

The State of South Carolina

In The Court of Appeals

Terron Dizzley
Appellant

v.

South Carolina Dep. of
Corrections Respondent

Objections To Order of Dismissal

CA. No.: 2019-001077

RECEIVED

NOV 15 2019

SC Court of Appeals

Plaintiff moves before this Honorable Court with Objections To Order of Dismissal Dated Oct. 25, 2019 in the above matter, pursuant to South Carolina Rules of Civil P. 72(b) and Rule 6(b). On the grounds that:

1. The reasons Plaintiff failed to file Objections of this order on time is because he was placed on Administrative Protective Custody because his life was in danger from threats from Officers on Sept. 27, 2019. Plaintiff's property was confiscated including his legal material. This order indicates that this case was dismissed because Plaintiff failed to serve Defendants. This is the second time this court made these false allegations. However, this time Plaintiff has a copy of proof of service to Defendant which was in Plaintiff's property and because he was on lockup he could not get the proper documents to file these objections.

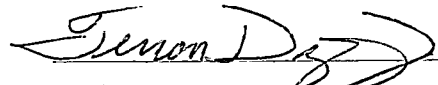
Plaintiff was released from lockup on Oct. 30, 2019 and did not receive his property until Nov. 5, 2019. Plaintiff has now located these documents as proof that he has served Plaintiff. (See attachments).

2. Due to these extreme circumstances Plaintiff's failure to file this Objections and Order transcripts in time resulted from excusable neglect which he had no control over. Also

Attached are Declarations sent to the Courts and Defendants explaining that this Appeal is the result of the Courts and Defendants failure to notify Plaintiff that this case was dismissed.

For the foregoing reasons Plaintiff request that he be allowed to obtain the transcripts and file an informal brief appealing the decision in this case. Whereas, the entire proceedings of this case denied Plaintiff the right to due process and an opportunity to be heard.

11-12-19


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

Attachments

Case No.: 2019-001077

Ex. 1: Copy of Proof of Service sent to defendants on Aug. 4, 2019.

Ex. 2: Copy of Inventory of property (legal) received 11-5-19

Ex. 3: Copy of Proof of Service at defendants also sent to McCormick Clerk of Court to make sure they knew I served defendants.

Ex. 4: 1-4, Declaration also sent to defendants and Courts.

Ex. 5: Copy of Order dated Oct. 25, 2019

Ex. 6: Copy of Decision by Court

Ex. 7: Copy of Extension to correct deficiency when defendant falsely allege Plaintiff didn't serve them the first time.

Ex. 8: Copy of Motion To Re-instate, Re-hearing, Jury Trial, Motion For Cost. Never Answer by the Courts filed July 30, 2019.

The State of South Carolina

In The Court of Appeals

Court of Common Pleas

Appeal From McCormick County

Case No: 2018 - CP - 350 - 0058

South Carolina Dep. of Correction

Respondent

v

Terron Dizzley

Appellant

Proof of Service

I certify that I have served the Notice of Appeal to
McDonald Patrick Poston Hemphill & Roper, LLC, 414 Main
Street Greenwood, S.C. 29648-1547 by depositing a copy
of it in the BRCF mailing system on August 14, 2019.

Terron Dizzley
Terron Dizzley # 355480
4460 Broad River Rd.
Columbia, S.C. 29210

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE PROPERTY INVENTORY**

Ex. 2

Seal Number _____

7/1/5/11
Date *3/5/94*
SEDG Number *80*

BRO
Institution/Center *Dizzley, Perron*
Name (Last) (First) (Middle I.)

Purpose of Inventory (Check One)

- ☐ Arrival at R&E Center ☐ Prior to being placed in lockup
☐ Property taken prior to institutional transfer ☐ Directed by the Warden/Designee
☒ Other (explain) _____

Other Property

- ☐ Drivers License# and State _____ ☐ Credit Card(s) _____
☐ Social Security Card _____ ☐ Others (list) _____
☐ Medical Card(s) (list) _____

CONFISCATED CONTRABAND ITEMS (List each) _____

PERSONAL/CANTEEN ITEMS (LIST ALL AVAILABLE INFORMATION)

QUANTITY	CONDITION	MAKE	MODEL	COLOR	SERIAL NUMBER
Television (1)					
Radio (1)					
Typewriter (1)					
Fan (1)					
Ice Chest (1)					
Lamp (1)					
Curling Iron (1)					
Clock (1)					
Electric Shaver (1)					
Coffee Pot (1)					
Hair Dryer (1)					
Single Outlet Dropcord (1)					

OTHER PROPERTY (LIST QUANTITY OF EACH)

