

ATTN: Director, and General Counsel OF:  
S.C. Board of Medical Examiners (BME)  
110 Centerview Drive; Post Office Box 11329  
Columbia, South Carolina 29211

Affidavit of:  
Formal Complaint  
(7 January, 2020)

To whom it may concern,

This complaint is to be considered with all my previous complaints to (BME), as being germane and consistent to issues of the South Carolina Department of Corrections (SCDC), "broken system" which is clearly explained further in Case # 2005-CP-40-02925, et al., which I remind you of,

Although I will generally identify numerous licensees in violation of <sup>DMC<sup>o</sup></sup> of (1-23-380; 40-47-200; Title 33, etc., to the result of (eg. 15-36-100; 15-78-125, etc.);

I emphasize that these violations would not be happening commonly and continuously if the program of "Damage Control" over primary and preventative care weren't the mindset.

Furthermore, as I have always made plain and clear, that a de minimus target for quality of care often leads to abuse and neglect as a substitute for effective medical treatment for serious medical needs.

Similarly, consistent in my writings to this agency, I identified base problems that force bad decisions by the healthcare providers. They are quite obviously understaffing, overcrowding, sub-standard conditions, and constant rationing as being root patterns and practices to deny programs and services.

Other contributing factors leading to preventable issues can be easily recognized in excessive lockdowns, painted windows, denied required recreation, education, and counseling services, among other clearly identifiable systemic malfunctions.

Untrained / undertrained staff certainly dominates the list of issues that were suppose to be rectified in the Settlement Decree of the above stated case, but weren't.

Similarly, record keeping is another egregious problem that has not only been multiplied by dual computer systems of (Next Gen, and CRT), but the intent to eliminate paper charts has led to the "crime" of destruction of all my hardcopy medical files on or about (26 Feb., 2019), which has aided (SCDC) as excuse to deny / delay treatment.



itics. Certainly, insurance companies are adversely motivating those trends.

Bloodspills, fatalities, EMS hospital orders, frequently speaks of desperation in treating (chronic and acute) issues while it is clear that (SCDC) relies greatly on Medicare / Medicaid resources for subsistence.

The public would find it impossible to question medical emergencies, much less doctors orders, to recognize the Damage Control crisis. It is also rumored that expired (shelf-life), medications are donated, which again, would be extremely hard to prove, much less subpoena, as I've tried to do.

The strategic enhanced punishments coincide the anticipated national bankruptcy as flaps were retrofitted to all cell doors to extend lockdowns indefinitely. This matters dramatically as medical issues are monitored less frequently (until catastrophic injury or constant complaints), as another excuse to lower quality standards in all respects.

I re-emphasize the manipulative poor quality / quantity of food rationing as more intentionally abusive punishment to embezzle resources intended specifically for the benefit of the prisoner.

The South Carolina Department of Health and Environmental Control (DHEC) reports are clearly being fraudulated as starvations and fires are overlooked with (100%) approval ratings, historically.

The (6 Nov, 2019), inspection by (DHEC) of Medical and allegedly the Cafe, were heinously manipulated, which I responded to in a Follow-up Redress, that has predictably gone unanswered, as usual.

The long list of hospital visits recently, aside from the vastly disproportionate fatality rate should have raised your suspicions from my previous letters. As I have extensively documented, chronic care facilities would not normally experience these trends.

Similarly, the 1st Responses for "Emergencies" are now being systematically manipulated by only rare announcements. Ambulance rides and Air-evac's are supplemented by (security) wheelchair vans also. However, vans are not built for wheelchairs, causing more injuries and not reported.

Although all this may seem generic to (BME), in allegations to this point, the (BME) is a regulatory and enforcement agency charged to investigate and

and help resolve the current epidemic.

With all that been re-stated, I (again) remind (you all), of my slipped disc problem that has been deceptively downplayed for two decades now (with over 106 different medications), and with no hope for relief as I remain bedridden now for (17) years.

The numerous symptoms of my wasted away body, high blood pressure, nausea, vertigo, dislocated knees issues, have been trivialized by staff who destroyed my medical records, I continue to ask for as proof;

Ingrown toenails that need to be surgically removed (again), are under-treated; as my gall-bladder damage from starvation is ignored completely. I am routinely denied dentures, now going on (10) years, and my right eye in particular is growing more blurry all the time. The transfer game is also more telling now than ever before.

