

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Otis Alford)

Plaintiff(s))

vs.)

S.C. DEPARTMENT OF MENTAL HEALTH)

Defendant(s))

Submitted By: Otis Alford
Address: 4546 Broad River Rd,
Columbia S.C 29210

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

-CP-

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MAR 20 2020

SC Court of Appeals

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20____-NI-_____ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) _____ | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) _____ |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input checked="" type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) _____ | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture—Consent Order (850) <input type="checkbox"/> Other (899) _____ | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Other (799) _____ | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) _____ |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) | | <ul style="list-style-type: none"> <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | |

Submitting Party Signature: Otis Alford

Date: 3-19-20

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
Otis Alford)
)
 Petitioner,)
)
 v.)
)
 S.C. DEP'T OF MENTAL HEALTH,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS

**COMPLAINT AND PETITION FOR
 WRIT OF HABEAS CORPUS
 PURSUANT TO
IN RE CHAPMAN, 419 S.C. 172,
 796 S.E.2d 843 (2017)**

COMES NOW, the above-named petitioner, who declares that he is being confined unlawfully in the South Carolina Sexually Violent Predator Program, and files this petition for a writ of habeas corpus pursuant to the South Carolina Supreme Court's decision in In re Chapman, 419 S.C. 172, 796 S.E.2d 843 (2017). Petitioner states as follows:

1. Petitioner is currently confined at S.C. Dept of Mental Health /
WellPath Recovery Solutions 4946 Broad River Rd. Columbia, S.C. 29210
2. Petitioner was committed to the custody of the Sexually Violent Predator Program by the Court of Common Pleas in Horry County.
3. The Civil Action Number of the action in which I was committed was 44-48-20.
4. The date I was committed was Aug. 23, 2018.
5. I [circle one] (did) did not appeal my commitment. If I appealed my commitment, the Courts to which I appealed are:

- a. South Carolina Court of Appeals
- b. _____
- c. _____

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6. If I appealed, the result of each appeal and the date of the result was as follows:

a. Submitted Feb. 1, 2020/Filed March 11, 2020 Dismissed

b. _____

c. _____

7. If known, the citation to any written opinion or orders entered pursuant to such results:

a. Anders v. California 386 U.S. 738 (1967) Dismissed

b. Oral argument/Rule 215, SCACR Dismissed

c. _____

8. The legal grounds on which I am being unlawfully held are:

Ineffective Assistance of Counsel

Violation of my Civil Rights

Lack of Proof of dangerousness

Double Jeopardy

Inappropriate Diagnosis

Kidnapping (Being held against my will)

9. Concisely stated, and in the same order as the legal grounds listed in Paragraph 8, the facts that support these grounds are:

- ① Ineffective Assistance of Counsel, my court appointed attorney did not represent me to the best of his ability, and I was given a fair trial.
- ② Violation of my Civil Rights, I was to be civilly committed in a hospital setting for treatment, instead of being sent to prison.
- ③ Lack of Proof of dangerousness, There was never any substantial proof showing that I am a danger, only word of mouth.
- ④ Double Jeopardy, criminal or civil offenses, according to law, anytime a person's charges are used more than once for confinement it is double jeopardy.
- ⑤ Inappropriate diagnosis, The diagnosis were not properly given, and I don't feel apply to me.
- ⑥ Kidnapping, as described, anytime someone is held against their will, or are not allowed to normally and freely move, this is kidnapping.

10. I was represented during my commitment proceedings by the following attorneys:

- a. Initial Commitment Trial: James Falk
- b. Appeal: David Alexander
- c. Annual Reviews (and any appeals therefrom): _____

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Otis Alford

Plaintiff

v.

S.C. Dept. of Mental Health

Et. AL

IN THE Court of Common

Pleas.

COMPLAINT

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SC Court of Appeals

I Otis Alford, currently confined at Wellpath Recovery Solutions / S.V. P.T.P. program, am launching this complaint on the following basis: 1) Ineffective Assistance of Counsel, because my attorney James Falk did not properly and adequately represent me to the best of his ability. 2) No showing of Dangerousness, as there was no physical effective showing of evidence based only on word of mouth and opinion, and my criminal offenses. 3) Improper Diagnosis, as the diagnosis given did not fit the offense, and I was not properly tested. 4) Kidnapping, as legally explained by law, not being allowed the freedom of movement, and being held against my will, constitute kidnapping. 5) Double Jeopardy, as stated, at anytime, whether criminal or civil, in which a person's criminal offenses are used more than once for conviction purposes, this constitutes double jeopardy. 6) Civil Rights Violation, in whole and in part, I was civilly committed against my will by saying I had a mental illness or mental abnormality, when this was proven to be not true by stating I was completely competent to stand trial. It can not be possible that I would be competent to stand trial if I have a mental illness, or mental abnormality, this is a serious conflict of interest, and a serious miscarriage of justice. This is only a part of the

Number of complaints I have already entered into record, and will prove and show beyond a preponderance of the evidence that my conviction to be civilly committed was improperly made, and the court and jury was seriously misled. My testimony and evidence will show that my being sent to the Sexually Violent Predator Treatment Program was unwarranted and unnecessary. The testimony and evidence is definitely irrefutable. I believe that the proof I have will be enough to definitely be considered, and my case reversed and dismissed.