<i>0</i> Bathrobe* (1)	<i>10</i> Maternity** (4)	<i>0</i> Shorts (athletic) (1)
<i>0</i> Spork (3)	<i>1</i> Mesh bag (1)	<i>0</i> Skirts** (1)
<i>0</i> Books/Magazines/Bible/Koran (10)	<i>0</i> Necklace (1 religious)	<i>2</i> Socks (white only) (7)
<i>0</i> Bras** (7)	<i>0</i> Nightshirts** (2)	<i>0</i> Sunglasses (1)
<i>0</i> Brush (plastic or rubber) (1)	<i>0</i> Pants (state issue and personal) (4)	<i>3</i> Thermal underwear (3)
<i>0</i> Cap (1)	<i>0</i> Pantyhose**/knee-hi's** (up to 7)	<i>1</i> Toboggan Hat (1)
<i>0</i> Comb (plastic) (1)	<i>14</i> Personal Hygiene Items	<i>1</i> Towels (3)
<i>0</i> Cosmetics**	<i>10</i> Pictures (10)	<i>0</i> Tumbler (plastic) (1)
<i>1</i> Cup (plastic) (1)	<i>0</i> Pillowcases (1)	<i>0</i> Undershirts (7)
<i>0</i> Doo-rag (1)	<i>0</i> Playing cards deck (1)	<i>4</i> Boxer (7) or Panties** (7)
<i>3</i> Footwear (work boots/shoes, tennis, shower)	<i>0</i> Rainwear (orange, clear) 1 each	<i>0</i> Washcloths (3)
<i>0</i> Gloves (work and other) (1 each)	<i>0</i> Ring (1 wedding band)	<i>0</i> Watch
<i>0</i> Half-slip** (1)	<i>0</i> Sheets (2)	<i>0</i> White handkerchiefs (6)
<i>0</i> Headset (1)	<i>4</i> Shirts (state issue and personal) (4)	<i>0</i> Writing/legal material (1 box)
<i>1</i> Jacket (1)		

*Females and special needs/geriatric only

**Female Only

Other *bag legal mail, 6 Canteen, 1 curly cord, 1 hanger*

INMATE - I agree that this inventory form reflects all items of personal property and/or miscellaneous property belonging or issued to me, and that I have been furnished with a copy.

INVENTORY OFFICER - I have inventoried all of the above named inmate's personal property and I certify that the inventory is correct. I further certify that all items have been turned over to the individual whose signature appears above.

DATE 11-5-19 INVENTORY OFFICER'S SIGNATURE [Signature]

RECEIPT - I certify that I have received all of the items recorded on this inventory form, and that all items were returned to me in good order.

DATE _____ INMATE'S SIGNATURE _____

WITNESSING OFFICER'S SIGNATURE _____

WITNESS - In the event that an inmate refuses to sign this inventory form another officer along with the inventory officer will sign below to certify that this inventory is correct and that all items were returned in good order.

DATE _____ INVENTORY OFFICER'S SIGNATURE _____

WITNESSING OFFICER'S SIGNATURE _____

White: Institution Property Control Officer

Yellow: Receiving Institution's Property Control Officer (inmate transfer)

Pink: Inmate

The State of South Carolina

Ex. 3

In The Court of ~~Common~~ Appeals

Appeal From McCormick County

Court of Common Pleas

FILED
GWENDOLYN D. CHILES

Case No.: 2018-CP-350-0058 | 2019 AUG 20 P. 1:36

South Carolina Dep. of Correction

CLERK OF COURT
McCORMICK COUNTY, SC
Respondent

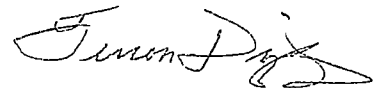
v.

Terron Dizzley

Appellant

Proof of Service

I certify that I have served the Notice of Appeal to McDonald
Petrick Poston Hemphill & Roper, LLC, 414 Main Street Greenwood,
S.C. 29648-1547 by depositing a copy of it in the BRCI mailing
system, on August 14, 2019.



Terron Dizzley, # 359480

4460 Broad River Rd.

Columbia, S.C. 29210

The State of South Carolina

In The Court of Appeals

Appeal From McCormick County

FILED

GWENDOLYN D. CHILES

Court of Common Pleas

2019 AUG 20 P 1:36

Case No.: 2018-CP-350-0058

CLERK OF COURT
McCORMICK COUNTY, SC

South Carolina Dep. of Correction

Respondent

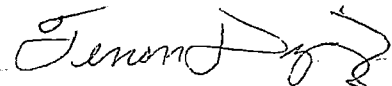
v.