It is often freezing cold in my room even when it is (70° F) outside, which I can't access, because I am denied my medication on order and available. There is also an equipment shortage here also.

My recent grievance was disdainfully undermined and covered up by officials. The time is ripe for another lawsuit unless I receive the relief I need and am entitled. See Docket No. 19-ALJ-04-0561, et alia.

I attest that all the above information is true and accurate.

Daniel R. McClain<sup>o</sup>

Pro Se Plaintiff's Signature and Address

Mr. Daniel R. McClain<sup>o</sup>, # 268976  
Turbeville C.I., Infirmary  
P.O. Box 252; Room # 112  
Turbeville, S.S. 29162

Oops from Page 2

My extensive efforts to obtain my medical files has been mostly fruitless, again, (as documented in court), even during litigation which reveals a judicial collusion factor.

However, as previously discussed also, the Settlement Decree was a hasty and superficial medication that failed to address (root problems), substantial lawlessness and corruption, and created more violations by

Pg 5 of 5 Privileged Legal Material; BME Mr. McClain<sup>o</sup>, # 268976  
Affidavit of Formal Complaint (FROM PAGE 2)

converting general population to a quasi-SMU style enhanced punishment routine.

It all matters as inter-related issues,

All authorities outside (SCDC), and officials within the (SCDC) realm, including medical supervisors, administrators, and even licensed nurses are required to operate within the laws of this state and nation, which clearly is not occurring. It is raw exploitation.

And again, to aid (you) in making effective changes (if ever you decide to), you only need to follow the money trail which explains the motivations behind bad decisions for health services.

The (BME) can force the Governor and Legislature to provide resources being misdirected away from (SCDC), to provide the "mandated" provisions necessary to advance quality of life, provide adequate, appropriate treatment, and begin (a required) rehab program throughout (SCDC), beginning with Medical as described in S.C. Constitution, Article 12§2.

Because the penal system is set up as a retributive-oriented program rather than by "correction, reform, rehabilitation, etc.", one must peer deeper to recognize the true priorities to bring about efficient change that actually heals the community at-large.

Presently, the hegemony is focused on intimidation and oppression by fraud to control inmates, however, the bond scheme mixed with widespread extortions and embezzlement forces both an extraordinary staff turnover, and recidivism.

Unlawful extended sentences by (SCDC) is also prevalently illegal, but it generates public revenue (predictably). I have proven all of this conclusively over (21) years. See also: Case # 2015-CV-04516 MBS AJB, et alia, which should still be fresh in (your) memory.

Nevertheless, what you can find immediately upon investigation of Medical are abused and neglected prisoners with no hope, no help, and no future worth investing in. However, it is a public service to protect those basic rights of improvements which were sworn to by every state employee and elected official.

Education and medical care go hand-in-hand, but the library is devoid of any substantial reference material to answer scientific questions. Right to know is fundamental to progress recovery.

End AMM

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FEB 03 2020

SC Court of Appeals

T.R., et alia,  
Appellants,  
vs.  
S.C.D.C., et alia,  
Respondents.

In The State of South Carolina  
In The Supreme Court

Case # 2005-CP-40-02925

Affidavit of Notice of Brief; and Motion  
To Stay Settlement Decree - Re-activate  
Claim.

( 27 January, 2020 )

The following Notice / Motion, are submitted by Pro Se Appellant (Mr. Daniel R. McClain<sup>o</sup>), pursuant to Rules 208, and 225 SCRAP.

### History

This 42 USC § 1983 Cruel and Unusual Punishment claim was first filed on (6/20/2005), primarily addressing issues of non-compliance of legal requirements by the South Carolina Department of Corrections (S.C.D.C.), which did cause numerous bodily injuries, and deaths of many other inmates.

The main focus of this claim centered on the Crisis Intervention (C.I.), Gilliam Psychiatric Hospital (GPH), and Special Management Units (SMU, etc.), of S.C.D.C..

Mistreatment of psychiatric patients in particular occurred by rampant neglect, excessive use of force, sub-standards of care, facility deficiencies, lack of adequate staffing, antiquated equipment, poor record keeping, and other obvious violations.

