

RECEIVED
DEC 02 2019
S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
The Supreme Court of South Carolina
P.O. Box 11330
Columbia, S.C. 29211

RE: Terron Dizzley v. S.C. Dep. of Corrections
CA No. 2018-CP-350-0058
Appellate CA No. 2019-001077

Dear Mr. Shearouse:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondents
- (2) A copy of the order which is to be challenged on appeal
- (3) Lomonth Prisoner Trust Account Statement and Certificate To Proceed Without Pay.
- (4) Attachments
- (5) This appeal is being filed with the Supreme Court pursuant to S.C.A.C.R. 203 because See: Attachments Ex. 4 Declaration, Appellant contends that the lower courts refuse to give him a fair hearing, or ruling, whereas he was never notified his case was dismissed to have an opportunity to object, amend or alter judgment through timely motions. Because of this Appellant filed a Motion To Re-instate, Reheary, Jury Trial, Motion For Cost of Appeal, on July 30, 2019 to no avail. Appellate Appealed to the Court of Appeals to be told twice that the appeal was dismissed because he failed to serve defendants when each time he did serve them. Appellate filed Objections To Order of Dismissal before a Remittitur was sent. See: ~~SCAA~~ S.C.A.C.R., 221 (b)

Appellate is now being charged for an appeal he filed
all because the courts and defendants failed to notify him
of the dismissal of his case. Moreover, Appellate is now being
railroaded by the Court of Appeals who keeps dismissing his
appeal falsely stating he did not serve defendant a copy of
the notice of appeal. Appellate, request that the Supreme Court
protects his rights by please remanding this case back to the
Court of Common Pleas and allowing Appellate to obtain the case
file including the judges order and ruling and allow him to
file such motions in a timely manner to alter, amend, object, and
request clear rulings as to the law of his case on all evidence
presented and all the circumstances surrounding his case. Thus,
protecting his rights to Due Process. The record will show that
the judges ruling was arbitrary, bias, and incomplete, which
did not include anything pursuant to Appellates Complaint or
Response to Summary Judgment, only the defendants. Therefore,
the Court of Appeal or this Court would ^{not} be able to make a ruling
on an incomplete ruling in the lower courts to determine if his
rights were violated. However, it is clear from the record that
his case was dismissed without notifying him, and the circumstan-
ces surrounding appealing these wrongs violated Appellates right
to due process. This is what Appellate is requesting the Supreme
Court to assist him with. It is clear that Appellates rights are being
violated, which is posing a financial burden on him and the courts.

Date: 11-25-19



Terron D. Zzley, # 355480

4460 Broad River Rd.

Columbia, S.C. 29210

Memorandum of Law

White v. Harby, 179 S.E. 671 (1935), Where order directing amendment of complaint contained no provision as to time within which service was to be made upon opponents and delay in serving complaint was due partly to fact that plaintiff's counsel had been absorbed in handling other complicated cases, action of trial court in dismissing summons and complaint for failure ~~to serve amended complaint over period of eleven months~~

held a abuse of discretion. Courts are liberal in regard to enlarging time for proceeding in an action and reluctant to deprive one of his right of action without an opportunity for his day in court.

Tribble v. Poole, 28 S.C. 565, 6 S.E. 577 (1888), The act of the clerk in dismissing an appeal for failure to file return in time prescribed is *ex parte*, and does not prevent the appellant from having his appeal reinstated on the docket where there is a proper showing of mistake or inadvertence, within the meaning of Code Civ. Proc. § 349 (See Code 1942, § 785), the doctrine of res adjudicate having no application to such a case. Clark Bros. v. Wimberly, 24 S.C. 138 (1886), Hyrne v. Erwin, 22 S.C., 587 (1885).

Attachments

Case No.: 2019-001077

Ex. 1: Copy of Proof of Service sent to defendants on Aug. 14, 2019.

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

Ex. 3: Copy of Proof of Service of 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 Extention 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 Court's filed July 30, 2019.

