

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)
)
Akeem Rashad Myers,)
)
Plaintiff,)
)
vs.)
)
South Carolina Department of Corrections)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT

CIVIL ACTION NO.: 2019-CP-__-_____

SUMMONS
(Jury Trial Demanded)

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, 548 Savannah Highway, Charleston, South Carolina 29407, 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.

THE PEPPER LAW FIRM, PA

s/ Marvin R. Pendarvis.
Marvin R. Pendarvis, Esq. #101832
Mark A. Peper, Esq. #72624
548 Savannah Highway
Charleston, South Carolina 29407
O: (843) 225-2520
F: (843) 225-2554
Marvin@peperlawfirm.com
Mark@peperlawfirm.com

ATTORNEYS FOR PLAINTIFF

This 13th day of August, 2019
Charleston, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTH JUDICIAL CIRCUIT
COUNTY OF MARLBORO)	
)	
Akeem Rashad Myers,)	CIVIL ACTION NO.: 2019-CP-__-_____
)	
Plaintiff,)	
)	COMPLAINT
vs.)	(Jury Trial Demanded)
)	
South Carolina Department of Corrections,)	
)	
Defendant.)	
_____)	

COMES NOW the Plaintiff, the Akeem Rashad Myers (hereafter “Plaintiff”), by and through his undersigned counsel of record, and files this Complaint against the above-named Defendant and alleges as follows:

PARTIES

1. The Plaintiff is a resident and citizen of the County of Charleston, State of South Carolina.
2. The Defendant, South Carolina Department of Corrections, (hereinafter referred to as “SCDC”), is a governmental agency/entity existing under the laws of the State of South Carolina and has facilities located throughout the State, and more particularly, Marlboro County, South Carolina (where Evans Correctional Institution is located). At all times hereinafter mentioned in this lawsuit, the Defendant SCDC acted and carried on their business by and through their agents, servants, and/or employees at its various locations, including Evans Correctional Institution.
3. Plaintiff is informed and believes that venue is proper in Marlboro County as a substantial portion of the actions and/or occurrences took place in Marlboro

County.

FACTUAL BACKGROUND

4. At some point in August or September of 2017, Plaintiff was placed in the care and custody of Evans Correctional Institution (hereinafter referred to as Evans”), where he remained until his attack.
5. The Plaintiff is informed and believes that prior to the events in question, Evans (as a level (2) two Correctional Institute) had a long history of overcrowding, understaffing, and failure to provide adequate security and supervision over the inmates located at the facility.
6. Specifically, just prior to and during the time period in question, the Warden and administrators at Evans failed to provide the adequate and/or specific number of properly trained security guards at numerous locations throughout the facility. Further, the administrators, employees and correctional staff of Evans knew or should have known that their failure to provide adequate security measures would result in unsafe conditions for the inmate population.
7. Further, just prior to and during the time period in question, the administrators, employees and correctional staff at Evans were well aware of the existence of competing gangs as well as the potential for violent outbreaks within the inmate population at Evans. Additionally, the administrative staff of Evans was well aware that the Santee Unit A-Side housed the most violent offenders.
8. Prior to the incident in question, it was well known to the Defendant that a large percentage of the inmate population carried and/or had access to weapons, including shanks, to inflict physical harm. Further, the Defendant knew or should

have known that their conscious failure to provide adequate security measures would result in unsafe conditions for the inmate population—including the type of incident outlined below.

9. Prior to and during the time period in question SCDC policies and procedures required direct supervision of all inmates located within Evans, and specifically, Plaintiff's Unit. This required there to be at least one (1) correctional officer to be present in each wing of each unit 24 hours a day. Prior to and during the time period in question, there were no correctional officers working either wing of the Santee Unit.
10. Additionally, prior to and during the time period in questions, SCDC policies and procedures required that the unit doors, sally-port doors and cell doors be locked at all times. Prior to and during the time period in question, this was typically not done, which was in conscious violation of the SCDC policy and procedure.
11. Additionally, unit/dorm doors are supposed to remain locked at all times (other than for controlled movements) with a correctional officer present to ensure that inmate remain in the wing which they are assigned to. Prior to and during the time period in question, this was not being done, which was in conscious violation of SCDC policies and procedures.
12. The Plaintiff is also informed and believes that a facility-wide count is to take place around the time of shift-change at 7:00am and 7:00pm –at which time all inmates are supposed to be locked down within their assigned cells. On the date in question, these policies were being consciously violated by the security personnel on site.