The targeted date for improvements agreed upon in the arbitration process was set at (2 May, 2020), as being a fulfillment of the terms of, and compliance to the laws of this state. There were specific upgrade requirements to (7) separate facilities in which Turbeville Correctional Institution (T.C.I.), was named one of them.

This Appeal directly challenges the continued failure of S.C.D.C.'s compliance and the inevitable failure of the completion of the terms of the arbitration to be fulfilled to adequately protect all inmates from future harm and/or death under S.C.D.C.'s custody.

Notice: A new case will be filed if relief is not adequately provided at this time.

My involvement in this case arguably began in (2005), as I had made several correspondences to the Nelson, Mullins, Riley & Scarborough Law Firm complaining of medical issues I was experiencing, ineffectively addressed, and conditions of confinement issues being

Affidavit of Notice of Brief; and Motion To Stay Settlement Decree - Re-activate Claim

ignored. I was made aware of this case in (2017), however,

through the years I had been assigned to numerous locations listed in this claim as being "similarly situated", in both SMU/CX, and GPH appointments while unable to walk due to my medical issues.

And, I had specifically appealed to this court, conditions of confinement issues (i.e. May 9, 2002; Case # 2002-23423), from Direct Appeal, etc., etc., and while this case was active on (26 Sept., 2005);

I filed an Extraordinary Writ of Mandamus to this court dated (Feb. 11, - 2005), which was not answered. Several more motions for relief were denied erroneously, as more issues were raised through the years to this court.

In the attached Appeal Brief, I will prove in many ways of many times, that the intent of this government has obsessed on exploiting inmates at the ultimate expense of the state's taxpayers, and also the friends and families of prisoners.

The failure of successfully improving inmate's quality of life through SCDC's operations has been due to extensive fraud as I have regularly documented examples of in this claim;

since my first filing in this case on (5 July, 2019), in an Affidavit of Motion For Injunctive Relief, which was not recognized except by the Clerk of Court, along with every filing thereafter.

The evidence clearly reveals that there were no tangible improvements made that benefit inmate's health and safety, nor quality of care, infrastructure, or programs and support services, agency-wide.

D. R. McCLain

Pro Se Appellant's Signature and Address

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Citations of Authorities

Pg. No. (s)

American Diabetes Assn _____	7
Am. With Disabilities Act, Title II _____	6, 7
Brown v. Plata, 131 S.Ct. 1910, 1928-29 (2011) _____	6
CAC/ACA Accreditation Standards _____	1, 4
Case # 2015-CV-04516 MBS PJG _____	2, 7
Case # 2018-CV-03081 MBS PJG _____	2, 8
Coleman v. Wilson, 912 F.S. 1202, 1319 (E.D. Ca., 1995) _____	9
Color of Law; 18 USC § 242 _____	5
Elliott v. ME Nair, 250 S.C. 75, 156 S.E. 2d, 421 _____	6
Food and Drug Admin. Act _____	7
Geisler v. Walters, 510 F2d 857 _____	5
Grievance No(s) TCI-0494-19 _____	2
TCI-0495, and 0561-19 _____	9
Helling v. MS Kinney, 509 U.S. 25, 35 (1993) _____	5
In re Coleman, D.C. Ky., 21 F.S. 923-24 _____	6
NKJV, Holy Scriptures _____	2
Overcrowding Acts _____	3
Public Health and Welfare _____	7
Rehab Act of 1973, etc. _____	6
SCALJD; 18-ALJ-04-0527-28 _____	6
19-ALJ-04-0226 _____	8
19-ALJ-04-0275 _____	6
19-ALJ-04-0561 _____	5, 7
SC. Board of Medical Examiners _____	8
S.S. Code Ann. § : 23-3-10 _____	6
23-29-20 _____	7
24-9-20 _____	9
24-13-150 _____	5
24-21-220 _____	3
24-22-130 _____	7
44-115-30 _____	

Citations of Authorities (continued)

Pg. No. (s)

S.C. Const., Art. 1 _____	1
Art. 12 § 2 _____	1, 4
SCDC (9-2) Law Book Request Form _____	2
SCDC Policies (HS 18, and 19) _____	6
SCDH&C _____	6, 7
S.C. Senate Subcommittee on SCDC _____	5
Thomas v. Bryant, 614 F3d 1288, 1320-21 (11th Cir., 2010) _____	10
USA v. SCDC _____	6
Williams v. Griffin, 952 F2d 820, 824-25 (4th Cir., 1992) _____	3
Wilson v. Seiter, 501 U.S. 294-304, 111 S.Ct. 2321-26, 115 L. Ed 2d 271 (1991) _____	3
WIS-TV _____	3
End. <i>AMEA</i>	

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JAN 31 2020

S.C. SUPREME COURT

In The State of South Carolina  
In The Supreme Court

Appeal From Richland County  
Court of Common Pleas

Case # 2005-CP-40-02925

T.R., et alia,  
Appellants,

vs.