Ex. 9: Objections To Order of Dismissal 11-12-19

Ex. 10: Remittitur, Dated November 13, 2019

Ex. 11: Notice that Plaintiff's objections were filed or sent on November 12, 2019, the remittitur was issued November 13, 2019 see: Ex. 9, and Plaintiff filed for Re-hearing since July 30, 2019 in which there was never a response. According to SCACR 221(b) this remittitur should have never been sent. Whereas Plaintiff filed for re-hearing and Objections to the judges order before the remittitur was issued.

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 BRC⁺ mailing system on August 14, 2019.

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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE PROPERTY INVENTORY

Ex. 2

Seal Number _____

7/15/11
Date
359480
SEDC Number

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

Purpose of Inventory (Check One)

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

Other Property

- Drivers License# and State _____
 Social Security Card _____
 Medical Card(s) (list) _____
 Credit Card(s) _____
 Others (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)	+			white	
Curling Iron (1)					
Clock (1)					
Electric Shaver (1)					
Coffee Pot (1)					
Hair Dryer (1)					
Single Outlet Dropcord (1)					

OTHER PROPERTY (LIST QUANTITY OF EACH)

- | | | |
|---|---|----------------------------------|
| 0 Bathrobe* (1) | 10 Maternity** (4) | Shorts (athletic) (1) |
| 0 Spork (3) | 1 Mesh bag (1) | Skirts** (1) |
| Books/Magazines/Bible/Koran (10) | Necklace (1 religious) | 2 Socks (white only) (7) |
| 8 Bras** (7) | 0 Nightshirts** (2) | Sunglasses (1) |
| 6 Brush (plastic or rubber) (1) | Pants (state issue and personal) (4) | 3 Thermal underwear (3) |
| 1 Cap (1) | 0 Pantyhose**/knee-hi's** (up to 7) | 1 Toboggan Hat (1) |
| 5 Comb (plastic) (1) | 14 Personal Hygiene Items | 1 Towels (3) |
| 2 Cosmetics** | 10 Pictures (10) | Tumbler (plastic) (1) |
| 1 Cup (plastic) (1) | Pillowcases (1) | Undershirts (7) |
| 0 Doo-rag (1) | Playing cards deck (1) | 4 Boxer (7) or Panties** (7) |
| 3 Footwear (work boots/shoes, tennis, shower) | Rainwear (orange, clear) 1 each | Washcloths (3) |
| 0 Gloves (work and other) (1 each) | Ring (1 wedding band) | Watch |
| 5 Half-slip** (1) | Sheets (2) | White handkerchiefs (6) |
| 0 Headset (1) | 4 Shirts (state issue and personal) (4) | 5 Writing/legal material (1 box) |
| 1 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.

DATE X INMATE'S SIGNATURE X Teron Dizzley

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 X 11.5.19 INVENTORY OFFICER'S SIGNATURE McC. Collins

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 _____

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
Responsible

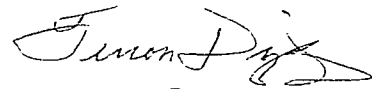
v.

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 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

Court of Common Pleas

Case No. 2018-CP-350-0058

Honorable Walton J. McLeod, Circuit Judge

South Carolina Dep. of Correction

Respondent

FILED
GWENDOLYN D. CHILES
2019 AUG 20 P 1:36
CLERK OF COURT
McCORMICK COUNTY, SC

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 judgement on May 15, 2019

McCormick County, S.C.
610 South Mine Street
McCormick, S.C. 29835

Terron Dizzley
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 D. [#] Dizzley, 359480, Mar. 151

BRC I
4460 Broad River Rd.
Columbia S.C. 29210

McCormick County, S.C.
610 South Mine Street
McCormick, S.C. 29835

RECEIVED
AUG 14 2019
BRC
MAILROOM

258058000 R003

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(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 Brandi 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(e) 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.

