SUBEDI
Radiologist 3:

Transcribed by: Tech IntTalk
Date Dictated:
Proxy Signer:
Authenticating Radiologist: RUSSELL CHAPIN
Date Authenticated: 06/22/2012 08:39

EXAMINATION: SHOULDER 06/21/12 23:39:00

ACCESSION NUMBER: 6717632

INDICATION: PAIN

COMPARISON: Chest x-ray 9/7/03

FINDINGS: AP internal and external rotation and axillary Y views of right shoulder demonstrate no evidence of acute fracture or dislocation. Humeral head is well seated within the glenoid. The there are multiple bullet fragments overlie right shoulder, unchanged compared to chest radiograph from 2003. There are degenerative changes of the glenohumeral and acromioclavicular joints. Irregularity of the greater tuberosity noted due to rotator cuff disease.

IMPRESSION:

Chronic degenerative changes of the acromioclavicular and glenohumeral joint without acute fractures.

Stable appearance of the multiple metallic fragments consistent with prior shotgun injury.

Key findings discussed with emergency room physician 6/22/2012 12:24 AM

VOICE DICTATED BY: Dr. Shree Subedi

SC0100900 MUSC Dept of PS
SC0100900

INCIDENT REPORT

INFORMATION ONLY

CASE NUMBER

2012000512

NCIC

INQ. Yes No
ENTD. No

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. TRESPASSING - REFUSE TO LEAVE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DRUG STORE/DOCTOR'S		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

COPY

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)
MUSC TRAUMA BED # 31 169 ASHLEY AVE, CHARLESTON, SC

ZIP CODE 29425- WEAPON TYPE NONE

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
06/22/2012	00:55		06/22/2012	02:09	06/22/2012	00:57	00:57	03:20	HOSP

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
RADFORD, KYLE		J	W	M	28	N	843-792-4196	

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
101 DOUGHTY STREET	CHARLESTON	SC	29425-	

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
MUHA							843-792-1456	

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
	0			

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
169 ASHLEY AVE.	CHARLESTON	SC	29425-	HOSP

VISIBLE INJURY (VICT.): YES NO EXPLAIN: COMPLAINT OF ANY NON-VISIBLE INJURES: YES NO

VICTIM (NO. 1) USING: ALCOHOL YES NO UNK. DRUGS YES NO UNK. TYPE:

TWO MAN VEH. ONE MAN VEH. DETECTIVE PLASMT. OTHER ALONE ASSISTED *J-This Jurisdiction S-State O-Out of State U-Unknown

SUSPECT	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
<input checked="" type="checkbox"/>	POWELL, JACK, ARMING	W	M	58	N		601	225	3	2

WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	RELATED OFFENSE(S)	DAYTIME PHONE	EVENING PHONE
<input checked="" type="checkbox"/>	glasses	90J	843-367-5566	

WARRANT	ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
<input checked="" type="checkbox"/>	620 CLEARVIEW Drive	CHARLESTON	SC	29412-	HOSP

ARREST	JAIL	SUMMONS	FLUGS	YES	NO	UNK	TYPE	ARRESTED NEAR OFFENSE SCENE	YES	NO	DATE/TIME OF OFFENSE	DATE/TIME OF ARREST
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6/22/2012 12:55:11 AM	6/22/2012 2:09:00 AM

DAY OF THE WEEK	HOW REPORTED	TAX OFFICER DISPATCHED ON CALL	D= COMPLAINT WRITTEN IN	DIFF. FACTOR	A= RESISTANCE-HOSTILITY	E= COMPLAINANT FRE-
S M T W T F S UNK	A B C D E F	B= REPORT TAKEN BY PHONE	F= OFFICER INITIATED		C= UNFOUNDED CALLS	QUENTLY INTOXICATED
1 2 3 4 5 6 7 8		C= COMPLAINANT WALKED IN	F= OTHER		D= MENTAL SUBJECT	F= DOMESTIC