Otis Alford #8613274

STATE OF SOUTH CAROLINA,

COUNTY OF Richland

Otis Alford

Plaintiff,

vs.

S.C. Dept. of Mental Health

Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO.

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina

Dated: 3-19-20

Otis Alford

Plaintiff/Attorney for Plaintiff

Address: 4546 Broad River Rd.
Columbia S.C 29210

STATE OF SOUTH CAROLINA,)
)
COUNTY OF Richland)
)
Otis Alford)
)
Plaintiff,)
)
vs.)
)
DR. Gordon Brown)
)
Defendant.)

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO.

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Columbia, South Carolina

Dated: 3-19-20

Otis Alford
Plaintiff/Attorney for Plaintiff

Address: 4546 Broad River Rd.
Columbia S.C. 29210

STATE OF SOUTH CAROLINA,)
)
COUNTY OF Richland)
)
Otis Alford)

IN THE COURT OF COMMON PLEAS

Plaintiff,)

SUMMONS

vs.)

FILE NO.

Alexander Morrow)
)
Defendant.)

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina

Dated: 3-19-20

Otis Alford
Plaintiff/Attorney for Plaintiff

Address: 4546 Broad River Rd.
Columbia S.C. 29210

STATE OF SOUTH CAROLINA,

COUNTY OF Richland

Otis Alford

Plaintiff,

vs.

Alan McCreary Wilson

Attorney General

Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO.

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina

Dated: 3-19-20

Otis Alford
Plaintiff/Attorney for Plaintiff

Address:

4546 Broad River Rd.
Columbia S.C. 29210

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Otis Alford)
)
Plaintiff)

FINANCIAL DECLARATION
IN SUPPORT OF
IN FORMA PAUPERIS REQUEST

-vs-

Dr. Gordon Brown, Alexander Maxwell,
Alan Wi (son (Attorney General)))
)
Defendant)

OF _____

Case # _____

GROSS MONTHLY INCOME FROM:

Salary and wages (including commissions, bonuses and overtime) ..	\$	- 0 -
Pensions and Retirement	\$	- 0 -
Social Security.....	\$	- 0 -
Disability and Unemployment Insurance.....	\$	- 0 -
Public Assistance (AFDC payments, etc.).....	\$	- 0 -
Child/Spousal support (prior marriage, etc.).....	\$	- 0 -
Dividends and Interest.....	\$	- 0 -
Rents.....	\$	- 0 -
All other sources (specify).....	\$	- 0 -
_____	\$	- 0 -
_____	\$	- 0 -
TOTAL MONTHLY INCOME.....	\$	- 0 -

ITEMIZE DEDUCTIONS FROM GROSS INCOME:

Income Taxes (State and Federal).....	\$	- 0 -
Social Security.....	\$	- 0 -
Disability Insurance.....	\$	- 0 -
Medical or other insurance	\$	- 0 -
Union or other dues.....	\$	- 0 -
Retirement or Pension Fund	\$	- 0 -
Savings plan.....	\$	- 0 -
Other (specify)	\$	- 0 -
_____	\$	- 0 -
_____	\$	- 0 -
TOTAL DEDUCTIONS.....	\$	- 0 -

NET MONTHLY INCOME..... \$ - 0 -

ESTIMATED MONTHLY EXPENSES:

Rent (residence)	\$	- 0 -
Note or mortgage payments (residence)	\$	- 0 -
Real property taxes (residence)	\$	- 0 -
Real property insurance (residence)	\$	- 0 -
Maintenance (residence)	\$	- 0 -
Food and household supplies	\$	- 0 -
Utilities	\$	- 0 -
Telephone	\$	- 0 -
Laundry and cleaning	\$	- 0 -
Clothing	\$	- 0 -
Medical	\$	- 0 -
Dental	\$	- 0 -
Insurance (Life, Health, Accident, etc.)	\$	- 0 -
Child Care	\$	- 0 -
Payment of child/spousal support (prior marriage, etc.)	\$	- 0 -
School	\$	- 0 -
Entertainment	\$	- 0 -
Incidentals	\$	- 0 -
Auto expenses (Insurance, gas, oil, etc.)	\$	- 0 -
Auto payments	\$	- 0 -
Other installment payment(s) (insert total here and itemize below) ..	\$	- 0 -

<u>Creditors Name</u>	<u>For</u>	<u>Monthly Pmt</u>	<u>Balance</u>
-----------------------	------------	--------------------	----------------