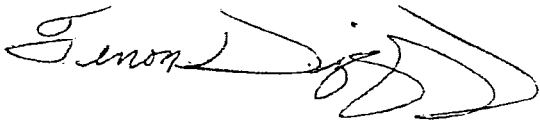
9. Appellant contends that he was not given fair notice of a ruling which was clearly unfair, bias, was not decided as to the facts of the case and the law as to these facts and was not decided in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Thus violating 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. 1-89 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.



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

ELECTRONICALLY FILED - 2019 May 08 2:08 PM - MCCORMICK - COMMON PLEAS - CASE#2018CP3500058

Ex. 7

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.

South Carolina Department of
Correction, Defendants

2019 JUL 30 AM 25

CLERK OF COURT
MCGORMICK COUNTY, SC

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 Court 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 evaluation of the entire case with Plaintiff's response consider in it's judgment thus does not comply with SCRPC Rule 52.
5. The courts and defendant's 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,

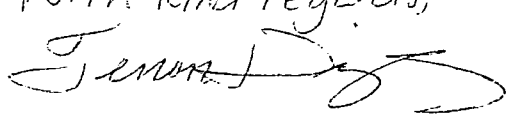
Object to such findings or timely appeal.

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: SCRCP 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 caselaws which supports his response and claim specially and stated separately as to the conclusions of law, and that he should not be charged because of the courts actions or inaction and defaults. 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. Donald Patrick Paston Hemphill + Rope, L
P. O. Box 1547
Greenwood, S.C. 29643-1547

CLERK OF COURT
MCCORMICK COUNTY, SC

2019 JUL 30 A 11:25

FILED
GWENDOLYN D. CHILES

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

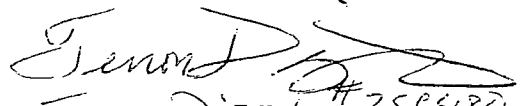
McCormick Co. Clerk of Court
133 S. Mine St. Room 102
McCormick, S. C. 29835

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 Dizzley #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

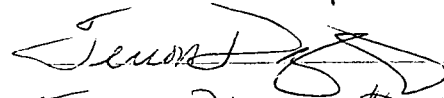
I Terron Dizzley Certifies that on this 25 day of November 2019 sent the Supreme Court of South Carolina Notice of Appeal in the matter of CA No. 2018-CP-350-0058, CA No. 2019-001077. By placing in BRCI mailing system sent to the address below:

The Honorable Daniel E. Shecrouse

The Supreme Court of South Carolina

P.O. Box 11330

Columbia, S.C. 29211



Terron Dizzley, #359480

4460 Broad River Rd.

Columbia, S.C. 29210

⑤
The State of South Carolina

Ex. 9

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.

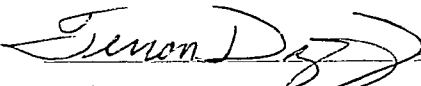
Plaintiff was released from lockup on Oct. 30, 2019 and did not receive his property until Nov. 5, 2019. Plaintiff has now located these documents as proof that he has served Plaintiff. (See attachments)

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



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 13, 2019

The Honorable Gwendolyn D. Chiles
133 S. Mine Street Suite 102
McCormick, SC 29835-8357

REMITTITUR

Re: Terron Dizzley v. SCDC
Lower Court Case No. 2018CP3500058
Appellate Case No. 2019-001077

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,


CLERK

Enclosure

cc: Terron Dizzley, 359480
Steven Michael Pruitt, Esquire



Ex. U

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 21, 2019

Terron Dizzley, 359480
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Terron Dizzley v. SCDC
Appellate Case No. 2019-001077

Dear Counsel:

On November 15, 2019, the Court received your "Objection to Order of Dismissal." The remittitur in this case was issued on November 13, 2019. The Court no longer has jurisdiction in this matter. Your documents are returned to you.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: Steven Michael Pruitt, Esquire

FINANCIAL CERTIFICATE FOR THE DISTRICT OF SOUTH CAROLINA

(for use in § 1983, Bivens, and non-habeas civil actions filed by prisoners)

I request that an authorized officer of the institution in which I am confined, or other person designated to review financial information in relation to inmate trust funds, complete this Certificate. If I have insufficient funds in my account that prohibit me from paying the full filing fee required by 28 U.S.C. § 1914 (currently \$350.00), I will send with my complaint an initial installment payment, required by 28 U.S.C. § 1915, equal to the amount calculated and entered on line four by the authorized officer signing this form.