TRESPASSING - REFUSE TO LEAVE

REPORTING/ARRESTING OFFICER - RADFORD, KYLE 180
RESPONDING OFFICERS - LT WANNER, CPL CHATMAN, PFC K. RADFORD, PSO H. LUCAS, PSO S. STROBEL

- ON THIS DATE, 06/22/2012, I WAS DISPATCHED TO MUSC TRAUMA CENTER BED # 31 IN REGARDS TO A PATIENT BEING DISCHARGED AND REFUSING TO LEAVE. I ARRIVED AT BED # 31 AND OBSERVED THE SUSPECT, LATER IDENTIFIED AS JACK POWELL. AS (HE LAY IN THE HOSPITAL BED IN AN SEATED POSITION) I INTRODUCED MYSELF AND INQUIRED WHY HE WOULD NOT LEAVE THE AREA AFTER BEING TREATED AT MUSC. HIS RESPONSE TO ME WAS "I AM IN PAIN AND I CANNOT MOVE WITHOUT FEELING PAIN AND I WILL NOT MOVE (I WILL NOT INFLECT MORE PAIN FOR MYSELF FOR THIS HOSPITAL)"

PROPERTY EST.	TYPE (GROUP)	STOLEN	DAMAGED	BURNED	RECOVERED	SEIZED
	LAY IN the bed seated position not edge of bed		AS stated by Jill Pentz Nurse Assessment!			

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

REASON FOR EXCEPTIONAL CLEARANCE	1	OFFENDER DEATH	2	NO PROSECUTION	3	EXTRACTION DENIED	4	VICTIM DECLINES COOPERATION	5	LIVEN END CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
RADFORD, KYLE	6/22/2012 12:55:00 AM	180	CHATMAN, JERMAINE		130
LUCAS, HOWARD	6/22/2012 2:09:00 AM	172	FOLLOW UP INVESTIGATION		

BWPH 1.555 (Powell)
MUSC
154

ADDITIONAL NARRATIVE

Agency Name	SC0100900 MUSC Dept of PS	ORI #	SC0100900	Report Date/Time	06/22/2012	OCA #	2012000512
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TRESPASSING - REFUSE TO LEAVE

SHORTLY THEREAFTER CORPORAL CHATMAN AND LIEUTENANT WANNER ARRIVED AND INQUIRED MR. POWELL WHY HE WOULD NOT LEAVE THE AREA AFTER BEING TREATED AND HE PRODUCED THE SAME ANSWER. IN ADDITION TO HIS PREVIOUS STATEMENTS HE ADDED, "I DON'T HAVE TO DO ANYTHING I DON'T WANT TO AND NOW I AM STARTING TO GET A LITTLE PISSED OFF." DURING THE TIME OF THE QUESTIONING FROM LIEUTENANT WANNER AND CORPORAL CHATMAN I CONTACTED DISPATCH VIA THE RADIO TO INQUIRE IF THE SUSPECT HAD ANY WANTS/WARRANTS OR PREVIOUS FIELD INTERVIEW CARDS. DISPATCH RESPONDED AND ADVISED THAT THE SUSPECT HAD NO OUTSTANDING WANTS/WARRANTS OR PREVIOUS F.I'S. LIEUTENANT WANNER THEN SPOKE TO THE PHYSICIAN, DR. SIMON WATSON, THAT WAS IN CHARGE OF THE SUSPECT'S CARE. DR. WATSON ADVISED THAT THE SUSPECT HAD BEEN BROUGHT IN BY CHARLESTON COUNTY EMS FROM THE FOLLY ROAD AREA DUE TO BEING FOUND ON THE ROAD AND HAD THE APPEARANCE OF SUFFERING FROM A FALL. ACCORDING TO DR. WATSON HE WAS CHECKED OUT EXTENSIVELY BY THE MEDICAL PERSONAL AND HIS CURRENT INJURIES ARE NOT SUFFICIENT ENOUGH TO CAUSE SUCH PAIN THAT WOULD BE INCAPACITATING. DR. SIMON ADVISED THAT THE SUSPECT'S MAJOR INJURIES WERE FROM PAST TRAUMA AND STILL WOULD NOT CAUSE HIM TO BE INCAPACITATED AT THIS TIME.

