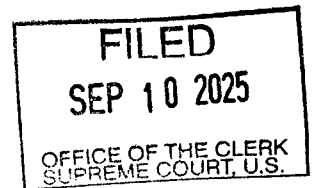


25-5741
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Jerome Curry #258067 — PETITIONER
(Your Name)

VS.
Winkland Corr Inst, Greer Corr Inst,
Attorney General of South Carolina — RESPONDENT(S)
State of South Carolina, Winkland

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jerome Curry #258067 GPH #
(Your Name)

Winkland Corr Inst
4344 Broad River Rd
(Address)

Columbia, SC 29210
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- (1) Was The District Court Judges Judgment based upon prejudice, bias, racist further abuse of discretion error of law as well as denial of Justice, fairness equal protection of the Law?, As well as denial of Due process?
- (2) Was There a Conflict of Interest for the District Court Judges to make Judgment in case knowing that they were part of State civil lawsuit in which the petitioner filed against them still pending for now how is this not error of law [REDACTED] and further fairness Due process equal protection of the Laws.
- (3) Was The District Court in Error for allowing the Magistrate Judge to review case and enter Judgment without consent written consent By the plaintiff as pursuant to the magistrate Judge's Act how so is this Judgment not void & unconstitutional as pursuant to FRCP Rule 60(b)(4) further not denial of Justice fairness equal protection pursuant to Constitution to Due process.

LIST OF PARTIES

[] All parties appear in the Caption of the case on the cover page.

[] All parties do not appear in the Caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Kirkland Correctional Institution
State of South Carolina, Lieber Correctional
Inst, warden, Attorney General of South Carolina

RELATED CASES

N/A



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Have Questions?

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CASES IN SUPPORT OF CLAIM

Page [REDACTED]

[REDACTED] Lyles v. Stirling 844 Fed. Appx 651 (2021) Fourth Circuit

Prison officials were aware of risk to prisoner denying him out of cell exercise for over 10 months, as required for ~~cr~~ and unusual punishment since some form of regular outdoor exercise was extremely important to psychological and physical well being.

[REDACTED] Sweet v. South Carolina Dept. of Corrections 529 F.2d 854 (1975) Fourth Circuit

If indefinite limitation on prison inmates exercise periods and showers adversely affect the health of inmate prisoners constitutional rights are implicated.

[REDACTED] Porter v. Clarke 923 F.3d 348 (2019) Fourth Circuit

Solitary Confinement poses an objective risks of serious psychological and emotional harm to inmates, and therefore can violate cruel and unusual punishment.

[REDACTED] Hutto v. Finney 437 US 678

Confinement in a prison or in an isolation cell is a form of punishment subject to scrutiny under cruel and unusual punishment.

All Defendants in this pending civil lawsuit have violated all laws, statutes, policies, constitutions, as well as human rights by their willful disregard of my rights and further inhumane treatment in which I have received by these Defendants in this action even after giving Defendant's notice of all actions done against me unlawfully yet Defendants refuse to ensure me that my rights would not be violated instead Defendant's kept on violating my rights after notice thus malice intent in total disregard to my health and mind set. Therefore as a result of their conduct punitive damages should be awarded in full amount of \$ [REDACTED] in my favor to do otherwise would be a denial of justice. This Court has jurisdiction to hear this case [REDACTED]

Jurisdiction of Circuit Court [REDACTED]

CASES IN SUPPORT OF CASE

Page 2

American Jurisprudence Second Edition May 2022 Section 35 Availability of habeas corpus relief & Post conviction Remedies. states that, if the crime of which the defendant stands convicted is one for which the defendant could be held to answer only on the presentment or indictment of a grand jury and the defendant was not indicted or presented, his or her conviction is void and the defendant may be released on habeas corpus or post-conviction Remedies.

CASES IN SUPPORT OF CASE

American Jurisprudence Second Edition May 2022 C. Waiver of indictment & Information Section 16 Effectuation waiver see also S.C. Code statute 17-23-130, 17-23-140, State v. Clarkson, 523 SE2d 817 (1989), Odum v. State, Clark v. State, American Jurisprudence Second Edition Indictment & Information May 2022 update Section 7 Effect of Lack of Indictment states that: In the absence of the defendant's permissible waiver of indictment, the lack of a constitutionally required indictment as per (S.C. Const. Art. I Section 11) is a jurisdictional defect. If there is no indictment, information, or charging document for an offense any conviction for the offense is void and must be vacated.