I recognize that by filing this case, I am required to pay the full filing fee (or the remaining unpaid portion of the filing fee by installments if necessary) under 28 U.S.C. § 1915(b) even though I am requesting to proceed *in forma pauperis*. I authorize and consent to collection of the filing fee in accordance with 28 U.S.C. § 1915 until the filing fee is paid in full.

Terron Dizzley
INMATE NAME (PRINTED)

359480
INMATE (PRISONER) NUMBER

[Signature]
INMATE SIGNATURE

50X ~~Setback~~ Broad River
PLACE OF CONFINEMENT

◆ (1) Average monthly deposits to the inmate's account.....\$ 21.76

◆ (2) Average monthly balance in the inmate's account calculated for the prior six months period.....\$ 20.55

◆ (3) Current Balance.....\$ 2500 ~~0.00~~ *
* Prior Holds on Account

◆ (4) Initial Installment Payment (Take 20 percent of the greater of lines 1 or 2).....\$ 0

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

Peggy Caution
Authorized Officer's Signature

10/10/19
Date

Peggy Caution, Fiscal Analyst I
Authorized Officer's Name and Title

State of South Carolina

Terron Dizzley
Plaintiff

v.

South Carolina Dep. of
Corrections

Defendant

The Supreme Court of South
Carolina

Motion and Affidavit To
Proceed in Forma Pauperis


~~I, Terron Dizzley, being first duly sworn and under penalty of~~
perjury depose and state that I have no monies, savings, bonds,
or estate to pay for this appeal and ask this Court to proceed
in forma pauperis.

Order

It has been adjudged; Ordered that the above named person
is to proceed without payment.

I declare under penalty
and perjury this statement
is true and correct.

Honorable, _____


Terron Dizzley, #359480

4460 Broad River Rd.
Columbia, S.C. 29210

Date: 11-25-19

Certificate of Service

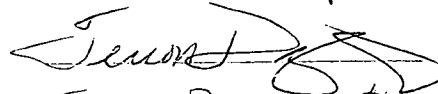
I Terron Dizzley Certifies that on this 25 day of November 2019 sent the Supreme Court of South Carolina Notice of Appeal in the matters of CA. No. 2018-CP-350-0058, CA. No. 2019-001077. By placing in BRCI mailing system sent to the address below:

The Honorable Daniel E. Shecrouse

The Supreme Court of South Carolina

P.O. Box 11330

Columbia, S.C. 29211


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

The State of South Carolina

In The Court of Appeals

In The Supreme Court

Appeal From McCormick County
Court of Common Pleas

Case No. 2018-CP-350-0058

Appellate Case No. 2019-001077

South Carolina Dep. of Corrections

Respondent

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.
29648-1557 by depositing a copy of it in the BREF mailing system
on November 25, 2019.

Terron Dizzley

Terron Dizzley, #359480

4460 Broad River Rd.

Columbia, S.C. 29210

The State of South Carolina

In The Court of Appeals

In The Supreme Court

Appeal From McCormick County

Court of Common Pleas

Case No. 2018-CP-350-0058

Appellate Case No. 2019-001077

South Carolina Dep. of Corrections

Respondent

v.

Terron Dizzley

Appellant

Notice of Appeal

Terron G. Dizzley appeal the judgment of the Honorable Walton J. McLeod dated Dec. 10, 2018. Appellant received written notice of entry of this order on May 8, 2019.

