

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

IN THE COURT OF COMMON PLEAS
FOR THE FOURTH CIRCUIT
CASE NO.

DERRICK B. WOODS, 197161)
)
PLANTIFF,)
)
)
V.)

OFFICERS FAVOR, HUNTER AND)
SHAW OF THE SOUTH CAROLINA)
DEPT. OF CORRECTIONS, EVANS)
CORRECTIONAL INSTITUTION)
INDIVIDUALLY AND IN THEIR)
OFFICIAL CAPACITIES,)
)
DEFENDANTS.)

TORT COMPLAINT / ACTION
(JURY TRIAL REQUESTED IF NONE OF
REQUESTED RELIEF CAN BE AGREED UPON)

RECEIVED
NOV 03 2016
SC Court of Appeals

I, DERRICK B. WOODS, PLAINTIFF PROCEEDING PRO SE,
COMPLAINING OF THE ABOVE-NAMED DEFENDANTS (AND OTHER DEFENDANTS
TO BE NAMED LATER POSSIBLY) SUBMIT THIS ACTION PURSUANT TO THE
SOUTH CAROLINA TORT CLAIMS ACT, S.C. CODE ANN. § 15-78-10 et. seq.
SEEKING DECLARATORY JUDGEMENT ACTION AND INJUNCTIVE RELIEF, GENERAL
DAMAGES, PUNITIVE DAMAGES, SPECIAL DAMAGES, ALL COSTS ASSOCIATED
WITH THIS ACTION AND ALL OTHER RELIEF AVAILABLE UNDER LAW AND
HEREIN ALLEGES AS FOLLOWS:

1. THAT THE PLAINTIFF IS AND WAS AT ALL TIMES MENTIONED
HEREIN A PRISONER OF THE STATE OF SOUTH CAROLINA CURRENTLY
CONFINED AT THE EVANS CORRECTIONAL INSTITUTION LOCATED AT 610
HIGHWAY 9 WEST, BENNETTSVILLE, SOUTH CAROLINA 29512
2. THAT THE DEFENDANTS ARE OR WERE OFFICERS OF THE SOUTH
CAROLINA DEPARTMENT OF CORRECTIONS AT EVANS CORRECTIONAL
INSTITUTION.
3. THAT EACH DEFENDANT IS SUED INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT.
EACH DEFENDANT ACTED UNDER COLOR OF STATE LAW.
4. THAT ON SEPTEMBER 16, 2014 AT OR AROUND 5:15 PM THE
PLAINTIFF WAS PLACED IN THE RESTRICTED HOUSING UNIT COMMONLY
CALLED LOCK-UP OR SOLITARY CONFINEMENT BY THE WARDEN OF THE
INSTITUTION FOR A MINOR RULES INFRACTION.

5. THAT WOODS REFUSED TO BE HELD IN A CELL WITH ANOTHER PRISONER FOR 23 HOURS A DAY AND STATED THAT THE CONFINEMENT WAS UNCONSTITUTIONAL THEN WOODS MERELY SAT DOWN ON THE STEPS IN THE AREA.
6. THAT DEFENDANT FAVOR APPROACHED WOODS WITH A CAN OF CHEMICAL GAS IN HIS HAND AND ORDERED WOODS TO GO TO THE CELL BUT WOODS REFUSED AND ASKED DEFENDANT FAVOR TO NOT SPRAY HIM WITH THE GAS.
7. THAT DEFENDANT FAVOR THEN SPRAYED WOODS DIRECTLY IN THE EYES AND FACE, THEN ORDERED WOODS TO STAND AND BE RESTRAINED.
8. THAT AS WOODS STOOD HE WAS GRABBED BY THE ARM WHICH WOODS MOVED HIS ARM AWAY FROM THE CONTACT AS HE COULD SEE NOTHING BEING BLINDED FROM THE GAS.
9. THAT UPON INFORMATION AND BELIEF DEFENDANT SHAW KNOCKED WOODS TO THE FLOOR WITH A STRAIGHT ARM BAR, WHERE WOODS HELD HIS ARMS UNDER HIMSELF.
10. THAT UPON INFORMATION AND BELIEF DEFENDANT HUNTER THEN USED CHEMICAL GAS TO SPRAY WOODS TWO (2) MORE TIMES IN THE EYES AND FACE.
11. THAT UPON INFORMATION AND BELIEF DEFENDANT SHAW BEGAN CHOKING WOODS FROM BEHIND WHICH WOODS THEN RELEASED HIS ARMS WAS LIFTED FROM THE FLOOR, HANDCUFFED BEHIND THE BACK AND TAKEN TO A HOLDING CELL WHERE HE REMAINED AN HOUR OR MORE.
12. THAT DEFENDANTS FAVOR, SHAW AND ANOTHER OFFICER REMOVED WOODS FROM THE HOLDING CELL AND TOOK WOODS BACK TO THE MAIN LOCK-UP AREA WHERE WOODS AGAIN REFUSED TO BE HELD IN A CELL FOR 23 HOURS A DAY WITH ANOTHER PRISONER.
13. THAT DEFENDANT SHAW THEN SLAMMED WOODS INTO A WALL AND RAISED HIS FIST THREATENING TO PUNCH WOODS IN THE FACE THEN BEGAN PUSHING AND SHOVING WOODS BACK TO THE HOLDING CELL.
14. THAT DEFENDANT SHAW SHOVED WOODS INTO THE CORNER ENTRANCE TO THE HOLDING CELL THEN SLAMMED WOODS AROUND INTO THE HOLDING CELL WALLS. WOODS WAS LEFT IN THE CELL AGAIN.
15. THAT AFTER ABOUT THIRTY (30) MINUTES DEFENDANTS FAVOR, SHAW AND ANOTHER OFFICER RETURNED TO THE HOLDING CELL AND DEFENDANT FAVOR ORDERED WOODS TO ACCEPT THE DOUBLE-CELL WHICH WOODS AGAIN REFUSED.