SCDC, et alia,  
Respondents

Matters To Be Included On Appeal

- 1) Attached SCDC (9-2) Law Book Request Form dated (1-6-2020);
- 2) All references noted in the attached Appeal Brief; and
- 3) All previously referenced, and evidenced, material and circumstantial evidence listed in the above-stated case.

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Pro Se Appellant's Signature and Address

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FEB 03 2020

SC Court of Appeals

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T.R., et alia,  
Appellants,

vs.

S.C.D.C., et alia,  
Respondants.

In The State of South Carolina

In The Supreme Court

Case # 2005-CP-40-02925

Appeal Brief

( 27 January, 2020 )

### Idea

To what degree of responsibility does the State of South Carolina and the Judiciary assume liability as the South Carolina Department of Corrections (SCDC), has remained a "broken system", from judgement of this case?

### Rule

Although this claim was challenged by the highest level of proof of federal standards, state law, regulations, rules, and policies were/are clearly shown to be ignored, manipulated, coerced, etc., to lower quality of life / care of inmates, absent authoritative oversight.

Currently, there has been no noticeable improvements overall as CAC/ACA accreditation (basic minimum) legal standards are routinely violated, which fall below court-ordered obligations to safely house, care, and rehabilitate inmates to the satisfaction of South Carolina Constitution, Article 12§ 2, etc.

The continued examples shown below will again prove that S.C. Const., Art.(1), is being intentionally undermined with government consent, to challenge the entire existence of prisoners rights by SCDC.

The systemic censorship program has been enhanced to cover for the eroding entitlements of prisoners, as shown. The special emphasis is hereby made to remind this Court, et al., of the "syndicated Racketeering Scheme" instituted by the government of the state of South Carolina, to accommodate / direct SCDC's rogue operations, and to alleviate responsibilities of jurisdictional authorities.

One specific aspect I will further expand on will emphasize that law

Appeal Brief

Rule (continued).

reference materials and assistance by persons trained in the law is being mostly denied as a strategic manipulation to obstruct an effective claim, therefore, I am hindered unnecessarily, to have a full and fair hearing of this filing, as prejudice.

see attached: SCDC 9-2, Law Book Request Form, and Grievance # TCI-0494-19, et al.

See also: Cases # 2015-CV-04516 MBS PJG; and # 2018-CV-03081 MDS-PJG in the Federal District Court at (PACER.com.), for much more material and circumstantial evidence.

### Application

I remind this court of fundamental violations that have never been properly recognized / addressed, that follow national patterns and practices adverse in routines of ~~AMEE~~ overcrowding, understaffing, substandard conditions, and constant rationing.

By belligerently allowing these obvious violations, the quality of life dramatically diminishes, as the statistics reveal. It not only violates the basic intent of SCDC's Charter of Operations, it undervalues human life and defeats in every fundamental way, an individual's constitutional, unalienable rights. See: NKTV, Holy Scriptures.

Two main objectives appear to be (1) an egregious and vindictive retribution proxy; and (2) an economic hegemony loaded with bond fraud, extortions, and embezzlements.

The unavoidable results are seen in recidivism, staff turnover, injuries, premature deaths, less public assistance, higher taxes, more corruption, etc., etc..

While a great deal of the information discussed here is limited (due to obstructions for more complete data), the encompassed deplorable conditions at the Turbeville Correctional Institution (TCI), are the main focus.

However, there are many troubling systemic factors that need to be considered before a rational discussion is made for judgement of this Appeal.

### Lockdowns

Probably, the greatest blunder of the Settlement Decree began immediately following arbitration of segregated inmates.

