

SOUTH CAROLINA COURT OF APPEALS

Derrick Ternell Bessent, SCDC # 273872,

Appellant,

V.

South Carolina Department of Corrections,

Respondent.

C.A. No. 2017-000006

APPEAL OF
ALJ. SUMMARY
DISMISSAL.

Now comes Appellant, Derrick Ternell Bessent, SCDC
No: 273872; Proceeding Pro Se, A.C.I. Colleton B30;
1057 Revolutionary Trail; Post Office Box 1151; Fairfax,
South Carolina 29827-7127; Petitions Court to have
argument be heard and ruled on:

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STATEMENT OF THE CASE

The Appellant, inmate Derrick Terrell Bessent had surgery in 2011 of November on his lower back; had two discs removed. All stemmed from automobile accident in 2006. He was assigned to pain management while still a civilian. Once he got locked up, SDC stopped his pain management because agency doctor at Kirkland Correctional R.E. stated there was nothing wrong with him even as far as denying him the requested back brace. When he arrived here at Allendale, Dr. Thomas E. Byrnes never acknowledged his medical needs as stated therein. Dr. Byrnes wouldn't even as much as fill out the necessary forms so that he could have an M.R.I performed on his back nor a back brace. Therefore, ALW McKendley Newton denied inmate's Step 1 grievance backing the input of Dr. Byrnes professional and negligent judgment. In appealing the Step 1 grievance, to the Inmate Grievance Branch, Mr. Samuel L. Selters denied the Step 2 given agency's decision was that it isn't severe enough but acknowledge it was chronic. He appealed to the ALJ on July 7, 2016 and was assigned Case Assignment No: 16-ALJ-04-0677-AP. Moreover, ALJ, Ralph Kina Anderson, III, dismissed it on grounds of failure to file brief within (110) days after assignment. I had my brief and when I received notice from SDC that case was dismissed because of past statute of limitations, I did what I thought was best - file a motion to Appeal to South Carolina Court of Appeals on December 2016 from ALJ's decision.

ARGUMENT

Is inmate's Eighth and Fourteenth Amendment to the United States Constitution violated when denied proper

its responsibility or duty in a grossly negligent manner. Thus, if discretion is exercised in a grossly negligent manner, the exception to the normal rule of immunity applies. Jackson v. South Carolina Department of Corrections (S.C. 1989)

CONCLUSION

Inmate Derrick T. Bessent mercifully ask the Court to request an injunction be placed on Dr. Thomas Brynes for failure to proceed with the order of back brace and be granted medical request placed upon SCDC, sustained in order of relief.

Respectfully Requested
and Submitted,
Derrick Bessent
Derrick Ternell Bessent

February 16, 2017
Fairfax S.C.

Derrick Ternell Bessent, #273872
Allendale Correctional Institution
Colleton B30
1057 Revolutionary Trail
Post Office Box 1154
Fairfax, South Carolina 29827-7127

February 16, 2017

Ms. Jennifer Abbott-Kitchens
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211-1629

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Re: Brief

Ms. Abbott-Kitchens,

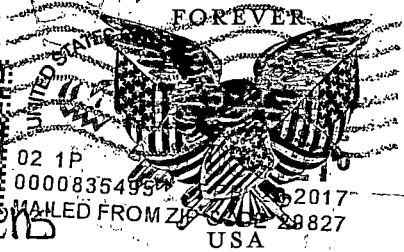
Please take "Judicial Notice" of my appeals brief that is enclosed. I did not get my notice to appeal until February 13, 2017 even though your letter is dated February 9, 2017. That is out of my control. Please send me a checked and dated copy back upon filing. Should there be an associated fee for that part of my request, please let me know in writing. Rede in Kidd Miss A. Kitchens.

Sincerely Yours,
Derrick Bessent
Derrick Bessent

Derrick Fernell Bessent, 27382
Allendale Correctional Institution
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Ms. Jennifer Abbott Kitchens
Clerk of Court
South Carolina Court of Appeals
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