

STATE OF SOUTH CAROLINA

)

IN COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

)

FIRST JUDICIAL CIRCUIT

)

C/A No 2017-CP-18-1438

Jamin Mazyck #238056 Plaintiff,

)

VS.

)

MOTION FOR LEAVE TO FILE

)

AMENDED COMPLAINT

SOUTH CAROLINA DEPARTMENT OF

)

(Trial by Jury Demanded)

CORRECTIONS(SCDC)

)

Defendants.

)

_____)

NOW COMES PLAINTIFF, JAMIN MAZYCK #238056, Pro se, who brings this Motion For Leave To File Amended Complaint against Defendants, SCDC in support thereof Plaintiff would plead and show unto this court (see attached complaint):

RECEIVED

JUL 05 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA)	IN COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)	FIRST JUDICIAL CIRCUIT
JAMIN MAZYCK, #238056,)	C/A No: 2017-CP-18-1438
Plaintiff,)	
VS.)	
)	AMENDED COMPLAINT
SOUTH CAROLINA DEPARTMENT OF)	(Trial by Jury Demanded)
CORRECTIIONS(SCDC))	
Defendants.)	
_____)	

NOW COMES PLAINTIFF, (Jamin Mazyck), pro se, who brings this amended complaint against Defendants SCDC, in support thereof, Plaintiff would plead and show unto this court.

PARTIES AND JURISDICTION

- A. Plaintiff Jamin Mazyck is an inmate within SCDC and were incarcerated at Lieber Correctional Institution (L.C.I) located in Ridgeville, SC at all times relevant to this action.
- B. Defendant South Carolina Department of Corrections (SCDC) is a government entity of the state.
- C. All defendants were at all times relevant hereto, retained by SCDC to provide security, safety, and adequate medical care.

The Circuit Court in which this action is brought has jurisdiction over the subject matter of this suit pursuant to section 15-78-10et. Seq of the SC Code of Law (1976) as amended.

STATEMENT OF FACTS

The Plaintiff is informed and believes that prior to the event in question, Lieber Correctional Institution as a level three (3) Correctional Institution had a long history of failing to provide adequate medical care and adequate security.

1. On June 28, 2017 approx. 10:30pm, Plaintiff was informed by Nurse Roper "that his seizure medication ran out"¹ and couldn't provide plaintiff with his required daily dosage of seizure medication that night.
2. On June 29, 2017, approx. 10:15pm, Plaintiff was informed by Nurse Cooper "that his seizure medication wasn't in stock" and she couldn't provide Plaintiff with his required daily dosage of seizure medication.
3. On June 30, 2017, approx. 10:40pm, Nurse Cooper informed Plaintiff again "that his seizure medication has not come in and that she will check into it" and that night Plaintiff wasn't provided his required daily dosage of seizure medication.
4. On July 1, 2017, approx. 10:30pm, Plaintiff expressed his anxiety to Nurse Finagin about not being provided any of his needed seizure medication since Tuesday June 27, 2017. Nurse Finagin said, "she will also look into it, but hopefully it comes in tomorrow" and that night Plaintiff wasn't provided his required daily dosage of seizure medication.
5. On July 2, 2017, approx. 10:20pm, Nurse Roper informed Plaintiff "that SCDC pharmacy has yet to send his seizure required medication" and Plaintiff wasn't provided his required daily dosage of seizure medication that night.
6. On July 3, 2017, approx. 11:00pm, Nurse Cooper expressed her annoyance in not knowing why Plaintiff seizure medication haven't arrived and she informed Plaintiff "that she will again check into it" and Plaintiff wasn't provided his required daily dosage of seizure medication that night.
7. On July 4, 2017, approx. 4:15pm, after Plaintiff visitation ended. Plaintiff went to Lieber Correctional Institution medical facility to inquire about whether his seizure medication have arrived. ²

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- 1) At 7:00 pm all inmates are supposed to be secured behind their respectable assigned cells until the following morning. Therefore, all inmates rely solely on medical personal to pass out all required medication during night pill line.
 - 2) Plaintiff sister and mother was also calling Lieber Correctional Institution administration and medical inquiring upon why Plaintiff wasn't being provided his needed seizure medication.