AFTER SPEAKING WITH THE IN-CHARGE PHYSICIAN THE SUSPECT WAS TAKEN FROM BED # 31 BY HOSPITAL SECURITY AND PUBLIC SAFETY AND ESCORTED OUTSIDE OF TRAUMA TO THE CLINICAL SCIENCE RAMP AREA. I THEN TOLD THE SUSPECT THAT HE HAD THE CHOICE OF LEAVING THE AREA UNDER HIS OWN FREE WILL AND NEEDED TO DO SO. HE WAS ALSO ADVISED FAILURE TO LEAVE WOULD RESULT IN AN ARREST AND JAIL. THE SUSPECT THEN STATED THAT HE WOULD NOT INFLICT ANYMORE INJURY FOR THIS HOSPITAL. THE SUSPECT WAS ADVISED AGAIN THAT HE NEEDED TO LEAVE THE AREA. THE SUSPECT THEN DID NOT MOVE.

AT 02:09 AM HE WAS PLACED UNDER ARREST FOR TRESPASSING REFUSING TO LEAVE DUE TO THE FACT HE HAD BEEN INSTRUCTED TO LEAVE BY MYSELF AND DID NOT DO SO AND DUE TO HIM CONTINUING TO LOITER ABOUT THE PREMISES. HE WAS CHARGED ON UTC 95432CE. HE WAS HANDCUFFED IN FRONT DUE TO HIS MEDICAL ISSUES AND HANDCUFFS WERE DOUBLE LOCKED AND CHECKED FOR TIGHTNESS. ALSO, DUE TO HAVING TO BE HANDCUFFED IN THE FRONT HE WAS ALSO SECURED WITH LEG IRONS THAT WERE DOUBLE LOCKED AND CHECKED FOR TIGHTNESS. HE WAS SEARCHED INCIDENT TO ARREST YIELDING NEGATIVE RESULTS. HE WAS THEN PLACED IN PATROL UNIT # C-47 AND PLACED IN THE RIGHT REAR PASSENGER SEAT AND SECURED WITH THE SEAT BELT.

→ AT 02:10 AM HE WAS TRANSPORTED FROM THE ARREST SITE TO MUSC-DPS HEADQUARTERS PARKING LOT LOCATED AT 101 DOUGHTY ST. CHARLESTON SC, 29425 FOR COMPLETION OF JAIL INTAKE FORM, ARREST AND BOOKING REPORT, AND CHARGING DOCUMENT (UTC) PRIOR TO DEPARTING FOR THE CHARLESTON COUNTY DETENTION CENTER.

→ AT 02:44 AM PSO. LUCAS AND MYSELF DEPARTED HEADQUARTERS PARKING LOT FOR THE CHARLESTON DETENTION CENTER VIA MOST DIRECT ROUTE, STARTING MILEAGE 69688.6. AT 03:07 AM TRANSPORTING OFFICERS ARRIVED AT CHARLESTON COUNTY DETENTION CENTER, ENDING MILEAGE 69696.6. UPON ARRIVAL AT THE DETENTION CENTER WEAPONS WERE SECURED IN THE REAR OF PATROL CAR UNIT # C-47. AFTER WEAPONS WERE SECURED, HE WAS REMOVED FROM THE REAR OF C-47 AND TAKEN INTO CHARLESTON COUNTY DETENTION CENTER FOR PROCESSING WITHOUT INCIDENT. HE WAS LODGED IN UNDER CHARGING DOCUMENTS, UTC 95432CE. HE WAS ADVISED THAT HIS COURT DATE WOULD BE 07/11/2012 AT 9:00 AM TO APPEAR BEFORE JUDGE COKER COURT LOCATED AT 4045 BRIDGEVIEW DR. CHARLESTON SC, 29406. HIS PROPERTY WAS RELEASED TO THE CUSTODY OF THE CHARLESTON COUNTY DETENTION CENTER. THE SUSPECT'S PROPERTY WAS RELEASED TO THE CUSTODY OF THE CHARLESTON COUNTY DETENTION CENTER.

