

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
 Marshall Leon Watkins)
 SCDC#189309)
 PLAINTIFF,)
 VS.)
 Bryan P. Stirling, Director)
 SOUTH CAROLINA Dept. of)
 CORRECTIONS)
 Scott Lewis, Warden)
 Perry Correctional Inst.)
 DEFENDANTS.)

Appealing Case
 IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT

S U M M O N S

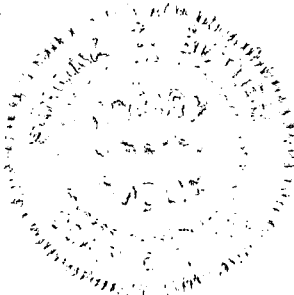
RECEIVED
 JUL 27 2018
 SC Court of Appeals

TO THE DEFENDANTS ABOVE-NAMED:

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

Marshall Watkins
 Marshall L. Watkins, #189309

Notarized this 22nd day of May 2018.
Sabrina J. Bitler
 Notary of Public
 My Commission expires: March 29, 2028



Marshall L. Watkins, #189309
 Broad River Correctional Institution
 4460 Broad River Rd.
 Columbia, S.C. 29210

RECEIVED

JUL 27 2018

SC Court of Appeals

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 Marshall Leon Watkins)
 SCDC# 189309)
 PLAINTIFF,)
)
 VS.)
)
 Bryan P. Stirling,)
 Director South Carolina)
 Department of Corrections)
)
 Scott Lewis, Warden)
 Perry Correctional Inst.)
)
 DEFENDANTS.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

COMMENCEMENT OF ACTION AND COMPLAINT

JURY TRIAL REQUESTED

The Plaintiff above-named, complaining of the Defendants herein would respectfully show unto this Honorable Court and alledge as follows:

PARTIES

1. The Plaintiff is a resident of the State of South Carolina, and is currently an inmate within the South Carolina Department of Corrections and is presently located at the BROAD RIVER CORRECTIONAL INSTITUTION, in Columbia South Carolina.
2. The Defendants, South Carolina Department of Corrections (herein after referred to as "SCDC"), is a governmental agency/entity existing under the laws of the State of South Carolina and has facilities located throughout the state, and more particularly the said institution involved. The Perry Correctional Institution, located in Pelzer, South Carolina. At all times hereinafter mentioned in this Lawsuit, as the Defendants SCDC, acted and carried on their business by and through their agents, servants, and/or employees at its various locations, particularly Perry Correctional Institution.

FACTUAL ALLEGATIONS

3. In May 2016, I, Marshall Leon Watkins, SCDC#189309 (Plaintiff), was in the care and custody of the South Carolina Department of Corrections at the Perry Correctional Institution, but currently am residing at the Broad River Correctional Institution.

4. The Plaintiff is informed and believes that prior to the events in question, Perry Correctional Institution (as a level three (3) institution) had a long history of failure to properly dispense medicine to inmates, as well as excessive force on its lock-up units.

5. Specifically, on May 20, 2016, at approximately 8:00 P.M. While in the lock-up unit at Perry Correctional Institution, Plaintiff was awakened by Nurse Ms. Jones, and told to come and take my medicine.

6. Plaintiff got out of bed, and went to the door and was given the medications through the door-flap. Plaintiff then got the meds, swallowed them with water and went back and sat on his bed.

7. Upon Nurse Ms. Jones, leaving from the cell door, Plaintiff proceeded to use the restroom. As I was standing there using the restroom, I began to feel light-headed and dizzy.

8. Upon finishing using the restroom, Lt. Smith appeared at the Plaintiff's cell door and asked me what did I do with the medicine that Nurse Ms. Jones had given me. I told Lt. Smith, I had taken the medicine, and Lt. Smith then stated "okay" and left.

9. After Lt. Smith left my cell door, I laid back down in my bed because the medicine had really started to kick in, and had me feeling really dizzy. I immediately fell into a deep sleep.

10. Around approximately 7 or 8 A.M., Plaintiff was awakened by officers beating on my cell door, and calling my name. As I became alert and aware, I noticed that I was unable to move my limbs. My body had locked-up and had me in a paralytic type state.

11. As the officers kept calling me, and my not being able to respond, I then began feeling a wet burning sensation in my face and eyes. I also began to gag and loose my breath.

12. I became so overwhelmed that my body began to go into shock. The Mace helped me sit up and I felt my way to the cell door, to be handcuffed. Officers extracted me out of my cell and took me to the shower and afterwards i was checked by Nurse Ms. Jones.

13. After showering and upon regaining my faculties and functions, I began to ask why was it that Lt. Taylor, sprayed me with the Mace? Lt. Smith informed me that it was protocol for them to spray an inmate on lock-up status when they fail to respond to a verbal command. So because I continued to lay in the bed when Lt. Taylor and other officers were calling me, I was sprayed with Mace.

14. I noticed that Lt. Surratt, had the camera and was filming the situation, I then asked Lt. Surratt, did she film the whole situation and she said yes. I then asked her did that include when I was in my cell, and she again said yes.