Appeal Brief

Application - Lockdowns (continued)

The reduction of longevity of punishment or protective custody assignments in Crisis Intervention (CI), Gilliam Psychiatric Hospital (GPH), and Special Management Units (SMU, SHU, Super-Max, etc.), (30) days, resulted in general population being downgraded to an enhanced restricted movement, less services structure.

In fact, the new strategy of weekend lockdowns became much more vindictive as doorlocks were upgraded, doorknobs removed, windows were painted or steel plates welded to block sunlight, food-flaps were retrofitted to cell doors, and daily lockdowns dramatically increased.

Showers, recreation, telephone / kiosk, education, counseling, etc., all became violated for long periods of time, then, discriminations of preferential treatment for workers, VERA program, and character dorm followed.

See: WIS-TV (Aug, 2019), "Lockdown" special program, I was not allowed to watch.

Overcrowding

Notice! Overcrowding preceded the calamity of SCDC notoriously, simultaneously closing several Pre-Release Centers that caused massive shifts of inmates, to be incorporated into already overcrowded facilities, which aided greatly in the resulting riots at TCI in (Nov-Dec., 2017), which caused numerous injuries, fatalities, etc..

Recognize though, that just as the Federal Prison System has an "Overcrowding Act", so does the state, see: S.C. ANN. § 24-22-139, which is not enforced. Overcrowding is proven by a single identifiable human need deprivation, aside from 55 sq-ft. per person requirement; and rare cell checks.

See: Wilson v. Sester, 501 U.S. 294-304, 111 S. Ct. 2321-26, 115 L. Ed. 2d 271 (1991).

See also: Williams v. Griffin, 952 F2d 820, 824-25 (4th Cir., 1992).

Riots / Fatalities

The irony is, that following each riot at (TCI), the facility came off of lockdown almost immediately, but when the Lee CI. riot occurred on (15 Apr, 2018), TCI was placed on lockdown for (2/3) of the year.

Furthermore, while (soft) fences were erected around TCI, stabbings and drug overdoses, along with an extraordinary amount of suicide attempts were carried out. The fact that these statistics didn't exist near as much

Appeal Brief

Application - Riots / Fatalities (continued)

before the lockdowns, strongly suggests that the oppression was a primary factor in the events.

By studying the situation more closely, it is easier to come to that same conclusion.

Another tangible indication of the "crime in progress" are emergency responses that I articulated, which peaked at (17) in one day on (18 Sept., 2019). The "still alive" policy clearly doesn't work to protect lives from being lost.

As I remained bedridden the entire time from my first filing in this case, from (5 July, 2017), I documented over twice as many fatalities in this claim as originally evidenced.

To be exact, I listed (13) fatalities and (5) riots between (2017-18). And there were (at least) seven (7), fatalities at (TCI) alone in (2019), with a (3/4)-dorm lockdown policy. The alleged (28) deaths at Evans C.I. between (2012-14), also missed the court's radar completely.

By any account, these figures are disproportionately high per capita, but it shows fundamentally, that the system remained "BROKEN". And, it must be realized, that although both my recounted history and facts of this case' (9) year history were drawn from as far back as (1999); NONE of the details are redundant.

#### CAC/ACA Standards

Commission on Corrections Accreditation - American Corrections Association (CAC/ACA), outlines the basic legal requirements for facilities to operate under, notice that even with an (80%) certification requirement, that SCDC had to withdraw from accreditation in (2003);

forefearing a (20) million dollar federal grant, and exposed the state of South Carolina and the federal government for collusion by not demanding compliance.

Noting that in the (8 Jan, 2014), Court Order on (Pg. 13), that "the Department's practice consistently violates ACA standards", and the (10) case examples, were unnecessary for the judgment to be made from Corrections Expert, Steve J. Martin; (Pg. 17), Court Order;

To date, Rimini Dormitory (TCI), has been condemned and unusable, as at least, Elliott Dormitory cells are condemnable (no electricity or hot water in cells, etc.).

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SC Court of Appeals

Appeal Brief

Application - CAC/ACA Standards (continued)

Notice: Helling v. McKinney, 509 US 25, 35 (1993), that:

"The objective component is not limited to past harm, but also protects inmates from an unreasonable risk of future harm.