McDonald Patrick Poston Hemphill
+ Roper, LLC
414 Main Street
Greenwood, S.C. 29648-1547

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

11-25-19

The Honorable Daniel E. Shearouse
The Supreme Court of South Carolina
P.O. Box 11330
Columbia, S.C. 29211

RE: Terron Dizzley v. S.C. Dep. of Corrections
CA No. 2018-CP-350-0058
Appellate CA No. 2019-001077


Dear Mr. Shearouse,

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondents
- (2) A copy of the order which is to be challenged on appeal.
- (3) Lomonth Prisoner Trust Account Statement and Certificate To Proceed Without Pay.
- (4) Attachments.
- (5) This appeal is being filed with the Supreme Court pursuant to S.C.A.C.R. 203 because See: Attachments Ex. 4 Declaration, Appellant contends that the lower courts refuse to give him a fair hearing, or ruling, whereas he was never notified his case was dismissed to have an opportunity to object, amend or alter judgment through timely motions. Because of this Appellant filed a Motion To Re-instate, Reheary, Jury Trial, Motion For Cost of Appeal, on July 30, 2019 to no avail. Appellate Appealed to the Court of Appeals to be told twice that the appeal was dismissed because he failed to serve defendants when each time he did serve them. Appellate filed Objections To Order of Dismissal before a Remittitur was sent. See: ~~SCA~~ S.C.A.C.R., 221 (b)

Appellate is now being charged for an appeal he filed all because the courts and defendants failed to notify him of the dismissal of his case. Moreover, Appellate is now being railroaded by the Court of Appeals who keeps dismissing his appeal falsely stating he did not serve defendant a copy of the notice of appeal. Appellate, request that the Supreme Court protects his rights by please remanding this case back to the Court of Common Pleas and allowing Appellate to obtain the case file including the judges order and ruling and allow him to file such motions in a timely manner to alter, amend, object, and request clear rulings as to the law of his case on all evidence presented and all the circumstances surrounding his case. Thus, protecting his rights to Due Process. The record will show that the judges ruling was arbitrary, bias, and incomplete, which did not include anything pursuant to Appellates Complaint or Response to Summary Judgment, only the defendants. Therefore, the Court of Appeal or this Court would ^{not} be able to make a ruling on an incomplete ruling in the lower courts to determine if his rights were violated. However, it is clear from the record that his case was dismissed without notifying him, and the circumstances surrounding appealing these wrongs violated Appellates right to due process. This is what Appellate is requesting the Supreme Court to assist him with. It is clear that Appellates rights are being violated, which is posing a financial burden on him and the courts.

Date: 11-25-19


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

Memorandum of Law

White v. Harby, 179 S.E. 671 (1935), Where order directing amendment of complaint contained no provision as to time within which service was to be made upon opponents and delay in serving complaint was due partly to fact that plaintiff's counsel had been absorbed in handling other complicated cases, action of trial court in dismissing summons and complaint for failure ~~to serve amended complaint over period of eleven months~~ held a abuse of discretion. Courts are liberal in regard to enlarging time for proceeding in an action and reluctant to deprive one of his right of action without an opportunity for his day in court.

Tribble v. Poole, 28 S.C. 565, 6 S.E. 577 (1888), The act of the clerk in dismissing an appeal for failure to file return in time prescribed is *ex parte*, and does not prevent the appellant from having his appeal reinstated on the docket where there is a proper showing of mistake or inadvertence, within the meaning of Code Civ. Proc. § 349 (See Code 1942, § 785), the doctrine of res adjudicate having no application to such a case. Clark Bros. v. Wimberly, 24 S.C. 138 (1886), Hyrne v. Erwin, 22 S.C., 587 (1885)

Attachments

Case No.: 2019-001077

- Ex. 1: Copy of Proof of Service sent to defendants on Aug. 14, 2019.
- Ex. 2: Copy of Inventory of property (legal) received 11-5-19
- Ex. 3: Copy of Proof of Service of 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 Extention 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 Court's filed July 30, 2019.
- Ex. 9: Objections To Order of Dismissal 11-12-19
- Ex. 10: Remittitur, Dated November 13, 2019.
- Ex. 11: Notice that Plaintiff's objections were filed or sent on November 12, 2019, the remittitur was issued November 13, 2019 see: Ex. 9, and Plaintiff filed for Re-hearing since July 30, 2019 in which there was never a response. According to SCACR 221(b) this remittitur should have never been sent. Whereas Plaintiff filed for re-hearing and Objections to the judges order before the remittitur was issued.