16. THAT DEFENDANT FAVOR THEN USED A LARGER CAN OF CHEMICAL GAS TO SPRAY WOODS AGAIN IN THE EYES AND FACE.
17. THAT WOODS WAS FORCED TO ACCEPT CONFINEMENT TO A CELL WITH ANOTHER PRISONER IN LOCK-UP FOR 23 HOURS A DAY FOR THE NEXT FORTY-FIVE DAYS.
18. THAT DEFENDANTS FAVOR AND HUNTER ARE OR WERE RANKED AS SERGEANTS AT THE EVANS CORRECTIONAL INSTITUTION AT THE TIME OF THIS INCIDENT.
19. THAT AFTER THE INITIAL GASSING, ASSAULT AND RESTRAINT OF WOODS THE ASSAULT AND BATTERY THAT OCCURED AFTERWARDS WAS COMMITTED WHILE WOODS WAS HANDCUFFED BEHIND HIS BACK AND FULLY RESTRAINED.
20. THAT AS A RESULT OF THE INCIDENT AND WOODS PURSUIT OF REDRESS WOODS HAS BEEN AND CONTINUES TO BE SUBJECTED TO ADVERSE AND DISPARATE TREATMENT IN RETALIATION BY PRISON OFFICIALS.
21. THAT THE PLAINTIFF DERRICK B. WOODS HAS BEEN DAMAGED AS A RESULT THEREOF.

LEGAL CLAIMS

22. THAT THE ALLEGATIONS OF PARAGRAPHS 1-21 ARE REALLEGED AND INCORPORATED HEREIN BY REFERENCE.
23. THAT THE UNREASONABLE, UNNECESSARY, UNPROVOKED, UNJUSTIFIED INTENTIONAL AND UNWANTED ATTACK AND BEATING OF PLAINTIFF WOODS VIOLATED WOODS RIGHTS AND CONSTITUTED ASSAULT, BATTERY, EXCESSIVE FORCE, CRUEL AND UNUSUAL PUNISHMENT, OPPRESSION AND VIOLATED DUE PROCESS UNDER THE FOURTH, FIFTH, EIGHTH AND THE FOURTEENTH AMENDMENTS TO THE SOUTH CAROLINA CONSTITUTION AND THE UNITED STATES CONSTITUTION CAUSING WOODS PAIN, SUFFERING, PHYSICAL INJURY AND EMOTIONAL DISTRESS.
24. THAT PLAINTIFF WOODS HAS NO PLAIN, ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF WOODS HAS BEEN AND CONTINUES TO BE IRREPARABLY INJURED BY THE ACTS AND CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE DECLARATORY AND INJUNCTIVE RELIEF WHICH THE PLAINTIFF SEEKS.

PRAYER FOR RELIEF

WHEREFORE, THE PLAINTIFF DERRICK B. WOODS RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING THE PLAINTIFF THE RELIEF AS FOLLOWS:

25. THAT THE COURT ENTER JUDGEMENT DECLARING THE ACTS AND COMMISSIONS OF DEFENDANTS FAVOR, HUNTER AND SHAW AS DESCRIBED HEREIN TO BE A GROSS VIOLATION OF PLAINTIFF WOODS' RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE STATE OF SOUTH CAROLINA AND OF THE UNITED STATES.
26. THAT THE COURT ENTER JUDGEMENT FOR A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS FAVOR, HUNTER AND SHAW TO BE AT LEAST ONE HUNDRED (100) YARDS AT DISTANCE FROM THE PLAINTIFF AT ALL TIMES.
27. THAT DUE TO THE RETALIATION AND ACTS OF REPRISAL AGAINST THE PLAINTIFF BY DEFENDANTS FAVOR, HUNTER, SHAW AND THEIR CO-WORKERS THAT THE COURT ENTER JUDGEMENT FOR INJUNCTIVE RELIEF ORDERING/DIRECTING THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS TO TRANSFER AND/OR REMOVE THE PLAINTIFF TO ANOTHER FACILITY CONSISTENT WITH THE PLAINTIFFS CLASSIFICATION AND CUSTODY LEVEL STATUS.
28. THAT THE COURT ENTER JUDGEMENT GRANTING PLAINTIFF WOODS COMPENSATORY DAMAGES IN THE AMOUNT OF (\$ 50,000) FIFTY-THOUSAND DOLLARS AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY.
29. THAT THE COURT ENTER JUDGEMENT GRANTING PLAINTIFF WOODS PUNITIVE DAMAGES IN THE AMOUNT OF FIFTY-THOUSAND (\$ 50,000) DOLLARS AGAINST EACH DEFENDANT.
30. THAT A JURY TRIAL BE HELD ON ALL ISSUES TRIABLE BY JURY.
31. THAT PLAINTIFF BE RELIEVED OF ALL COSTS IN THIS SUIT.
32. THAT THE COURT AWARD ANY ADDITIONAL RELIEF THAT THIS COURT DEEMS JUST, PROPER AND EQUITTABLE.

RESPECTFULLY SUBMITTED,

D B Woods
DERRICK B. WOODS
EVANS CORRECTIONAL INST.
610 HIGHWAY 9 WEST
BENNETTSVILLE SC 29512

PLAINTIFF

SEPTEMBER 2, 2016

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF AND AS TO THOSE I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT BENNETTSVILLE, SOUTH CAROLINA
ON SEPTEMBER 2, 2016

D B Woods
DERRICK B. WOODS

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 2ND DAY OF SEPTEMBER 2016
S Oull
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: _____