At this point it should be recognized that in the spirit of the Color of Law, there is a willful intent to remain non-compliant by SCDC. See: U.S.C. § 242.  
18 ↑ 18ME0

Next, it should be recognized that I independently motioned for an Extraordinary Writ of Mandamus (15 July, 2019), that was not answered. And, as a result, on (3 Sept., 2019), I filed a Default Motion, that also was not answered.

In fact, none of my motions or constitutional claims were addressed to date in this case, therefore, justice delayed is justice denied. See: Geister v. Walters, 510 F2d, 857 (1975).

And, the numerous Freedom of Information Act requests to various agencies were not honored, as evidenced (e.g. U.S.D.A. - (8 June, 2019); S.C. Ct. Ad-min. Complaints; S.S. Probation, Parole, and Pardon Services - (19 Nov., 2019), etc., etc.. See also: S.C. Code ANN. § 24-21-220. (S.C. PAPS) 18ME0.

It is evidenced that I complained to the S.C. Senate Subcommittee on SCDC on (13 Aug., and 1 Oct., 2018), but nothing was achieved again.

Note that, due to the lawlessness and the results of injuries, fatalities, then, more episodes I experienced personally, a Request for Warrants was submitted to the (5th) Circuit Court, and Solicitor, which again, was not answered, from my (8 Feb., 2018), filings.

Then, the Lee CI riot occurred, and TCI lockdown began - for (8) months.

### Medical

As shown in my new Affidavit of Formal Complaint dated (7 Jan., 2020) to the S.C. Board of Medical Examiners (BME), my medical issues are still not being addressed with effective, graduated treatment for my known illnesses, but are being intentionally undermined.

This Court has also been repeatedly informed of these illnesses, just as the (5th) Circuit Court, Court of Appeals, and Federal Courts. It is no wonder that the jurisdictional, regulatory agencies obligated to enforce the laws, don't.

Appeal Brief

Application - Medical (continued)

The fundamental problem with de minimus mindsets of SCDC Medical is that Rehab is not even <sup>in any</sup> structured part of treatment, in violation of S.C. Constitution, Article 12 § 2, for lack of a program, equipment, trained staff, or proper facility. Elliott v. M<sub>2</sub> Nair, 250 S.C. 75, 156 S.E.2d 421.

See: In Re Coleman, D.C. Ky., 21 FS 923-24; and see also:

Rehabilitation Act of 1973 at 29 USC § 701 et seq; and 794 of (504), Americans With Disabilities Act, Title II; state created rights/liberty interests.

There really should be no surprise at all that SCDC (MS. 18, and 19) Policies are still in question, particularly with the extraordinary fatality rate shown. However, just because there is a Settlement Decree in force, does not alleviate officials from liability or enforcing the law in this matter.

See: Brown v. Plata, 131 S.Ct. 1910, 1928-29 (2011).

Nevertheless, the fact that I have remained involved, addressing repeatedly the S.C. Department of Health and Environmental Control (DHEC), (ie 29 Jan., and 5 Mar., 2018; and 9 Dec., 2019, etc., etc., etc.), there should be no doubt of the lack of accountability, especially with the extensive list of violations I cited.

Even as I wrote the courts, etc., about GPH doctors vindictively slandering me at the behest of Medical on (27 Aug., 2018), no one responded. Subversion has always been an intricate part of SCDC's lawless operation in violation of S.C. Code Ann. § 23-29-20.

See: (8) pages of SCDC Medical Encounter Reports; and also Dental RTSM's evidenced on (23 Sept., 2019).

See also: 18-ALJ-04-0527-28; and 19-ALJ-04-0561, et alia, So, where's my healthcare?

The discrimination case of USA v. SCDC, for AIDS patients should have also raised more questions, but just like in this case, arbitration won out and all inmates lost by mass-integration by illegally double-calling patients with non-infected inmates; as prejudice also.

The blood issue alone is cause for great concern, but obviously there are issues of incompatibility that weigh heavily on cruel and unusual punishment.

Now, according to newly enacted law, (allegedly) all inmates are to be force-tested for Hepatitis A and B, just as TB tests are, declaring another extortion to taxpayer resources, but for the illegal, heinous overcrowding scheme.

Appeal Brief

Application - Medical (Continued)

At TCI Infirmary, this (1 of 4) times here, I have never once been seen by a doctor from (26 Apr., 2019), on.

