

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM LEXINGTON COUNTY
JUDGE WILLIAM P. KEESLEY

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FEB 23 2018
SC Court of Appeals

STATE OF SOUTH CAROLINA RESPONDENT

V.

PERRY DRAKE GILMORE JR. APPELLANT

APPELLATE CASE NO. 2017-002283

APPELLANT'S MOTION TO REMAND BUT EXCLUDE LEXINGTON COUNTY

Appellant, abovenamed, moves to remand abovecaptioned case to General Sessions Court, but exclude Lexington County for the reasons stated as grounds on appeal in his "Corrected Deficiencies in Notice of Appeal."¹ Appellant requests this case be remanded to whatever county that will or will most likely let him plea to Reckless Driving instead of Hit & Run, Disorderly Conduct instead of Indecent Exposure, and Assault and Battery 3rd Degree instead of 2nd in Transfer Court for time-served the soonest. Because no attorney has yet made a notice of entry on his behalf in this case, Appellant asserts that this motion may be granted despite fact Appellant filed it and not an attorney. Appellant swears under penalty of perjury he was not coerced, is over 18, & is of sound mind.

Thank you.

¹ See attached Amended Complaint, which is an additional reason to exclude Lexington County.

Respectfully,

February 20, 2018
Ridgeland, South Carolina

151 P-101
Perry Gilmore 344879
P.O. Box 2039
Ridgeland, SC 29936
(APPELLANT)

UNITED STATES DISTRICT COURT
DISTRICT FOR SOUTH CAROLINA
FLORENCE DIVISION

Perry Drake Gilmore Jr.,
Plaintiff,

v.

Lexington County,
Defendant.

C/A No. 5:17-cv-01880-CMC-KDW

AMENDED COMPLAINT

RECEIVED
USDC CLERK, FLORENCE, SC
2017 OCT 10 AM 10:59

PARTIES

Plaintiff was a pre-trial detainee in Lexington County Detention Center ("LCDC") and defendant "political subdivision" below-named officials worked for at the time giving rise to this action.

JURISDICTION

This court has jurisdiction to hear this action pursuant to 28 U.S.C. §1367 and S.C. Code of Laws, 1976, Annotated §§15-78-10 et. Seq., "S.C. Tort Claims Act."

FACTS

On June 6, 2017, while at LCDC, plaintiff was struck in his face, head, and back "numerous times" by officers Ryan Dickson, Sergeant Tony Ward, and Sergeant William Holley and "tased" in his left hip and inner right thigh with an "excessively strong taser" "numerous times" "for long periods of time" by Sergeant Tony Ward while plaintiff was lying on his bed not being combative, making threats, or resisting restraint. Master Correctional Officer ("MCO") James Davenport Jr. and Correctional Officer Jose' Becerra, et al., saw this & failed to perform their duties to intervene. Pre-trial detainee Michael Larone Williams witnessed all of the above. Correctional Officer Ryan Dickson later said plaintiff "knocked his helmet off," but plaintiff was found not guilty of this charge in a bench trial in front of the Honorable Judge Bradley Melton in Summary Court in Lexington County on or about June 22, 2017. However, even "if" true, said officers could not "honestly" explain how doing the above to plaintiff would've been "necessary" with plaintiff lying on his bed, not being combative, making threats, or resisting restraint "after the fact." Plaintiff suffered a painful, bloody nose, numerous painful knots on his head, and pain in his back. Plaintiff also suffered painful tasing and prong holes, and now, permanent scars where he was tased, and pain and suffering, mental anguish, and humiliation as the direct result of the above. Sergeant William Holley took pictures and recorded plaintiff's nose and back on June 6, 2017 after the incident. Nurse "Kristen" saw this, plaintiff's injuries, and that plaintiff developed 2 black eyes a day or 2 afterwards.

LEGAL CLAIMS (above's incorporated by reference)
Gross negligence, pain and suffering, mental anguish, humiliation for failing in duty to protect, etc.
PRAYER FOR RELIEF (above's incorporated by reference)
\$100,000 Compensatory damages, \$100,000 punitive damages, and \$100,000 exemplary damages.

VERIFICATION OF COMPLAINT

I verify I have read this Complaint and swear under penalty of perjury it's true, and as to the things I believe, I believe they're true.

October 4, 2017
Columbia, SC

151P Gilmore
Perry Gilmore #344879
KCI R&E Ctr. A2-38 B
4344 Broad River Rd.
Columbia, SC 29210
(PLAINTIFF) (PRO SE)

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PROOF OF SERVICE

This proves I served a copy of my Motion to Remand, But Exclude Lexington County on Respondent at his last known address by mail, postage paid.

February 20, 2018
Ridgeland, South Carolina

/s/ P. Gil
Perry Gilmore 344879
P.O. Box 2039
Ridgeland, SC 29936
(APPELLANT)

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REF: State v. Perry Drake Gilmore Jr.
Appellate Case No. 2017-002283

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Dear Clerk:

Please find enclosed for filing and scheduling for hearing, my Appellant's Motion to Remand, But Exclude Lexington County. Please mail me the Case History and Event Descriptions showing me that it has been filed and scheduled for hearing.

Thanks.

Respectfully,

CC: Alan Wilson, Atty. Gen., Respondent
Bradley Pogue, Asst. Sol., Lexington County

Perry Gilmore
Perry Gilmore 344879
P.O. Box 2039
Ridgeland, SC 29936
(APPELLANT)

February 20, 2018
Ridgeland, South Carolina