Other (specify) _____	\$	- 0 -
_____	\$	- 0 -
_____	\$	- 0 -

TOTAL EXPENSES \$ - 0 -

Other debts and obligations **NOT** payable in monthly installments:

<u>Creditors Name</u>	<u>For</u>	<u>Date Payable</u>	<u>Balance</u>
_____			\$ - 0 -
_____			\$ - 0 -
_____			\$ - 0 -
_____			\$ - 0 -

ALL PROPERTY I OWN:

Cash on hand	\$	- 0 -
Money in checking accounts	\$	- 0 -
Money in saving accounts	\$	- 0 -
Money in credit union	\$	- 0 -
Money in any other accounts or deposits	\$	- 0 -
Retirement or pension fund	\$	- 0 -
Life Insurance cash value	\$	- 0 -
Value of any stocks and/or bonds.....	\$	- 0 -
Value of real property	\$	- 0 -
Value of all other property	\$	- 0 -
TOTAL PROPERTY	\$	- 0 -

Otis Alford

Signature

2-12-20

Date

Subscribed and sworn before me this
12th Day of *February*, 20 *20*.

Anastasia Dukes
Notary Public for South Carolina

My commission expires: *3-29-27*

ANASTASIA DUKES Notary Public-State of South Carolina My Commission Expires March 29, 2027

Resident Consolidated Statement

Transactions from 10/01/2019 to 12/31/2019

Resident
 Name: Alford, Otis
 Booking ID: 8613274
 Permanent Number: 8613274
 DOB: 11/08/1968
 Status: Active
 Admitted: 08/21/2018
 Released: N/A

Funds		Beginning Balance	Ending Balance
Trust Categories			
Spending:		\$32.26	\$0.11
Savings:		\$0.00	\$0.00
Other Accounts:		\$0.00	\$0.00
Debt: (this booking)		\$0.00	\$0.00

Spending

Trust			Beginning Balance	\$32.26
Date	Accounting Event	Description	Amount	Balance
10/04/2019	Withdrawal Check	Dining Out 10.04.19	(\$9.20)	\$23.06
10/09/2019	Commissary Purchase	Charge for Order 100011601	(\$10.25)	\$12.81
10/16/2019	Commissary Purchase	Charge for Order 100011788	(\$11.62)	\$1.19
10/23/2019	Commissary Purchase	Charge for Order 100011925	(\$1.08)	\$0.11
			Ending Balance	\$0.11

Debt

Receivable Aggregate	Beginning Balance	\$0.00
No transactions in reporting period.		
	Ending Balance	\$0.00

STATE OF SOUTH CAROLINA,)

COUNTY OF Richland)

Otis Alford)
Plaintiff)

vs.)

DR. Gordon Brown, Alexander Murrell,)
Alan Wilson (Attorney General) Defendant.)

IN THE COURT OF COMMON PLEAS

JUDICIAL CIRCUIT

**MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS**

FILE NO. _____

I, Otis Alford being duly sworn, state that I am the Plaintiff and that

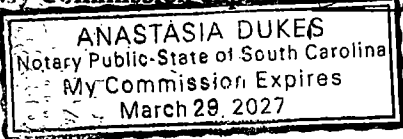
I do not have the funds available to pay the costs of filing and service in the present matter. I

hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me)
this 12th day of February, 2020)

Anastasia Duke)
Notary Public for South Carolina)

My Commission expires 3-29-2027)



Otis Alford)
Signature of Plaintiff or)
Person Filing Complaint on Behalf of)
Plaintiff)

ORDER

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SC Court of Appeals

Leave is *granted* to proceed in forma pauperis without payment of the filing fee.

Leave is granted to proceed in forma pauperis without payment of the service cost.

Leave is *denied* to proceed in forma pauperis.

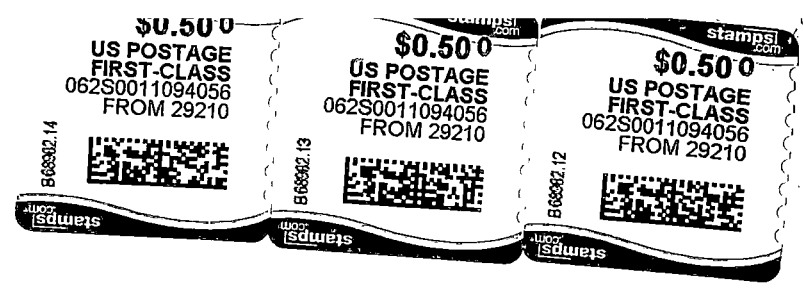
Dated: _____, 2 _____

JUDGE/CLERK OF COURT

_____, South Carolina

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

Otis Alford
4546 Broad River Rd.
Columbia S.C. 29210



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SC Court of Appeals

Legal Mail

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia S.C. 29211