8. Plaintiff expressed his concerns to Officer Palmer and she went and got Nurse Lynch. Plaintiff informed Nurse Lynch about the last time he was provided his required daily dosage of seizure medication.
9. Nurse Lynch then went to check to see if Plaintiff medicine was in the medicine room and came back to informed Plaintiff that she "put it in the CRT system (internal email) to SCDC Pharmacy Department at Headquarters to renew his seizure medication but Plaintiff was informed that "it won't arrive today because today is a holiday."
10. However, that night approx. 10:30pm, Nurse Middleton informed Plaintiff "that his seizure medication did not arrived and it has been placed in the CRT system (internal email) and that night Plaintiff wasn't provided his required daily dosage of seizure medication.

11. On July 5, 2017, approx. 10:40pm, Nurse Cooper informed Plaintiff "that his seizure medication did not arrived this morning" and Plaintiff wasn't provided his required daily dosage of seizure medication.
12. Plaintiff then informed Nurse Cooper that Nurse Lynch informed him that his medication will be provided to him for tonight pill line.
13. Nurse Cooper was surprised to what Plaintiff just informed her and she made a note to check into why Plaintiff still haven't been provided his required daily dosage of seizure medication.
14. On July 6, 2017, approx. 8:00am, Plaintiff was awoken by a spinning sensation and feeling light headed as he made his way to his room door to called out for the officer assistance. Specifically, just prior to and during the time period in question, the Warden and administrators and medical staff at Lieber Correctional Institution failed to provide to Plaintiff his medication for his seizure disorder and the adequate and/or specific number of properly trained security guards at numerous locations throughout the facility. Furthermore, the administrators, employees and correctional staff of Lieber Correctional Institution knew or should have known that their failure to provide Plaintiff his prescribed medication for his seizure disorder and adequate security would result in unsafe conditions for plaintiff as well as the inmate population.³ However, no officers were visible on the wing to respond to plaintiff call for help.
15. Additionally, prior to and during the time period in question, SCDC policies and procedures required correctional officers to perform cell/security checks at least once every thirty (30) minutes. This required the correctional officers to actually see and confirm that each inmate located within the unit during these security checks was alive and well. Prior to and during the time period in question, these were not being performed, which were in conscious violation of the SCDC policies and procedures.
16. It wasn't until Plaintiff was able to call his sister on a cell phone he was in possession of at that time. Plaintiffs mother called Lieber Correctional Institution to informed them that her son about to go into a seizure and need medical attention immediately.
17. About three (3) minutes later, Officer Butler who was the assigned wing officer and Officer Wilson came to Plaintiff door inquiring if everything was alright with him. Plaintiff responded "that he needed to go to medical because he feels he's about to have a seizure."
18. Further, just prior to and during the time period in question, the administrations, employees and correctional staff at Lieber Correctional Institution was well aware and knowledgeable of Plaintiff prescribed medication for his seizure disorder and lower lumbar spinal conditions as well as the potential danger, pain, and injury that will be bestowed upon Plaintiff without them providing him his prescribe medication. Officer Butler and Officer Wilson then proceeded to go call medical but by the time they returned Plaintiff was already having a seizure. *il. p. 10*
seizure
so
of common
19. Mr. John Woods, #280812 at that relevant time of incident was Plaintiff roommate at Lieber Correctional Institution in Edisto Unit A-10, then jumped down from his top bunk

yelling for the officers to do something because Plaintiff was having a seizure on the floor and he didn't know what to do.

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- 3) On that day it was discovered that an inmate had escaped from Leiber Correctional Institution and the institution was placed on a security lock down status.