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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.

INMATE PROPERTY INVENTORY

Seal Number _____

11/5/11

BKA

Date
3/5/480

Dizzley

Institution/Center
Lerron

SEDC Number

Name (Last)

(First)

(Middle I.)

Purpose of Inventory (Check One)

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

Other Property

- Drivers License# and State _____
- Social Security Card _____
- Medical Card(s) (list) _____
- Credit Card(s) _____
- Others (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)				W.H. 12	
Curling Iron (1)					
Clock (1)					
Electric Shaver (1)					
Coffee Pot (1)					
Hair Dryer (1)					
Single Outlet Dropcord (1)					

OTHER PROPERTY (LIST QUANTITY OF EACH)

- 1 Bathrobe* (1)
- 3 Spork (3)
- 10 Books/Magazines/Bible/Koran (10)
- 7 Bras** (7)
- 10 Brush (plastic or rubber) (1)
- 4 Maternity** (4)
- 1 Mesh bag (1)
- 1 Necklace (1 religious)
- 2 Nightshirts** (2)
- 4 Pants (state issue and personal) (4)
- 1 Shorts (athletic) (1)
- 1 Skirts** (1)
- 7 Socks (white only) (7)
- 1 Sunglasses (1)
- 3 Thermal underwear (3)

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

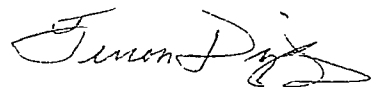
v.

Terron Dizzley

Appellant

Proof of Service

I certify that I have served the Notice of Appeal to McDonald
Patrick 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, # 354480

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

FILED
GWENDOLYN D. CHILES
2019 AUG 20 P 1:36
CLERK OF COURT
McCORMICK COUNTY, SC

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 McCormick County Clerk of Court August 14, 2019, 610 South Mine Street, McCormick, S.C. 29835 by depositing a copy of it in the BRCF mailing system.

Terron Dizzley

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. McCLeod, Circuit Judge

South Carolina Dep. of Correction

Respondent

FILED
GWENDOLYN D. CHILES
2019 AUG 20 P 1:36
CLERK OF COURT
McCORMICK COUNTY, SC

v.

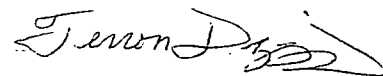
Terron Dizzley

Appellant

Notice of Appeal

Terron Dizzley appeals the order (judgment) of the Honorable
Walton J. McCLeod dated December 10, 2018. Appellant received
written notice of entry of this judgement 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 Paston Hemphill
& Roper, LLC
414 Main Street
Greenwood, S.C. 29648-1547

August 14, 2019

Ex. 3

Terron D. [#] Dizzley, 359480, Mar. 151

BRC I
4460 Broad River Rd.
Columbia S.C. 29210

RECEIVED
AUG 14 2019
BRCI
MAILROOM

McCormick County, S.C.
610 South Mine Street
McCormick, S.C. 29835

250536000 R003

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. 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)[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 Brandi 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.

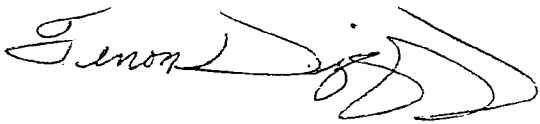
9. Appellant contends that he was not given fair notice of a ruling which was clearly unfair, bias, was not decided as to the facts of the case and the law as to these facts and was not decided in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Thus violating 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. 1-89 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.