AT 03:20 AM PSO. LUCAS AND MYSELF DEPARTED THE JAIL AND RETURNED BACK TO HEADQUARTERS. PATROL UNIT C-47 WAS SEARCHED PRIOR TO AND UPON COMPLETION OF THE TRANSPORT TO THE CHARLESTON COUNTY DETENTION CENTER WITH NEGATIVE RESULTS

Detailed Activity Report without Officer Times



1206-00002154

Activity Date : 6/22/2012 Activity Time : 03:12

Activity Details

Category: 015 PUBLIC SAFETY ASSIST
Subcategory: 005 TRESPASSING
Call Received: 01:00
Source: DISPATCHER MUSC PUBLIC SAFETY DISPATCHER
Department: MCSS SAFETY, SECURITY & VOLUNTEER SERVICES
Site: MUH MEDICAL CENTER HOSPITAL
Location: EMERGENCY EMERGENCY DEPARTMENT
Location Detail Patient refusing to leave ED.

Notes:

REM 01:00 AM, 6/22/2012 OCA #2012000512: Ron McKinnie, ED Security Officer, Frank Bowers, PEDS Security Officer, along with Ray Mullins, MUH Roving Officer, responded to Bed #31 "C" side of Trauma, MUH. Upon arrival McKinnie was informed by Simon Watson, Attending Physician, that patient (Jack Powell was being discharged and refusing to leave.) Dr Watson explained to the patient, that he was medically cleared to leave. Powell still complained that the pain was unbearable. Dr Watson gave Powell pain medication which was taken by mouth, prior to giving the discharge papers. McKinnie, Bowers and Mullins tried to convince Powell to leave and was (assisting Powell in that process,) but patient became agitated and stated he would sue the hospital.

Bowers contacted Public Safety dispatcher for assistance. LT Warner, Cpl Chapman and PSO Radford, MUSC Public Safety Officers arrived to Bed # 31. Cpl Chapman attempted to talk Powell into leaving, (patient again stated that he was not going to put any more pain on himself by moving.) It Warner, then told Mr Powell he had to go. Mr Powell was assisted to the wheel chair and taken to CSB Ramp, Cpl Chapman offered to assist patient to get home, but patient again was adamant about not leaving the hospital. Powell was placed under arrest for trespassing and taken to Charleston County Detention Center. On Call Security Manager Archie Reid notified.

Involved Officer Summary Information

4. Admit that the MUSC Public Safety Officers offered to take Plaintiff to Roper Hospital on the morning of June 22, 2012. ANSWER; ADMIT-WHEN ON BED.

5. Admit that the MUSC Public Safety Officers offered to take Plaintiff home on the morning of June 22, 2012. ANSWER; ADMIT -WHEN ON BED ;

6. Admit that the MUSC Public Safety Officers offered to call someone for Plaintiff to pick Plaintiff up from MUSC on the morning of June 22, 2012. ANSWER; ADMIT-WHEN ON BED

7. Admit that after Plaintiff told the MUSC Public Safety Officers that they would have to help him off of the bed, the Officers assisted Plaintiff in moving from the bed into the wheelchair. ADMIT; AFTER UNBEARABLE CONTINUED HARASSMENT AND FEAR.

8. Admit that after Plaintiff was placed in the wheelchair, the MUSC Public Safety Officers transported him outside of the hospital in the wheelchair. ANSWER; ADMIT

9. Admit that, once outside of the hospital, the MUSC Public Safety Officers informed Plaintiff that he was free to leave the premises.

ANSWER; DENY, According to officer Kyle Radford when he wrote "6" days later; Then told the suspect that he had the choice of leaving the area under his own free will and better do so.

10. Admit that, once outside of the hospital, the MUSC Public Safety Officers asked Plaintiff to leave the premises. DENY; THEY TOLD ME I HAD A "CHOICE" TO LEAVE.