20. Officer Butler then called for medical first responders after witnessing Plaintiff having a seizure episode.
21. Once first responders arrived, Officer Butler, Officer Wilson, and Lieutenant(Lt.) Floyd proceeded in opening Plaintiff room door to let Mr. Woods out so they can attend to Plaintiff.
22. However, Lieutenant Von Mutius and Officer Sheik Johnson came on the wing and Lt. Von Mutius stated, "there's a cell phone in that room" and instructed Officer Butler, Officer Wilson and Lt. Floyd to get Plaintiff out the room.
23. Officer Butler, Officer Wilson and Lt. Floyd help removed Plaintiff out the room to an awaiting wheelchair for Lt. Von Mutuis and Officer Sheik Johnson to search Plaintiff and Mr. Woods room.
24. Plaintiff was then taken to Medical by Lt. Floyd and was apparently seen by Nurse Katherine Dela Rosa. Nurse K. Dela Rosa without administrating to Plaintiff any medication for his seizure disorder was cleared to be escorted back to his room by Lt. Floyd still confused and disoriented.
25. Further, the defendant knew or should have known that their conscious failure to provide to Plaintiff his prescribed medication for his seizure disorder and adequate medical care would result in an unsafe and possible permanent brain damage or death to plaintiff.
26. Lt. Floyd and an On Job trainee(OJT) escorted Plaintiff in a wheel chair back to his unit to be placed in his room and found Mr. Woods at that time cleaning and getting Plaintiffs and his assigned room in order because Lt. Von Mutius and Officer S. Johnson just shook their room down.
27. However, Lt. Floyd and the OJT tried to entered the room while carrying Plaintiff and while Mr. Woods was trying to removed boxes and personal property off Plaintiff bed for them to lay Plaintiff down.
28. Mr. Woods became agitated because Lt. Floyd continued to rush him while he was trying to clear Plaintiff bed so they could lay him down, but Mr. Woods stop and told them "to remove all Plaintiff personal property off his bed themselves."
29. Lt. Floyd and the OJT with no care of mind just dropped Plaintiffs on the floor on top of a box and lean Plaintiff who was still incoherent head against a wall and immediately left the room.
30. After Lt. Floyd secured the room door, Lt. Von Mutius start asking Mr. Woods "who contraband is this?" while Plaintiff was still incoherent and non-responsive to anything around him. Lt. Von Mutius said, "just charge both of them." Then Mr. Woods

proceeded to clear Plaintiff's bed off because Lt. Floyd and the OJT left Plaintiff exposed to further injuring himself by placing Plaintiff on the floor on top of a box and head leaning against the wall.

31. In addition, Mr. Woods, attempted several times to awake Plaintiff so he could place Plaintiff on his bed. As Mr. Woods continued to attempted to awake Plaintiff, Plaintiff suddenly woke up hysterical, frighten and disoriented.
32. Mr. Woods tried to calm Plaintiff down so he could lay Plaintiff on his bottom bunk bed and after a few more attempts. Mr. Woods was able to place Plaintiff in his bed.
33. Approx. twenty (20) minutes later while Mr. Woods was still cleaning the room. He heard a banging and noticed it was Plaintiff's in his sleep having another seizure and Plaintiff head hitting against the wall making that noise.
34. Mr. Woods then ran towards Plaintiff's and pull Plaintiff's and his mattress on the floor then went to bang on the door for some help.
35. Mr. Woods noticed Lt. Von Mutius, Officer S. Johnson and Nurse Dela Rosa passing out medication for the morning pill pass up stairs and caught their attention. However, Lt. Von Mutius looked in Mr. Woods direction and ignored Mr. Woods banging and calls for help and they all just walked off the wing.
36. Additionally, the administrative staff and medical staff of Lieber Correctional Institution was well aware of all Plaintiff's serious medical conditions and the earlier medical first responders call.
37. Wherefore, Mr. Woods was left to ask other inmates behind their cell doors what should he do because Plaintiff's was on the floor having seizures.
38. Approx. five (5) minutes later, Edisto Unit Counselor Wellington Williams casually came to see what all the banging and screaming was about.
39. As inmates begin to yelling that Plaintiff is having seizures. Counselor Williams went to see why Mr. Woods was also yelling and banging on his door.
40. When Counselor Williams saw Plaintiff having seizures, he became panic-stricken not knowing what to do until Mr. Woods yelled "man open the door and call medical!"
41. Counselor Williams immediately open the door and kneel beside Plaintiff still not knowing what to do and called medical first responders again while him and Mr. Woods continue to witness Plaintiff head banging the floor continuously during his seizures.
42. Finally, assistance arrived Officer Seth Beasley and Officer Sheik Johnson neither crisis trained also just stood watched Plaintiff head continuously bang the floor doing his seizures.
43. Counselor Williams became frustrated because he called for medical first responders and security first responders came and Counselor Williams asked Officer S. Beasley and Officer S. Johnson "where is medical?"
44. It wasn't until Officer Smith arrived without medical that he and Mr. Woods begin to protect Plaintiff head from further hitting the floor While plaintiff was still having his seizures.