### Medical Records

Since my 2015-CV-04516 MBS PJB cruel and unusual punishment claim, I have continuously sought my medical and psych records that SCDC and their lawyers don't want me to have.

Not only have I written also the SCDC Director and General Counsel for them (ie 22 Apr., 2019); on (18 July, 2019), I had asked D.D.H.S. Marshal. On (30 July, and Oct. 5, 2019), I wrote directly to Health Info. Services, SCDC, and still can't get my records (that are available).

I have also written to Mental Health Director, B. Wood for them on (6 Nov., 2019, and 3 Jan., 2020), but she refused to respond. Therefore, I need a court injunction for them. This was clearly in violation of S.C. Code ANN. § 44-115-30.

However, on (20 Nov., 2017, and 5 Mar., 2018), I motioned the court for Discovery for everything filed in this case I was not provided, so I could be informed to make intelligent work product for filings.

see also: my (1 June, 2017), Notice of Intent.

The dirty secret revealed to me on (24 June, 2019), by CNA Alleyne, was that my medical hardcopy charts are "lost", from at least (26 Feb., 2019), when I was transferred unnecessarily, from a Medium Security Prison. This is not a coincidence considering my Pro Se litigant status.

So, why would DHEC and BME NOT investigate all this?

A great deal of the confusion comes from SCDC's transfer strategy. The "starting over" technique is extremely effective to avoid graduated treatment for chronic care.

### Food / Drink

For many years recently, SCDC has violated Policy (ADM.-16.05) as S.C. Code ANN. § 24-9-20 injury regularly, whether it be by Public Health and Welfare Standards; Food and Drug Administration Act, 21 USC § 301; or the American Diabetes Association Standards, etc., etc..

On the weekends, only two meals are served each day, usually with almost no nutritional drinks. Overall food quality is extremely poor, and at the lowest national ranking. This clearly violates also, Americans With Disabilities Act, Title II requirements. See also: ADA, 42 USC § 12101, et seq..

Appeal Brief

Application - Food / Drink (continued)

I again, have documented numerous other starvations during the lawsuit litigation and Deere periods, and no responses or improvements have been made. It is another calculated embezzlement program with a Management Bonus Program misused as an incentive to unnoticeably injure inmates.

This, therefore, constitutes Fraud in respect to SC Code Ann. § 23-3-10.

My (3 June, 2018), filing of the review of SCDC's food service policy was also ignored. Therefore, there should also be no surprise that even with the Warden's consent to my Grievance, 19-ALT-04-0275 was egregiously dismissed by a corrupt judge (R.K. Anderson), who this court's Disciplinary Counsel would not reprimand, etc.; see also: 19-ALT-04-0226.

### Unlawful Imprisonment

What should also be an alarming wake-up call is that syndication of fraud is shown by this courts' deliberate indifference to my illegal criminal conviction / appeal process, while I supplemented appeals for the "broken system";

causing repeated, verifiable injuries I documented in both material and circumstantial evidence, see: Case # 2018-CV-03081 MBS POG, etc..

While all court officials in every forum could have recognized the blatant errors of illegal warrants, and no warrant for the main (fraudulent indictment), etc., etc., etc., but didn't, the extensive list of reversible errors this Court destroyed (twice), of my Notice of Revised Appeal; aside from not answering motions and constitutional claims also, was reversible error.

And, while the federal courts continue to fraudulently ignore reversible errors for time limit excuses, it should be noted that the SCPPS also ignored the (130)-plus page Notice of Revised Appeal.

The Governor will not hold them accountable.

That also revealed again, how the conflicts of interest directly implicates the South Carolina Attorney General's Office who defends SCDC (etal), the former Assistant Attorney General who is the current SCDC Director (Ryan P. Stirling);

and the former two-time Attorney General who has been Governor now for over (3) years, (Henry McMaster).

Appeal Brief

Application - unlawful Imprisonment (continued)

The statehouse officials have been siphoning resources away from SCDC, that are mandated by numerous laws as provisions for prisoners care, safety, maintenance, welfare, rehabilitation, education, etc., etc., etc.; as entitlements, not gratuity, privileges, handouts, etc. -

Therefore, this is the hallmark of examples of extortion conducted contrary to constitutional laws - state and federal, that prioritize arbitrary and/or capricious legislation, at prisoners and taxpayers expense.