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), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCP; 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

Ex. 7

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.
South Carolina Department
of Correction, Defendants

2019 JUL 30 AM 11:25
CLERK OF COURT
MCGORMICK COUNTY, SC

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 Court 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 evaluation 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 defendant's 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 decrements. 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,

Jenna D. [Signature]

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 BBCI 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

McDonald Patrick Paston Hemphill + Rope, L
P. O. Box 1547
Greenwood, S.C. 29643-1547

CLERK SC COURT
MCCORMICK COUNTY, SC

2019 JUL 30 A 11:25

FILED
GWENDOLYN D. CHILES

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

McCormick Co. Clerk of Court
133 S. Mine 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
Terron Dizzle #359480
4400 Broad River Rd.
Columbia S. C. 29210

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

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.

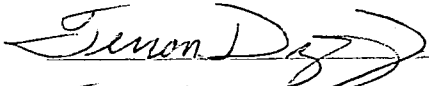
Plaintiff was released from lockup on Oct. 30, 2019 and did not receive his property until Nov. 5, 2019. Plaintiff has now located these documents as proof that he has served Plaintiff. (See Attachments)

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


Teron Dickey # 359480
4460 Broad River Rd.
Columbia, S. C. 29210



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 13, 2019

The Honorable Gwendolyn D. Chiles
133 S. Mine Street Suite 102
McCormick, SC 29835-8357

REMITTITUR

Re: Terron Dizzley v. SCDC
Lower Court Case No. 2018CP3500058
Appellate Case No. 2019-001077

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,


CLERK

Enclosure

cc: Terron Dizzley, 359480
Steven Michael Pruitt, Esquire



Ex. 11

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 21, 2019

Terron Dizzley, 359480
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Terron Dizzley v. SCDC
Appellate Case No. 2019-001077

Dear Counsel:

On November 15, 2019, the Court received your "Objection to Order of Dismissal." The remittitur in this case was issued on November 13, 2019. The Court no longer has jurisdiction in this matter. Your documents are returned to you.

Very truly yours,

V. Claire Allen, Deputy
CLERK

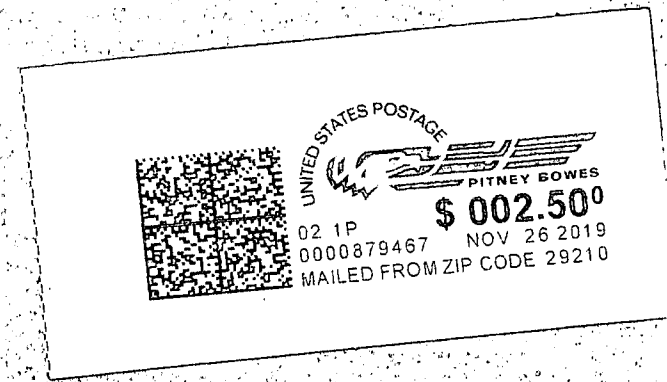
cc: Steven Michael Pruitt, Esquire

Terron Dizzley #359-480, Merion 169

BRCI

4460 Broad River Rd.

Columbia, S.C. 29210



The Supreme Court of South Carolina

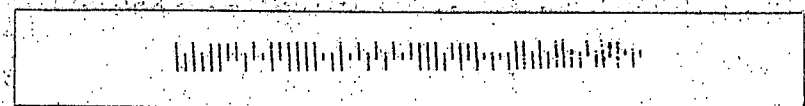
P.O. Box 11330

Columbia, S.C. 29211

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NOV 26 2019

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BRCT
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NOV 26 2019

RECEIVED

THE DEPARTMENT OF CORRECTIONS HAS NOT
CENSORED THIS ITEM. THEREFORE, THE DEPARTMENT
DOES NOT ASSUME RESPONSIBILITY FOR ITS CONTENTS.
BROADRIVER CORRECTIONAL INSTITUTION
S.G. DEPARTMENT OF CORRECTIONS

RECEIVED

DEC 02 2019

S.C. SUPREME COURT



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