45. Thereupon, Plaintiff was then carried out his room by Counselor Williams, Officer Smith, Officer S. Johnson, and Officer S. Beasley to an awaiting wheel chair where Plaintiff was placed in as his seizures continued.
46. While Plaintiff was placed in the wheel chair during his seizures episodes. Plaintiff seizures begin to subside and Plaintiff woke out of his seizures and became hysterical and fell out the wheel chair disoriented not recognizing what was going on and went into another seizure.
47. As Plaintiff continued to have multiple seizures episodes, no medical personnel still haven't arrived and Plaintiff was subjected to be in the care of untrained correctional officer with no crisis training.
48. Finally, Mr. Woods intervened in calming Plaintiff down when he recognized that Plaintiff became frightened and hysterical when he was coming out his seizures. In addition, due to the fact that no medical personnel arrived. After multiple medical first responder calls were called out. Plaintiff was still left with untrained correctional officers and Plaintiff roommate.
49. Mr. Woods then decided to retrieve Plaintiff mattress and pillow as Plaintiff was carried to the bottom day room while Plaintiff was still coming out of his seizures to await medical arrival.
50. During the time period in question, SCDC policies and procedures required that the correctional officers working in Edisto Unit which is designated as the Mental Health Unit to be properly crisis trained and certified to recognize and provide emergency medical care to inmates who required such care. Also, during the time period in question SCDC/Lieber Correctional Institution had the duty to provide inmates and plaintiff with 24-hour medical care; and their prescribed medications.
51. When medical personnel finally arrived, Plaintiff being incoherent was rushed to a holding cell in operation and unreasonably placed on a bench without any supervision nor seizure medication administered to him. Shortly, Plaintiff went into several more seizure episodes and fell off the bench and hit his head on the floor.
52. Major Timothy Clark was called and became upset with Sgt. Knowlin and staff because they placed Plaintiff on a bench instead of laying Plaintiff down on a mattress knowing Plaintiff was going in and out of multiple seizures episodes and left Plaintiff unattended.
53. Plaintiff was finally administered two dosage of seizure medication into his system to combat his seizures episodes and was then placed on a mattress on the floor in the holding cell with supervision watch until the medication took effect on Plaintiff.
54. Approx. an hour later, Nurse Luanne Mauney was called and cleared Plaintiff to return back to his unit. However, before Plaintiff left the holding cell in operation, he informed Nurse Mauney that his head and back was severely hurting and he needed some pain pills.
55. Approx. 15mins later Lt. Floyd and a OJT officer came to escort Plaintiff back to his unit but stop by medical so Plaintiff could speak with a medical personnel. Plaintiff expressed to Nurse Mungo about him possibly losing his custody level to qualify for a level 1 pre-

release/work camp or a designated facility because medical didn't provide to him his prescribed seizure medication and contributed in Plaintiff having multiple seizures episodes and according to SCDC policies 24-hour medical attention can't be required to qualify for a level 1 pre-released/work camp or designated facility.

