

South Carolina Court of Appeals

Carl Chisolm, 185784  
Appellant

v.

South Carolina Department  
of Corrections. Respondent.

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SC Court of Appeals

Case No. 2022-000464

Case Summary

Carl Chisolm, 185789  
Appellant

v.

South Carolina Department  
of Corrections, Respondent.

Case No: 2022-000464

Pursuant TO  
Rule 4

Appellant (Carl Chisolm #185789) appeals from the "Order of Dismissal" handed down from the administrative law Court, stemming from a Step 2 Grievance He filed while housed at the Perry Corr. Inst. Appellant contends that the Agency (SCDC) failure to follow its own established procedural guidelines does constitute a violation of "Procedural Due Process": See \* Berends v. Butz 357 F. Supp. 143 Mar. 20, 1973. The Perry Corr. Inst. staff failure to take action, when action was required, did indeed reflect in Appellant's Covid-19 diagnosis. Appellant does evidence that after repeatedly informing various Perry Corr. Institutional Staff members, about his cellmate (Ricky Wilson) who continuously brought in contaminated waste items into their cell (living space); despite the numerous posted warnings and protocol duly noted on the issued tablets for staff and inmates to follow, in order to avoid contamination. The Medical World had to yet to develop a cure, shot, or anything at the outset (2019) of this deadly virus (Covid-19). The Staff members inaction and allowing inmate Wilson to remain in living area resulted in myself and many others contracting the virus,

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## Argument

Appellant does under <sup>stand</sup> the Admin. Law Court only has jurisdiction subject matter concerning State-Created Liberty interest Claims, Which is why this Clear Eighth Amendment Violation by the Perry Corr. Inst. Staff members, 23 well 25, Clear "Due Process" Violation should've been clear and ruled upon. The clear deliberate indifference and ill-disregard to uphold their own mandated policy during a time of health Crisis (Pandemic) did indeed suggest insignificant hardship was placed upon my shoulders. Especially after turning to various prison officials at Perry Corr. Inst. for help, in order to avoid a severe health issue; Appellant (Carl Chisolm) instead of receiving intervention from the very people whose Sworn Oath is to protect the Community, Staff, and Prisoners alike; Only received Intentional Infliction of emotional distress. In which came after my contracting the deadly virus and being sent to very unsanitized building at Lee Corr. Inst. (F-5 bldg). [At that time in our history (2019) all prisoners who had contracted Covid-19 were sent to the Lee Corr. Inst. and doubled cell with another sick inmate from another prison] Myself and another inmate (DeMarco Johnson) had to clean the area we were housed in due to it being very very filthy, spider webs in shower, remnants from the riot still existed bloody mops, etc We also served the food despite our condition. Moreover due to SCDC not having a viable plan at the outset, I watched as several inmates died right before my eyes from Covid-19. Our only medical attention was temperature check and a

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CHISOLM-185789

The South Carolina Court of Appeals

Argument

Tylenol if you had a headache. The food was cold for every meal. Only adding to the stress and trauma our bodies were already undergoing. The double-celling with other prisoners from other prisons only increased the enhancement of the disease. \*See Rhodes v. Chapman 452 U.S. 557, 101 S.Ct. 2392 69 L.Ed.2d 59 (1981).

Appellant further contends that after using the various avenues given to prisoners to address staff members and various prison issues via Request To Staff, Kiosk, verbal meetings and finally grievance system; he still wasn't heard or addressed accordingly. Thus, resulting in his pain and suffering, as well as near death experience. \*See Step 1 & 2 grievance for confirmation.

Appellant is seeking monetary settlement or release from State Custody.

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s/Carl Chisolm  
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(2022)

The South Carolina Court of Appeals

Carl Chisolm #185789

Appellant

v.

South Carolina Department  
of Corrections. Respondent

Case No. 2022-000464

Certificate of

Mailing Service

I, Carl Chisolm agency no. 185789 do hereby  
attest that I placed the enclosed arguments related  
to the above stated case in the U.S. Postal Service here  
at Kershaw Corr. Inst. to the following parties:

Jenny A. Kitchings, Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, S.C. 29211

Christina C. Bigelow, Esq.  
Office of General Counsel  
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Carl Chisolm

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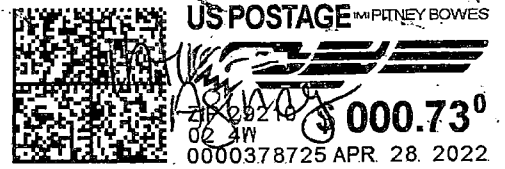
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CHISOLM-185789

CC: Personal files

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**LEGAL**  
185789

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