

In The State of South Carolina

In The Supreme Court

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FEB 19 2016

SC Court of Appeals

Appealing From The Administrative

Law Court

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S. Phillip Lenski, Judge

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DOCKET NO. 15-ALJ-04-0222-AP

GRIEVANCE NO: ACI-741-13

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Notice of Appeal

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## Arguments

1. Sgt. Williams constantly harassed me in connection with past run-ins.
2. Sgt. Williams was going to strip search another inmate in my cell who did not live there, which is against CDC policy.
3. Sgt. Williams used excessive force and struck me about the head with his radio, which broke.

## Statement of Case

On August 13<sup>th</sup>, 2012 a one Sgt. Williams a Correctional officer of Attendale Correctional Institution started to conduct a strip search of an inmate that did not reside in Appellants cell, which is a direct violation of departmental policy number OP-22.9 section 7-8

Appellants cell-mate was the first to confront Sgt. Williams about conducting the strip search and was forcefully pushed out the cell, which also is a violation of the officers ethics and training policy.

Appellant sees his cell-mate being pushed by Sgt. Williams and asked what was going on. Sgt instructed Appellant to step back and Appellant complied with the officers command and was told he is going to conduct a strip search of another inmate in Appellants cell. Appellant also informed the Sgt. of policy regarding that search.

Sgt. Williams became injured and with excessive force slammed Appellant to the floor and struck Appellant about the eye and head with his radio. A direct violation of the Appellant's Constitutional right to "Equal Protection", a 14<sup>th</sup> Amendment violation. It also shows Appellant was subjected to cruel and unusual punishment a 8<sup>th</sup> Amendment violation.

Appellant was taken to medical and was seen and given butterfly strips for the laceration over the Appellant's eyes. Afterwards he was sent to lock-up and charged with threatening to inflict.

Appellant went through the Agency grievance process and filed a grievance on August 29<sup>th</sup> 2013. which was subsequently denied. Appellant filed a step 2 to headquarters on October 10<sup>th</sup>, 2013 which was untimely answered by grievance policy.

Policy states headquarters has (20 days) to answer a step two grievance. Appellant filed step two October 10<sup>th</sup>, 2013 and Appellant received a answer April 23<sup>rd</sup>, 2015.

Appellant moved forward to the Administrative court and was unfortunately denied because of the Appellant misunderstanding of the rules and procedure of the courts.

Now Appellant comes before this court in search for a square deal in justice concerning his assault from an Agency State official, who has in the past harassed the Appellant and now has viciously attacked Appellant using excessive force and going above and beyond his training.

Also in the process violating Appellants 8<sup>th</sup> Amendment right to not be subjected to cruel and unusual punishment also his right to equal protection by law.

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## Conclusion

Appellant comes before this court asking that justice be served and the officer in question be reprimanded and fired for his use of excessive force against Appellant. Appellant also request that the sanctions put upon him be removed and all privileges fully restored.

## Certificate of Counsel

Appellant certifies that the Administrative Law Court's decision was made September 1st 2015.

## Questions Presented

1. Did Sgt Williams violate Agency policy by trying to conduct a strip search of an inmate in a cell where he did not reside?
2. Did Sgt. Williams use excessive force when he struck Appellant about the head and eye causing the radio to break?
3. Did Sgt. Williams act above and beyond his training?

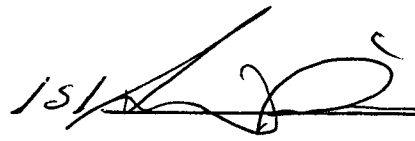
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Proof of Service

Appellant Lewis C Davis hereby certifies that a copy of this Notice of Appeal was this day of February, 9 2016 was served via mail to the South Carolina Supreme Court of Appeals, P.O. Box 11549, Columbia SC. 29211-1549.



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15CSC132712

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