56. Nurse Mungo, expressed to Plaintiff "that this situation was no fault of his and shouldn't be held accountable for having these seizures." Nurse Mungo, further stated, "that it's not like Plaintiff refused to take his medication but Columbia Pharmacy failed to send his medication."
57. Furthermore, Nurse Mungo, informed Plaintiff that Nurse Practitioner Ms. Holcomb was on vacation and when she returns, she will call for him and for Plaintiff to use that opportunity to further expressed his concerns. In addition, Nurse Mungo, informed Plaintiff that Ms. Holcomb is very understanding and should be able to assist Plaintiff because Plaintiff never refused any of his seizure medication and as long as Plaintiff taking his medication his seizures would not occur.
58. Plaintiff was left to believe that he was still able to utilized the classification system to qualify for a designated facility because this situation was not no fault of his own after speaking with Nurse Mungo.
59. Plaintiff then asked Nurse Mungo for some pain pills because there was inflammation on his lower lumbar spinal, and his head was bruised and hurting severely that Nurse Mungo stated, "that she would have to check with Ms. Holcomb to see if it's safe to give Plaintiff any more medication due to Plaintiff been injected two (2) high dosage of seizure medication into his body."
60. Approx. at 4:45pm, Lt. Floyd and a OJT officer escorted Plaintiff back to his unit and room. Before Plaintiff door was secured by Unit Counselor Wellington Williams. Plaintiff asked Counselor Williams to please call medical about whether or not he can have some pain pills to combat the inflammation of his swollen head and back.
61. Unit Counselor Williams said, "alright and he will call medical to see." Wherefore, Plaintiff was left that entire day to suffer and deal with the severe pain from a swollen head and lower lumbar spinal disorder, and lacerations on his back and arms, and legs without any pain medication.
62. On July 7, 2017, Plaintiff woke up approx. 8:10am with an excruciating headache and swollen head and exacerbated lower lumbar spinal. Plaintiff ask officer Tre'Vawn President who was the assigned wing officer to please notify medical regarding the status of his pain medication. Officer Tre'Vawn President said, "he will call medical when he finishes his count."
63. Officer Colazzo who was assigned to Edisto B- wing came around for the second count and Plaintiff asked Officer Colazzo to please call medical on his behalf for some pain pills and got the same reply of Officer President.
64. Furthermore, the Defendants knew or should have known that their conscious failure to provide adequate medical care would be subjecting Plaintiff to extreme pain, injury, trauma, and anxiety by refusing to make available any pain medication to combat the

inflammation to his head and lower lumbar spinal disorder, and lacerations on his back, and arm, and leg until Plaintiff had to sign up for sick-call on July 13, 2017 approx. seven (7) days after the initial seizure incident.

65. Further, Plaintiff have endured and suffered great anxiety, depression, embarrassment, and extreme mental and physical anguish as a result of the acts and omission stated hereinabove.

DUTY OF CARE

The Defendants owed Plaintiff a duty of care and were responsible for the proper treatment and care of Plaintiff at all times relevant to this action.

FOR A FIRST CAUSE OF ACTION

(NEGLIGENCE/GROSS NEGLIGENCE)

The Plaintiff reiterates each and every previous relevant allegations as if repeated verbatim herein.

The above set forth incidents and the Plaintiffs 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 monitor the inmates (mainly the Plaintiff at Lieber Correctional Institution);
- b) In allowing gross overcrowding at Lieber Correctional Institution;
- c) In failing to properly train their employees to recognize a medical emergency;
- d) In failing to properly assigned crisis trained employees in the Mental Health Edisto Unit;
- e) In failing to properly train their employees to properly recognize a serious medical condition requiring immediate medical attention;

