

The State of South Carolina

In The Court of Appeals

Terron Dizzley  
Appellant

v.

South Carolina Dep. of  
Correction  
Respondent

Declaration of

Terron Dizzley

CIA No. 2018-CP-350-0058

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AUG 16 2019

SC Court of Appeals

Terron Dizzley hereby declares:

On December 10, 2018 this action was dismissed by Judge Walton J. McLeod, however I was never informed. I became aware of the dismissal as to a response from a Motion I filed to Receive outside Dental Care on May 6, 2019. I received this response on May 15, 2019. The Judges decision only stated and contained information of the respondents Summary Judgment and made no references to my complaint, response to Summary Judgment or evidence which supports my response and complaint.

1. The Judges actions violates Appellate Court Rules 501 Canon 2, 3(B)[E], [F], 4(A)[1], A judge shall conduct his judicial duties that comply with the law at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
2. The judges actions violates SCRPC Rule 52(a). I was never given notice on time to file a 59(e) or objections whereas the judges decision was impartial did not state any facts as to my complaint, or response to Summary Judgment at all, no conclusions of law and was bias.
3. Appellant contends that a review of the record will show that Defendant owed me a duty of care and consciously breached

their duty of care with the intent to harm me and did harm me by sticking me with a needle in my mouth for the purpose of receiving fillings, then verbally abused me abandoning their duties leaving me without treatment which was clearly a retaliation for writing their boss Dr. Akerman about concerns as to my health.

4. Appellant has shown that both Dr. Akerman and Dr. Krebs and Brandy Burgess Affidavits and statements were contradictory on material points and violated several rules of Summary Judgment 56(e),(g) and Dr. Akerman committed perjury in his affidavit in comparison to his response to interrogatories.

5. Appellant has shown that both Dr. Krebs and Brandi Burgess can be held liable for their actions pursuant to South Carolina Tort Claims Act, and that their actions was done in a grossly negligent manner. Section 15-78-60(20, 25), Section 15-78-10, Hickman v. Sexton Dental Clinic, PA, 295 S.C. 164, 367 S.E. 2d 453, A.L.R. 4th 215 (1988); Woodell by Allen v. Marion School Dist. One, 307 S.C. 297, 414 S.E. 2d 794 (1992), Greenville Memorial Auditorium v. Martin, 301 S.C. 242, 391 S.E. 2d 546 (1990).

6. Appellant has shown that expert testimony is not necessary where the negligence is so obvious as to be within the ambit of "Common Knowledge" Sec. 15-36-100(c)(2), See: Hickman v. Sexton Dental; Mali v. Odom, 367 S.E. 2d 166 (S.C. App. 1988); Stallings v. Ratliff, 292 S.C. 349, 356 S.E. 2d 414 (Ct. App.

1987); House v. Maddox, 46 Ill. App. 3d 48, 360 N.E. 2d 580

(1977); Sims v. Hall, 357 S.C. 288, 592 S.E. 2d 315 (2003),

"Where negligence is apparent and undisputed, and where the record discloses obvious and explicit carelessness in his failure to meet duty of care owed by him to plaintiff, court will not require expert testimony to define further that which is already abundantly clear."

7. Appellant contends that the Defendants failed to respond to his complaint. Defendants responded to issues they created which was never alleged in my complaint.

8. Defendants failed to provide any evidence to support their summary judgment as to the allegations made. No incident reports, refusal forms, letters, etc. Defendants only presented an Affidavit from Dr. AKerman which was a violation of SCRCP 56(c) because Dr. AKerman was not witness of the event that occurred, thus does not have personal knowledge of the matter and his Affidavit was only a summary of Dr. Krebs and Brandi Burgess statements thus was hearsay and inadmissible. The judge indicated that his decision was made in consideration with Dr. AKerman's inadmissible affidavit.

9. Appellant contends that he was not given fair notice of a ruling which was clearly unfair, bias, was not decided as to the facts of the case and the law as to these facts and was not decided in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Thus violating my 14<sup>th</sup> Amendment rights to due process to have a fair and impartial adjudication<sup>of</sup> the matter.

10. The judge's actions also prejudice me because I am now being charged \$250 to appeal this decision whereas I could have

filed objections, 59(e) and such motions to obtain clarity of law as to all the facts in the case, relief from judgment or order, etc. which would have not cost me anything and would have been preserved for appellate review also.

For these reasons incorporate par. 1-8-9 please review my complaint and response to summary judgment and evidence which supports it thoroughly to ensure my rights are protected.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Broad River Correctional Institution on Aug. 11, 2019.

Genon [Signature]

Affidavit of Service

I Terron Dizzley certifies that I served the South Carolina Court of Appeals, CA No.: 2019-001077 Notice of Appeal, Proof of Service, Proof of Service To Defendants, Declarations, Motion and Affidavit To Proceed in Forma Pauperis and Prison Trust Fund Account Statement for the appeal of Case No.: 2018-CP-350-0058 by placing in BRC I on August 14, 2019 <sup>mailing system</sup> sent to the address below:

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

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AUG 16 2019

SC Court of Appeals

Terron Dizzley  
Terron Dizzley, #359480  
4460 Broad River Rd.  
Columbia, S.C. 29210

South Carolina Court of Appeals

P. O. Box 11629

Columbia, S.C. 29211

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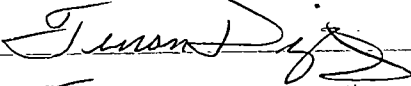
SC Court of Appeals

CA No.: 2019-001077

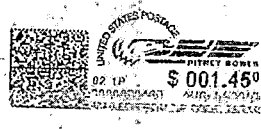
Enclosed please find a copy of Notice of Appeal, Proof of Service, Declarations, a copy of Proof of Service To Defendants, and Motion and Affidavit To Proceed In Forma Pauperis and Prison Trust Account Statement.

Please except this Trust Account Statement of the U.S. Court of Appeal For The Fourth Circuit. These Appeals were do at the same time and to wait for another statement for the State Court form I would miss this deadline. Stamp file and send copy back to me.

Date: 8-14-19

  
Terron Dizzle, #359488  
4460 Broad River Rd.  
Columbia, S.C. 29210

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Terion Dizzle, 359480, Marion Isl.,  
BRCI  
4460 Broad River Rd.  
Columbia S.C. 29210



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