15. Upon getting out of the shower I was immediately handcuffed and escorted back to my cell. I then asked "why was I not being allowed to see a doctor or taken to a hospital. I was told by all four (4) Lieutenants (Blackwell, Smith, Surratt and Taylor) that "I was okay and didn't need anymore attention. I then asked them could I please be given some clothes because I was totally naked. I also asked to be placed into another cell as mine was stilled painted with the Mace the officers had sprayed. All of them told me no, then put me back into the same cell totally naked, and left me in that condition until the next day.

16. I continued to ask throughout the day for Ofc. Moore, to please give me at least one blanket being that it was cold in my cell. Ofc. Moore, informed me that pursuant to their orders, I was not to be given anything but my food.

17. As a direct of being given the wrong medication, my body still continues to sporadically lock-up and I at timed loose my body functions. I experience anxiety and mistrust in taking my medications from other nurses.

18. As a direct result to the officers excessive use of force with the usage of the Mace, I have received permanent scaring on my face and under my eyes, and I continue to suffer from shortness of breath at times and nightmares.

FOR A FIRST CAUSE OF ACTION

GROSS NEGLIGENCE

1. The Plaintiff reiterates each and every previous relevant allegation as if repeated verbatim herein.
2. The above set forth incidents and the Plaintiff's resulting injuries and damages were proximately caused by the grossly negligent, reckless and willful and wanton acts of the Defendants in the following particulars:
 - a. In failing to properly train, monitor and supervise its personal agents and/or employees so as to ensure the safety of the inmates located at the Perry Correctional Institution lock-up units.
 - b. In failing to have appropriate policies and protocols in place to provide for the safety and wellbeing of the inmate population in the Perry Correctional Insitution's lock-up units.
 - c. If such policies exist, in failing to follow the same;
 - d. In failing to recognize a clearly dangerous situation after being informed by the nurse that Plaintiff was given the wrong medication;

- e. In failing to properly access and plan before administering the unreasonable amount of force to an medically unresponsive person;
- f. In failing to protect Plaintiff;
- g. In failing to provide Plaintiff with the proper medical attention after being given the wrong medications by a nurse and being assaulted by officers.

3. As a direct result of the Defendants' reckless, willful wanton and grossly negligent conduct, the Plaintiff was severely injured, suffered needlessly, incurred permanent scarring, and incurred permanent impairment and disability.

WHEREFORE, the Plaintiff prays for judgement against the Defendants' for an award of actual, consequential, and punitive damages, the costs of this action, attorney's fees and for such other and further relief as this court deems just and proper.

Marshall Leon Watkins 189309
Marshall Leon Watkins, SCDC#189309

Notarized this 22nd day of May 2018.
Sabrina J Butler
Notary of Public
My Commission Expires: March 29, 2028



RECEIVED

JUL 27 2018

SC Court of Appeals

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Marshall Leon Watkins)
SCDC#189309)

PLAINTIFF,)

VS.)

Bryan P. Stirling,)
Director South Carolina)
Department of Corrections)

Scott Lewis, Warden)
Perry Correctional Inst.)

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

CERTIFICATE OF SERVICE

I, Marshall Leon Watkins SCDC#189309 (Plaintiff), do hereby
this Motion certify that I did serve the "COMMENCEMENT OF ACTION
AND COMPLAINT:", on the Defendants (SCDC), by depositing the
same in the U. S. Mail addressed as follows:

OFFICE OF ATTORNEY GENERAL
P.O. BOX 11549
COLUMBIA, S.C. 29211

OFFICE OF GENERAL COUNSEL
4444 BROADRIVER ROAD
COLUMBIA, S.C. 29221-1787

Marshall L. Watkins
Marshall L. Watkins, #189309

Notarized this 22nd day of May 2018.
Salvia J Britten
Notary of Public

My Commission Expires: March 29, 2028

I am APPEALING My case UNDER I DID NOT get MY MAIL in time.
and I ask THAT YOU HONOR MY REQUEST IN APPEALING A CIVIL SUIT
The Judge never Dismissal My suit but he never said with
Prejudice are Without Prejudice so I ask that you let
me go on with my APPEAL in your COURT I have sent my
SUMMONS to the state marshal office. with the Address and
Name of the Defendants in my civil case, and I sent one
to the Richland COUNTY CLERK of COURT. Please contact
me back soon AS possible. Sign. Marshall Dean Watkins

7-23-18

RECEIVED
JUL 27 2018
SC Court of Appeals

Marshall Leon WALKING SCDC 189309
Lieber Corr INST CA 17
136 Wilborn Avenue
P.O. Box 205
Ridgeville, S.C. 29472

RECEIVED
JUL 25 2018
MAIL ROOM
LIEBER C.L.

SC. Court of Appeal
Jenny ABBOTT Kitchens Clerk
COLUMBIA, S.C. 29211

FOR LEGAL USE ONLY

RECEIVED
JUL 27 2018
SC Court of Appeals