Terron Dizzley

Appellant

Proof of Service

I certify that I have served the Notice of Appeal to McCormick County Clerk of Court August 14, 2019, 610 South Mine Street, McCormick, S.C. 29835 by depositing a copy of it in the BRCI mailing system.



Terron Dizzley, #359480

4460 Broad River Rd.

Columbia, S.C. 29210

The State of South Carolina

In The Court of Appeals

Appeal From McCormick County

Court of Common Pleas

Case No. 2018-CP-350-0058

Honorable Walton J. McLeod, Circuit Judge

South Carolina Dep. of Correction

Respondent

v.

Terron Dizzley

Appellant

Notice of Appeal

Terron Dizzley appeals the order (judgment) of the Honorable

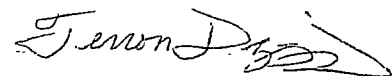
Walton J. McLeod dated December 10, 2018. Appellant received

written notice of entry of this judgment on May 15, 2019

McCormick County, S.C.

610 South Mine Street

McCormick, S.C. 29835



Terron Dizzley, # 359480

4460 Broad River Rd.

Columbia S.C. 29210

McDonald Patrick Poston Hemphill

+ Roper, LLC

414 Main Street

Greenwood, S.C. 29648-1547

August 14, 2019

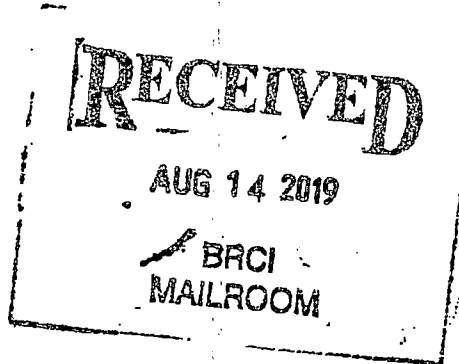
Ex. 3

Terron Dizzley, # 359480, Mar. 151

BRC I

4460 Broad River Rd.

Columbia S.C. 29210



256358000 R003

McCormick County, S.C.

610 South Mine Street

McCormick, S.C. 29835

LEGAL MAIL

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

Terron Dizzley hereby declares:

On December 10, 2018 this action was dismissed by Judge Walton J. McLead, 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)[5], [7], 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(c). I was never given notice on time to file a 59(c) 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 Brendy 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), Sec. 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 68, 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 14th Amendment rights to due process to have a fair and impartial adjudication of 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(c) 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 & 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]

The South Carolina Court of Appeals

Terron Dizzley, #359480, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2019-001077

ORDER

This appeal is dismissed because Appellant failed to timely serve the notice of appeal on Respondent. *See* Rule 203(b)(1), SCACR (providing the appellant must serve the notice of appeal on all parties within thirty days after written notice of entry of the order); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act *except the time for serving the notice of appeal* under Rules 203 and 227 may be extended" (emphasis added)); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) (explaining service of the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend the time in which the notice must be served). The remittitur will be sent as required by Rule 221, SCACR.


FOR THE COURT

Columbia, South Carolina

cc:

Terron Dizzley, 359480

Steven Michael Pruitt, Esquire

FILED

October 25, 2019

STATE OF SOUTH CAROLINA
COUNTY OF McCormick
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP3500058

Terron Dizzley
PLAINTIFF(S)

South Carolina Department Of Corrections
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Plaintiff filed a Motion to Renew Motion to Receive outside Dental Care on May 6, 2019. Plaintiff's action, in its entirety, was dismissed on December 10, 2018. As such, this untimely motion is procedurally inappropriate and is denied.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/08/2019 .

Terron Dizzley for Terron Dizzley
Terron Dizzley for Terron Dizzley

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Ex. 6



McCormick Common Pleas

Case Caption: Terron Dizzley VS South Carolina Department Of Corrections

Case Number: 2018CP3500058

Type: Order/Electronic Form 4

So Ordered

s/Walton J. McLeod, 2765

The South Carolina Court of Appeals

Terron Dizzley, #359480, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2019-001077

The Honorable Walton J. McLeod, IV

McCormick County

Trial Court Case No. 2018CP3500058

ORDER

The time for serving and filing the deficiency corrections for this appeal is hereby extended until August 19, 2019.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

Terron Dizzley, 359480

Steven Michael Pruitt, Esquire

FILED

July 24, 2019

State of South Carolina
County of McCormick

The South Carolina Court
of Appeals

Terron Dizzley, #359480
Plaintiff

FILED

GWENDOLYN D. CHILES

No.: 2019-001077

v.