13. During the time period in question SCDC policies and procedures required that the correctional officers working the housing units (such as the Santee Unit) be properly trained to recognize and provide emergency medical care to inmates who required such care. Also, during the time period in question, SCDC/Evans had the duty to provide inmates with 24-hour medical care.
14. On November 21, 2017, Plaintiff was in a room with several other inmates when he heard a commotion outside on the recreational floor.
15. Plaintiff opened the door to a riot where inmates were running around fighting and stabbing each other. The riot went on for at least five minutes.
16. Immediately upon opening the door, Plaintiff was stabbed numerous times to the neck, arm, chest, back and legs. The stabbing immediately dropped him to the floor in his own blood.
17. Plaintiff mustered up enough energy to make it to the main door to signal a guard to help.
18. The guards witnessed the riot and the Plaintiff's stabbing and made no immediate attempts to intervene.
19. Finally, a guard opened the door and got Plaintiff some medical attention.
20. Plaintiff's lungs eventually collapsed after which he underwent emergency surgery.
21. The Plaintiff is informed and believes that at the time of his stabbing there were no correctional officers covering the Santee Unit. Additionally, the Plaintiff is informed and believes that all interior doors (to include all cell doors and those doors leading in and out of each wing) were unlocked and open. This allowed inmates to improperly move from one wing to the next unsupervised.

22. As a direct result of the incident in question, the Plaintiff has suffered severe injuries and continues to suffer from the pain, paranoia, and nightmares as a result.

FOR A FIRST CAUSE OF ACTION
(Negligence/Gross Negligence/Negligent Hiring/
Negligent Training/Negligent Supervision)

23. Plaintiff reaffirms and reiterates all previously pled paragraphs as if fully repeated and are incorporated herein verbatim.
24. The above set forth incidents and the Plaintiff's resulting injuries and damages were proximately caused by the grossly negligent, reckless, and willful and wanton acts of the Defendant in the following particulars:
- a) In allowing gross overcrowding at the Evans;
 - b) In failing to provide the appropriate number of correctional staff at the various locations in Evans;
 - c) In failing to provide adequate and appropriate security officers at Evans;
 - d) In failing to properly monitor the inmates at Evans;
 - e) In failing to properly train their employees to recognize a medical emergency;
 - f) In failing to properly train their employees to properly recognize a serious medical condition requiring emergent medical care;
 - g) In failing to properly train, monitor and supervise its personnel agents and/or employees so as to ensure the safety of the inmates located at Evans;
 - h) In failing to have appropriate policies and protocols in place to provide for the safety and wellbeing of the inmate population at Evans;
 - i) If such policies exist, in failing the follow the same;

- j) Failing to follow and adhere to the policies and protocols of the SCDC;
 - k) In failing to protect Plaintiff;
 - l) In failing to provide any level of security in the Santee Unit of Evans after multiple events indicating danger;
 - m) In failing to recognize a clearly dangerous situation after multiple events providing notice;
 - n) In failing to take any action to prevent inmates from becoming severely injured after multiple events providing notice of danger;
 - o) In failing to provide proper investigations of violent incidents which occur at Evans;
 - p) In failing to take appropriate security measures to locate and properly dispose of contraband (including shanks) which were being used to injure inmates;
 - q) In failing to properly classify and monitor inmates at Evans; and
 - r) In failing to provide immediate emergency medical care.
25. As a direct result of the Defendant's reckless, willful and wanton, and grossly negligent conduct, the Plaintiff suffered (both mentally and physically) severe injuries. As a result, the Plaintiff is entitled to actual and consequential damages in an amount to be determine by a competent jury in accordance with the law and evidence in this case.

WHEREFORE, the Plaintiff prays that this Court issue a judgment in favor of Plaintiff and against the Defendant, awarding to plaintiffs actual, special and/or consequential damages,

and further requests an award for punitive damages, and for such other relief in law or equity as this court deems just and proper.

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