

South Carolina Court of Appeals

Perez Antwan Brooks

Plaintiff

V.

SCDC

Defendant

Civil Action

File no. 2017-001295

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SEP 19 2018

SC Court of Appeals

Verified Emergency Petition For Temporary
Restraining Order and/or Preliminary Injunction

Come now Plaintiff Perez Brooks files Verified Emergency
Petition for Temporary Restraining Order and/or Preliminary Injunc-
tion Pursuant to South Carolina Court of Appeals rules
against the Defendant SCDC.

Parties To The Action

1. Plaintiff Perez Brooks at all times relevant is a prisoner at
Broad River Correctional Institution.
2. Defendant is South Carolina Department of Corrections
(SCDC)

Brief Background

- 1) Plaintiff was electrocuted September 14, 2018 at Brant River Correctional Institution Munitry 1063 Plaintiff was denied medical/emergency treatment.
- 2) Defendant refused to take plaintiff to Emergency Room after repeated request due to pain and increased seizures, numbness, Short of breath, Chest pain and burns on fingers and foot which is evident in shoe.
- 3) To date defendant have knowingly and willingly failed to adhere to mandatory mandates of federal and state law (8th Amendment Cruel and unusual punishment)
- 4) To date nothing has been presented to plaintiff to ensure that Emergency Treatment was a remote factor

Memorandum of Law In Support of temporary restraining order and/or preliminary Injunction

Plaintiff incorporates fully and by this specific reference The 8th Amendment.

A motion for mandatory Temporary Restraining Order and/or Injunction is extraordinary motion which is time sensitive, unlike other motions, because it seeks to preserve

the status quo until a full hearing can be held to avoid irreparable harm.

In one such instance which "Injunction" is appropriate because "when an interest in health and safety serious medical need is threatened with harm, such harm is deemed to be irreparable to the prisoner health and money damages are not adequate compensation to protect the interest harmed. See Following:

Plaintiff has made a showing that without an Emergency Order granting Temporary Restraining Order and/or Preliminary Injunction, Plaintiff will be irreparably harmed. Plaintiff is being denied the right to medical treatment of a serious medical need. Allows

(A) Allows courts to grant orders without notice to opposition in certain circumstances:

Rule 6d, Rule 8 and Rule 72(e)

(B) Temporary Restraining Orders when granted without notice of hearing, application to dissolve or modify a Temporary Restraining Order may be granted without or oral notice to the adverse party or their attorney only if it clearly appears from specific facts shown by

Affidavit or by verified complaint that immediate and irreparable damage, injury or loss will result to the applicant before the adverse party or their attorney can be heard in opposition, and (2) certifies to the Court, in writing, the effort if any which have been made to give the notice and the reasons supporting the party claim that notice should not be required.

Conclusion And Prayer For Relief

Plaintiff in this matter, would approach Defendant in the appropriate manner as required and have tried on multiple occasions in attempt to remedy what could result in plaintiff loss of life and/or serious injury through no fault of his own. The Defendant on the other hand refused to adhere to the mandatory State and Federal laws that would have allowed Plaintiff to medical treatment + for serious medical needs, life threatening injuries, blatantly showing bad faith, and a healthy lack of respect for the laws of the state.

Plaintiff has shown that Defendant violated plaintiff rights under ADA statutes, USC 8th Amendment thereby entitling Plaintiff to appropriate relief provided for by statute.

Plaintiff regrets the emergency nature of this
Petition and pray the court grant the following relief:

- A) Grant an emergency temporary restraining order and/or preliminary injunction to prevent the deliberate indifference to serious medical needs
- B) Compel release of prisoner immediately
- C) Compel validation of alleged Aada violations and 8th Amendment
- D) Compel compliance with Aada and constitutional rights under the 8th and 14th amendments.
- E) Grant Plaintiff all court cost and court related fees
- F) Grant Plaintiff any and all other and/or further relief allowed by law and/or which this court deem just and proper

Respectfully submitted this 19 day of
September 2018.

My name is Roslyn Brooks and I have been appointed Fiduciary of my husband/plaintiff Perez Brooks through department of Veterans Affairs. I know that I can act on the plaintiff Mr. Brooks behalf with ~~the~~ department of Veterans Affairs but I know the State courts are a different Entity. I was unsure of what else to do because at this time my husband/plaintiff Mr. Brooks life is in danger at Broad River Correctional Institution but within SCDC as a whole. On September 14, 2018 my husband/plaintiff Mr. Brooks was electrocuted which left him barely able to talk, heart rate above normal, numbness, pain in chest, burns on fingers/hand and foot but Broad River refuse to get him any medical treatment to ensure that there has not been any internal damage from electro shock. The damage that has been caused to my husband may be irreparable and could cost his life because SCDC refuse to get him any medical treatment. There has been other medical negligence and abuse by officers that has happened to my husband/plaintiff Mr. Brooks, so I had to do something to try and preserve my husband/plaintiff Mr. Brooks life. I am attaching a copy of my letter from Veteran Affairs appointing me as