2019 JUL 30 AM 11:25

CLERK OF COURT
MCGORMICK COUNTY, SC

South Carolina Department of
Correction, Defendants

Motion To Re-instate,
hearing, Jury Trial
Demanded, Motion for Cost

Plaintiff moves before this Honorable Court requesting that this Complaint is re-instated and remanded for a re-hearing pursuant to SCACR 221, 240 on the grounds that:

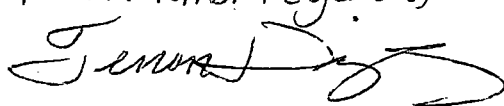
1. The Courts and Defendants failed to notify Plaintiff that this action was dismissed thus failing to comply with SCR-CP Rule 58.
2. Plaintiff Sent a Motion To (Renew) Receive Outside Dental Care to the Courts and defendant on 4-23-19
3. The Courts responded on May 8, 2019 that the case in its entirety was dismissed on Dec. 10, 2018.
4. The Courts provided Plaintiff with a judgment order which only based its conclusion on the Defendants Summary Judgment and at no where in the order indicates that it considered Plaintiff response to Defendants Summary Judgment. Thus, the Courts conclusions were not of facts specially and stated separately as the conclusions of law as to a fair evaluations of the entire case with Plaintiff's response consider in it's judgment thus does not comply with SCRCP Rule 52.
5. The courts and defendants actions failing to notify Plaintiff of the dismissal prevented him from complying with Rule 52(b)(c) requesting the courts to amend it's findings,

Object to such findings or timely appeal.

6. Plaintiff contends that due to the courts failure to comply with the rules of court incorporate paragraphs 1-5 he should not be required to pay the cost of this appeal under these extraordinary circumstances See: SCRCR Rule 222 (d) and Rule 240 (d)

7. Foregoing reasons Plaintiff request that this Motion is granted and this action is remand, re-instated and Plaintiff is allowed to file such motions directing a ruling that is based on the facts of his case, his response to the Defendants Summary Judgments, his evidence, and affidavits, and case laws which supports his response and claim specially and stated seperately as to the conclusions of law, and that he should not be charged because of the courts actions or inaction and defendants. This request will also enable the Court of Appeals to make a fair judgment as to a complete ruling from the lower court as to the facts of the case in its entirety as to the law.

Date: 7/27/2019

With Kind regards,


Certificate of Service

Ex. 8

I Terron Dizzley certifies that on this 27th day of July, 2019 sent the Courts and Defendants a Motion to Re-instate, Re-hearing, Jury Trial Demanded, Motion for Cost by placing in BCCI mailing system sent to the address below: pursuant to CA No. 2019-001077

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

McCormick Co. Clerk of Court
133 S. Main St. Room 102
McCormick, S.C. 29835

McCormick Co. Clerk of Court
133 S. Main St. Room 102
McCormick, S.C. 29835

McCormick Co. Clerk of Court
133 S. Main St. Room 102
McCormick, S.C. 29835

FILED
GWENDOLYN D. CHILES
2019 JUL 30 A 11:25
CLERK OF COURT
MCCORMICK COUNTY, SC

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

McCormick Co. Clerk of Court
133 S. Main St. Room 102
McCormick, S. C. 29835

CA No.: 2019-001077

Dear Clerk,

Enclose please find two copies of Motion to Re-instate,
Rehearing, Jury Trial Demand, Motion for Cost stamp filing
sending stamped filed copy to me.

Date: 7/27/2019


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

FILED
GWENDOLYN D. CHILES
2019 JUL 30 A 11:25
CLERK OF COURT
McCORMICK COUNTY, SC

Certificate of Service

CA: No. 2019-001077

I Terron Dizzley Certifies that on this ~~6th~~ 12th day of November 2019 Sent the Courts Objections To Order of Dismissal in the above matter. By placing in BRCI mailing system sent to the address below.

S.C. Court of Appeals

Jenny Abbott Kitchings, Clerk

P.O. Box 11629

Columbia, S.C. 29211

RECEIVED

NOV 15 2019

SC Court of Appeals

Terron Dizzley

Terron Dizzley #359480

4460 Broad River Rd.

Columbia, S.C. 29210

South Carolina Court of Appeals

Jenny Abbott Kitchings, Clerk

P.O. Box 11629

Columbia, S.C. 29211

CA. No.: 2019-001077

RECEIVED

NOV 15 2019

SC Court of Appeals

Dear Clerk,

Enclose please find a copy of Motion To Objections
of Order of Dismissal in the aboved matter stamp file and
send copy to me.

11-12-19

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

Terron Dizzley, # 354480, Marion 169
BRCI
4460 Broad River Rd.
Columbia S.C. 29210



RECEIVED

NOV 15 2019
SC Court of Appeals

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

RECEIVED

NOV 13 2019

BRCI
MAILROOM