I also specifically note, that the intention by state officials is to advance a most fraudulent bond program that is ALWAYS ambiguously under reported to the Congressional Budget Office in Washington, D.C., none will explain.

However, as clearly explained in Grievance Numbers (TCI-0495, and 0561-19), which exposed the IGC, DHC, IGA, and Warden for conspiring to misuse work credit and corporal punishment (bogus) charges to allege S.C. Code Ann. § 24-13-150, provides SCDC authority to extend my illegal sentence (2 years, and 8 months).

Monetarily, this is another goldmine for the state as the bond is extended, the stipend continues for daily custody, and then, naturally, the state's lawyers are hired for appeal, which the taxpayers are once again oblivious to.

What SCDC officials learned long ago (by this common offense), in it's convoluted logic, is it is easier to see if they can get away with it rather than institutionalizing someone new.

As the courts continue to ignore this infringement, more racketeering is shown by the syndicated collusion by fraud, tyranny, treason, etc. -

Cross-Claims

Due to all the above reasons, just cause is clearly shown to justify the re-accusations of all previously accused state actors, et alia, for the examples stated, and now reinforced.

Although numerous motions for this particular cause was made on (3 May; 15, and 22 June, and also 1 Oct., 2018), none were answered, in error.

Without further need of numerous pages of more current examples, the systemic dysfunction has been extensively documented of mail fraud, obstructions, library infractions, etc., to no avail of even answers, much less corrections.

Notice: Coleman v. Wilson, 912 F.Supp. 1282, 1319 (E.D. Calif., 1995), that potential ineffective gestures purportedly directed toward remedying objectively unconstitutional conditions do not prove a lack of due diligence, if they demonstrate it,

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Appeal Brief

Application - Cross-Claims (continued)

It is also unquestionably clear that there is an unwritten proxy of this government to perform extra-judicial damage control due to its complacency of the economy, to the anticipated national bankruptcy I expect will cause Tribulation to begin, (eg. fusion centers, FEMA camps, etc.).

By instigating neglect, abuse, torture, and death, SCDC has proven how defunct government culture has devolved to, thus, satisfying:

Thomas v. Bryant, 614 F.3d 1288, 1320-21 (11th Cir., 2010) - to rely on intervening events occurring after suit has been filed the defendant's must satisfy the heavy burden of establishing that these such events have completely and irrevocably eradicated to the effects of the alleged violations.

Meaning, practices may be reinstated as swiftly as they were (allegedly) suspended.

Aside from being slandered by SCDC of (43) charges, while bedridden, more after-discovered evidence was presented but not responded to from my (7 Nov., 2018), filing; I motioned for Habeas Corpus Relief on (13 May, 2019), which was not answered; and

I motioned for Summary Judgment that was also not answered from (15 June, 2018), which reveals a complete disconnection by Judge Wm. L. Howard, which leads me to question:

Why isn't the Chief Circuit Court Judge reviewing claims on occasion?  
Amos 5:1, NKJV.

Conclusion

It should resonate to all related parties, that SCDC's improvised program of more band-aid agendas, and touniquet engineering of operations by South Carolina State Government does nothing but more harm concerning SCDC. A serious risk of harm remains imminent.

There simply is no "correction", but corruption in the process.

I hereby re-assent that this case be remanded for full review, in the Circuit Court. I attest that all the above statements are true and correct to the best of my knowledge.

Daniel R. McClain  
Pro Se Appellant's Signature and Address

Mr. Daniel R. McClain • #268976  
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Turbeville, S.S. 29162

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
Office of the General Counsel

\*Please sign 3 returns!  
Thank you.

**LAW BOOK REQUEST**

Inmate's Name:	SCDC Number:	Cell Number:	Date:
McClain, Daniel	268976	INF-112-A	1-6-2020

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I request the following law materials/books be delivered to me (please list all titles, codes, etc. in order of preference):	Your request has been filled or cannot be filled (state reason):	Book Condition	
		Delivered	Returned
1. ACA/CAC Standards	unable to be provided by SCDC	X	
2. Title 21 Food and Drug Act <sup>p. 25</sup> <sub>-622</sub>	filled	✓	
3.			
4.			
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7.			
8.			
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