Fiduciary over Mr. Brooks because Veterans Affairs deemed Plaintiff Mr. Brooks incompetent. It has been very difficult trying to get a civil rights or medical attorney to fully take on Mr. Brooks case therefore I am also submitting a request for Emergency Petition for Temporary Restraining Order and/or Preliminary Injunction to try and get some type of relief for Mr. Brooks. I previously submitted documentation for his appeal, to see if there could be any relief there also, because his previous attorney abandoned his appeal. Mr. Brooks needs help because the prison does anything to silence the inmates so I have to advocate on Mr. Brooks behalf. This is a plea for help to preserve and protect Mr. Brooks life and to get him out of imminent danger.

Respectfully Submitted

by: Roslyn Brooks
3515 Pine wood Rd.
Sumter, SC 29154

Perez Brooks #372744
Broad River Correctional
Mutiny 10263
4460 Broad River Rd
Columbia, SC 29210



DEPARTMENT OF VETERANS AFFAIRS
Columbia Fiduciary Hub
PO Box 9367
Columbia, SC 29209-9998

January 29, 2018

MR PEREZ BROOKS
3515 PINWOOD RD
SUMTER SC 29154

In Reply Refer To:
319/23/130
CSS [REDACTED] 4136
BROOKS, PEREZ A.

Dear Mr. Brooks:

This letter is to inform you that a fiduciary has been appointed to manage your Department of Veterans Affairs (VA) benefits. A fiduciary is a person who acts on your behalf to manage your VA benefits. Upon appointment by VA, your fiduciary is obligated to you to act with care and loyalty in managing your benefits. After careful consideration, we have decided that your interests will be best served by appointing Roslyn Brooks to serve as your fiduciary.

Pursuant to the provisions of 38 U.S.C. § 5507, VA must conduct an investigation prior to certifying an individual as a fiduciary for a beneficiary. As a part of that investigation, VA should consider, to the extent practicable, the individual's credit and criminal history, a face-to-face interview, and evidence of a bond. We conducted the required investigation. Based on information obtained from that investigation, we have determined that Roslyn Brooks is best suited to receive your VA benefits in a fiduciary capacity.

Your fiduciary's contact information is:

ROSLYN BROOKS
3515 PINWOOD RD
SUMTER, SC 29154
Telephone: 803-720-1741

Based on the meeting with you and Lynn Rogol, Field Examiner, your fiduciary will use your monthly VA benefit payment to pay a portion of the following expenses:

Expense	Monthly	Balance Owed
Auto Insurance-Spouse	\$159.58	\$0.00
Vehicle Registration/Taxes	\$35.00	
Vehicle payment of Spouse	\$500.00	\$0.00
Vehicle Expense	\$300.00	
Student Loans-Spouse	\$90.00	\$0.00
Spouse Credit Cards	\$280.00	\$0.00



DEPARTMENT OF VETERANS AFFAIRS
 Columbia Fiduciary Hub
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January 29, 2018

In Reply Refer To:
 319/23/130
 CSS [REDACTED] 4136
 BROOKS, PEREZ A.

ROSLYN BROOKS
 3515 PINWOOD RD
 SUMTER, SC 29154

Dear Mrs. Brooks:

Our records indicate that VA Field Examiner, Lynn Rogol, contacted you on January 25, 2018, to appoint you as VA fiduciary for Perez Brooks. This letter confirms your appointment as fiduciary.

Mr. Brooks is entitled to receive \$3,363.08 monthly in VA compensation benefits. The beneficiary's monthly expenses were identified and discussed during your meeting. Those expenses are listed below, and also on the enclosed VA Form 21P-4703, *Fiduciary Agreement*. You must contact the beneficiary immediately to discuss and confirm the expenses noted below, and determine any other wants or needs identified by the beneficiary.

MONTHLY FUND USAGE AND NEEDS:

Expense	Monthly	Balance Owed
Auto Insurance	\$159.58	
Vehicle Registration/Taxes	\$35.00	
Vehicle payment of Spouse	\$500.00	\$0.00
Vehicle Expense	\$300.00	
Student Loans	\$90.00	
Spouse Credit Cards	\$280.00	\$0.00
Rent	\$800.00	
Personal Needs	\$400.00	
[REDACTED]		
Medical Insurance	\$365.00	
Medical Co-pays	\$25.00	
Life Insurance	\$70.00	
Internet	\$65.00	
Home Phone	\$45.00	
Groceries	\$600.00	

ATTN: Brandon (Case Manager)

RE: The State of South Carolina, Respondent v.
Perez Brooks, Appellant; Case No. 2017-001295

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