

May 27, 2020

Can you please see into this issue I was "Raped" by 3 Prison Guards at Kirkland Reception And Evaluation Center. NOTE I have been trying to file a "PREA" claim but the capt. of D-DORM Ms. REA have been denying me that right to do so SHE IS AWARE OF THE SEXUALLY ASSAULT THAT TOOK PLACE ON MAY 24, 2020 CAN YOU PLEASE FAX A COPY OF THIS GRIEVANCE TO THE INSTITUTION

WARDEN Terry Wallace And Kim Jones The Fax number is (803) 896-8570

Address: Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

RECEIVED

MAY 29 2020

SC Court of Appeals

This is a "PREA" Complaint.

Thank You!

Herbert Demand York, 369211
Kirkland Reception And Evaluation Center
4344 Broad River Road
Columbia, SC 29210

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

"Prea"
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INMATE NAME: <u>Herbert Demond York</u>	OFFICE USE ONLY
SCDC NUMBER: <u>369211</u>	Grievance No. _____
INSTITUTION: <u>Kirkland Reception And Evaluation Center</u>	Code: General _____
HOUSING UNIT: <u>D-101#</u>	Policy _____
WORK ASSIGNMENT: <u>Reception And Evaluation Center</u>	Disc. Hear. _____
	Class. _____
	PREA _____
	Date Received _____
	IGC Initials _____

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) This grievance is in accordance to the O.P. policies and to inform you of the misconduct of the security guards. On May 14, 2020, officials C. Robinson, and Bostic and Clo Timmons violated my 8th U.S. Constitutional Amendment Rights under the color of state law "Sexually Assaulted", and "Excessive Use of Force".

Understand Robinson, Bostic, and Timmons enter my cell D-41 and began assaulting me. During this assault one of the officials shoved an object up my rectum/anal causing me pain. I was then sprayed with (pepper spray) chemical agents by Clo Timmons. Understand all official punch, kicked me and Bostic and Timmons choked me. I was placed up stairs in D-61 without medical treatment for over (5) hrs.

IT IS NOTED THAT AT NO POINT OF TIME DID I POSE A THREAT TOWARD THE GUARDS NOR MYSELF. I NOTIFIED D-DORM CAPT. "REA" WHO JUST STATED ITS NOTHING SHE COULD DO ABOUT THE SEXUALLY ASSAULT. I WAS NOT GIVING MY "ALBUTEROL SULFATE HFA INHALATION AEROSOL" AND "WIXELA PROPIONATE AND SALMETEROL INHALATION POWDER, USP) 100/50 TILL THE NEXT MORNING NOTE I BEEN HAVING BLOOD IN MY "RECTUM" I COMPLAINED TO NURSE COOPER ABOUT ANAL BLEEDING AND INFORM THE NURSE OF A SEXUALLY ASSAULT THAT TOOK PLACE ALL OFFICIAL VIOLATED MY 8th U.S. CONSTITUTIONAL AMENDMENT RIGHTS UNDER THE COLOR OF STATE LAW WHICH STATES NO PRISONS (SHALL) BE SUBJECTED TO "EXCESSIVE USE OF FORCE", DELIBERATE INDIFFERENCE, NOR "SEXUALLY ASSAULT". THIS IS CONCERNING "PREA" I NEED TO SEE SOME ONE ABOUT THIS SEXUALLY ASSAULT, AND "EXCESSIVE USE OF FORCE".

Herbert Demond York 5/27/2020
Grievant Signature Date

ACTION REQUESTED: Compensatory Damage in the amount \$750,000, Punitive Damage in the amount of \$150,000. To speak with the Inspector about this sexually assault, and "Excessive use of force" and all documents and video recording to be done.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Warden Signature

Date

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

Grievant Signature

Date

IGC Signature

Date

INSTRUCTIONS FOR COMPLETING STEP-1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

Herbert Demand York, 369211

Inter Agency

Mailroom

SCDC

Kirkland Correctional Institution

4344 Broad River Road

Columbia, S.C. 29210

MAY 28 2020

MAIL ROOM

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MAY 29 2020

SC Court of Appeals

Court of Appeals
Post Office Box 11629
Columbia, South Carolina

29211

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