11. Admit that, once outside of the hospital, Plaintiff told the MUSC Public Safety Officers that he could not get up out of the wheelchair. ANSWER; ADMIT

12. Admit that, once outside of the hospital, Plaintiff told the MUSC Public Safety Officers that they would have to help him out of the wheelchair.

ADMIT ONCE OUTSIDE PUBLIC SAFETY CONTINUED UNBEARABLE HARASSMENT, REFER TO QUESTIONS 9, 10, 11 ONLY AFTER CONTINUED UNBEARABLE HARASSMENT, THE PERSISTANCE TO ARREST ME, UNDER THE INFLUENCE OF OXYCODENE AND WAS UNABLE TO MAKE PROPER DECISIONS FOR MYSELF THAT WERE INFLUENCED BECAUSE OF FEAR.

2. Dr. Watson; Why did the security guards stop trying to pull Mr. Powell from the bed?

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 2 on the grounds that it is misleading. Without waiving and subject to the foregoing objection, Defendant MUSC responds by stating that, upon information and belief, Mr. Powell was never pulled from the bed:

3. Security Guard Ron McKinnie; Why did you stop trying to pull Mr. Powell from the top of the bed?

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 3 on the grounds that it is misleading. Without waiving and subject to the foregoing objection, Defendant MUSC craves reference to the Detailed Activity Report bates labeled BWPH 1.555 (Powell) MUSC BWPH 1.555 (Powell) MUSC 160 with regard to any involvement by Hospital Security with Mr. Powell. Defendant MUSC further responds by stating that Officer McKinnie tried to assist Plaintiff into a seated position on the bed in order to assist him in moving from the bed to the wheelchair. Upon information and belief, Officer McKinnie stopped trying to assist Plaintiff from lying to a seated position because Plaintiff stated that he would not put anymore pain on himself for the hospital.

7. Security Guard Ron McKinnie; Did you think it was a good idea to try and pull the injured Mr. Powell from the bed the second time? Yes or No

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 7 on the grounds that it is misleading. Without waiving and subject to the foregoing objection, Defendant MUSC craves reference to the Detailed Activity Report bates labeled BWPH 1.555 (Powell) MUSC 160 with regard to any involvement by Hospital Security with Mr. Powell. Defendant MUSC further responds by stating that no one attempted to pull Mr. Powell from the bed at anytime.

10. Officer Kyle Radford; Why didn't you help Mr. Powell out of the wheelchair when he said he could not get out because of the pain?

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 10 on the grounds that it is misleading and vague. Without waiving and subject to the foregoing objection, Defendant MUSC states that Officer Radford and the other officers who responded to the dispatch call regarding Mr. Powell assisted Mr. Powell from the bed in the Emergency Department into a wheelchair. Once Mr. Powell was escorted from the Emergency Department and was outside of the Clinical Sciences building, Public Safety assisted him from the wheelchair into a patrol car.



FOREHEAD INJURED WHEN
KNOCKED UNCONSCIOUS



SHOULDER SURGERY 1983
ROTOR CUFF DISEASE



NECK SURGERY 1978, "224" STITCHES
DEGENERATIVE DISC DISEASE
AND DISC OSTEOPHYTE



1ST OPERATION; 1974 WHEN GAMECOCK
FOOTBALL PLAYER; CHRONIC LOOSE BODIES



'2' KNOLOGY UNBURIED CABLE LINES LYING
ACROSS WALKWAY IN BUSY AREA AT 930 FOLLY
ROAD IN FRONT OF OFFICE BUILDING.



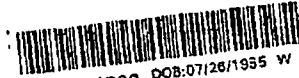
2ND OPERATION; 1977 AT DUKE. ONE OF FIRST
COMPLETE RECONSTRUCTION. "U" SHAPED
METALLIC DEVICE WITH STAPLED TENDONS TO
BONE, SEVERE "3" COMPARTMENT ARTHRITIS.