- f) In failing to properly train their employees to properly monitor and make readily available the inmates (mainly the Plaintiff who was housed in the mental health unit) prescribe medication;
- g) In failing to properly train, monitor and supervise its personnel agents and/or employees so as to ensure the safety of the Plaintiff;
- h) In failing to have appropriate policies and protocols in place to provide for the safety and wellbeing of the inmate population but mainly Plaintiff;
- i) In such policies exist, in failing to follow the same;
- j) In failing to follow and adhere to policies and protocols of the SCDC;
- k) In failing to protect the Plaintiff;
- l) In failing to provide any level of medical care after multiple events indicating;
- m) In failing to recognize a clearly dangerous situation after multiple events providing notice;
- n) In failing to provide immediate emergency medical care;

As a direct result of the Defendants reckless, willful and wanton, and grossly negligent conduct, the Plaintiff was severely injured, exacerbation to his lower lumbar spinal disorder, medical expenses and incurred permanent impairment and disability. In addition, Plaintiff asserts the Defendants is liable unto him where it's employees while acting with the scope of their official duties and employment, subjected the Plaintiff to mental and physical anguish by such employee's gross negligence which proximately caused the Plaintiff loss and injury.

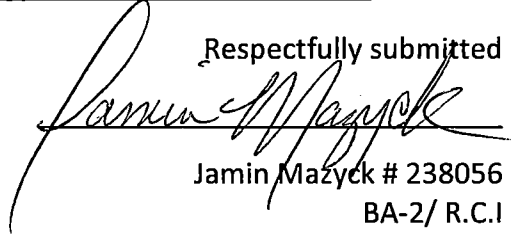
RELIEF

The Plaintiff respectfully ask the Court to enter a Judgement granting him the following:

- a) A jury trial upon all issues triable by a jury;
- b) Actual damage in the amount of \$30,000
- c) Immediate surgery to fix his lower lumber spinal which is protruding and always inflamed and extremely painful;
- d) Plaintiffs cost in this suit; and
- e) Any further relief the Court deems just and proper

Executed at Ridgeland, SC on _____ 2018.

Respectfully submitted



Jamin Mazyck # 238056
BA-2/ R.C.I
P.O.BOX 2039
Ridgeland, SC 29936

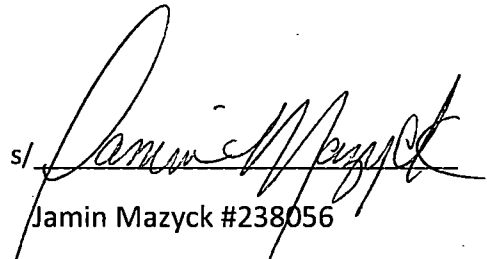
Certificate of Service

I, Jamin Mazyck, do hereby certify that I have served the amended complaint upon all parties to the above-reference matter by depositing copies thereof in the United States Mailroom at Ridgeland Correctional Institution (R.C.I), postage prepaid and addressed to the below listed person(s):

1. The Clerk of Court
Dorchester County
5200 E. Jim Belton Blvd
St. George, SC 29477-9477

On this _____ day of May 30, 2018

s/ _____



s/ _____
Jamin Mazyck #238056

RECEIVED
JUL 05 2018
SC Court of Appeals

TO: The Honorable Cheryl Graham, Clerk

Clerk of Court, Dorchester County

5200 East Jim Bilton Blvd.

St. George, SC 29477

FROM: Jamin Mazyck, #238056

Ridgeland Correctional Institution BA-2

P.O. BOX 2039

Ridgeland, SC 29936

Date: July 19, 2018

Re: 2017 CP 1801438 Jamin Mazyck v. S.C. Department of Corrections

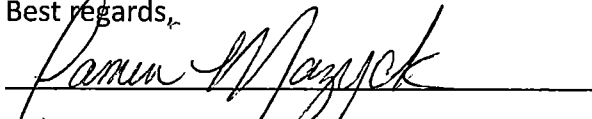
Dear Ms. Graham:

Enclosed for filing, please find the original Motion for Order Compelling Discovery and Application for Appointment of Ad Litem for the above reference case.

Thank you for your attention to this matter.

Please return to me a clocked in copy

Best regards,



Jamin Mazyck #238056

Cc: my file