**"TRIAGE"
Adult Emergency Services Nursing Assessment**
Page 1 of 2

Form Origination Date: 9/03
Version: 8

Version Date: 8/09



PB46864809 DOB: 07/26/1955 W
POWELL
JACK A
Adm: 06/21/12 M1413630

Patient Name
MRN

PATIENT IDENTIFICATION LABEL

DATE: 6-21-12 TIME: 2205 Acuity: 1 2 3 4 5
 TRIAGE: Age 50 F Pain Scale 10/10 GCS 15
 Temp 99.0 Pulse 78 BP 128/74 RR 16 O2 Sat 100%
 Visual Acuity R 1 L 1 Both 1
 Chief Complaint: Trip & Fall c/o
 Objective: Neck / back pain
 Mode of Arrival POL EMS Helicopter
 Trauma Alert Y N Time called: Level:
 Pre-hospital interventions N/A Oxygen IV N/A
 C-collar Splint Immobilization CPR Intubation
 Other:
 Accompanied by: Self Spouse Family Friend
 Parent Police EMS Other
 Name of officer: Badge #:
 AGENCY:
 Sepsis / Pneumonia Screen HR > 90/min RR > 20/min
 Temp > 100.4°F or < 96.8°F SBP < 80 mmHg Diaphoretic for > 14 days
 Productive cough Suspected / known infection
 STEMI Y N Time: SWAT Y N Time:
 BAT Y N Time: Swallow Screen Pass Fail N/A
 Patient having Chest Pain Y N, do EKG STAT Denies
 Triage Nurse Signature: [Signature] Room # assigned: Report to Primary RN:
 Time: 2205 Time:
Primary Nursing Assessment
 Psych NA WNL Appropriate for Age Anxious Sad Agitated Confused Disoriented Suicidal Homicidal
 Skin NA WNL Palpation Warm Dry Cool Diaphoretic Pale Cyanotic
 Eyes NA WNL Pupils R Dilated Pinpoint L Dilated Pinpoint
 ENT NA WNL Mucous Membranes Moist Dry Hearing Normal Impaired Hearing Aid
 CV NA WNL Heart Regular Rate Tachycardic Bradycardic Irregular Rhythm
 Cap Refill Normal > 2 sec. Carotid Radial D/PT
 Pulses Right Present Absent Present Absent Present Absent
 Left Present Absent Present Absent Present Absent
 Resp NA WNL Inspection Normal Insp. Effort Tachypneic Bradypneic Agonal Nasal Flaring Visible Difficulty Breathing Stridor
 Accessory Muscles Use Coughing Non-productive or Producing Clear White Yellow Green Blood-tinged Sputum
 Auscultation: Clear Bilateral Breath Sound Diminished R L Absent R L Crackles R L Wheezes R L
 GI NA WNL Distended Last Meal: Last BM: Nausea Y N Vomiting Y N Diarrhea Y N
 Non-tender Tender RUQ RLQ LUQ LLQ Epigastric Periumbilical Suprapubic
 GU NA WNL Bleeding Discharge: Frequency Urgency Retention
 MS NA WNL Swelling Deformity Pain Ecchymoses Limited ROM Laceration(s) Abrasion(s)
 R Shoulder Upper Arm Elbow Forearm Wrist Hand Neck Back Hip/Pelvis Thigh Knee Lower Leg Ankle Foot
 L Shoulder Upper Arm Elbow Forearm Wrist Hand Neck Back Hip/Pelvis Thigh Knee Lower Leg Ankle Foot
 Neuro NA WNL Alert to Person Place Time Eye Contact: Y N Facial Droop: R L None
 Speech Normal Dysarthric / Aphasic Inability to move RUE LUE RLE LLE Sensory Normal Decreased
 Motor Normal Decreased Gait: Normal Decreased
 Unable to Assess Steady Unsteady Requiring Physical Assistance Walker / Cane GCS: 15
 Primary Nurse Signature: [Signature] Date / Time: 6-21-12 2205
 ah_1W_adultEmergencyAssessment UP 500068 Rev. 8/08

Patient: POWELL, JACK A

MRN: 1413630

Encounter: 846864809

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