CASES IN SUPPORT OF CASE

SCRCP Rule 12(a) states that the Attorney General has (30) days time limit to respond to this motion failed to do so would render allegations stated within motion as deemed admitted further grounds for entry of default judgment as in accordance with SCRCP Rule 85(c) Default Judgment failure to defend or respond to a complaint motion, pleadings within (30) days as required by SCRCP Rule 12(a) responsive pleadings. Is a pleading that replies to an opponent's earlier pleading see = answer. A defendant's first pleading that addresses the merits of the case by denying plaintiffs or Applicants allegations statements made within complaint motion per Application, pro se motions such as Summary Judgment motion, motion for relief from void judgment, motion to vacate void judgment as in accordance with SCRCP Rule 60(b)(5) void judgment.

Black's Law Dictionary (11th ed 2019) states that Post conviction relief proceeding is A state or federal procedure for a prisoner to request a court to vacate or correct a conviction or sentence.

CASES IN SUPPORT OF CASE

Butler v. Does South Carolina (2009) - claim dismissed for failure to prosecute as plaintiff failed to adequately respond to a motion for summary judgment and failed to respond after two extensions were granted. Failure to respond to Summary Judgment within (30) days even after extension grounds for granting summary judgment, on motion for summary judgment trial court may refuse to consider material(s) that are not timely served, such that opposing party had no time to respond. Rules of Civil Procedure. Black v. Lexington School Dist No 2 327 SC 55 (1997).

CASES IN Support OF Claim

Page [REDACTED]

Government has obligation to provide medical care for those whom it is punishing by incarceration. U.S.C.A. Const. Amend. 8 as well as S.C. Constitution

Infliction of unnecessary suffering on prisoner by failure to treat his medical needs is inconsistent with contemporary standards of decency and violates the Eighth Amendment, *Estelle v. Gamble* 97 S.Ct 285 (1976) as well as S.C. Constitution

T.R. v. South Carolina Department of Corrections Denial of Mental Health Treatment, C/A 2005 C/A 2005 - CP-40-2925

The eighth amendment's prohibition against cruel & unusual punishment extends to the treatment of prisoners by prison officials and forbids the unnecessary and wanton infliction of pain. As well as S.C. Constitution

The eighth amendment imposes a duty on prison officials to provide humane conditions of confinement and ensure that inmate receive adequate food, clothing, shelter, and medical care, As well as S.C. Constitution

Eighth Amendment's prohibition on cruel and unusual punishment not only outlaws excessive sentences but also protects inmates from inhumane treatment and conditions while imprisoned. As well as S.C. Constitution

An inmate can show deliberate indifference to an excessive risk to inmate health or safety as required for subjective prong for Eighth Amendment conditions of confinement claim, by offering circumstantial evidence that a risk was so obvious that it had to have been known. Thus violation of S.C. Constitution to cruel & unusual punishment as well.

Violation of The United States Supreme Court Case of *Wolff v. McDonnell*, Due Process in Prison's Disciplinary hearings, Violation of SCDC policy OP-22-14 concerning DHO hearings, evidence of DHO hearing, judgments & findings in DHO hearings, Due Process in DHO hearings, Procedure in mental health serious mental inmates, Procedure in finding serious mental health inmates guilty evidence in support of DHO hearing, equal protection, due process of laws Human Rights violations in humane treatment

Iko v. Shreve 535 F.3d 225 (2008), *Stevens v. Holler* (2023), *Langford v. Joyner* 53 F.4th 154 (2023), *Heyer v. United States* 53 F.4th 154 (2023), *Givens* 53 F.4th 154 (2023), *Heyer v. United States* 53 F.4th 154 (2023)

CASES IN SUPPORT OF CLAIM
T.R. V. South Carolina Dept of. Corr.
 Page [REDACTED]

SCDC is substantially understaffed this has a causal effect for many insufficient aspects of the mental health program and greatly inhibits SCDC's ability to provide effective services to its mentally ill inmates. SCDC is still understaffed in clinical psychologists while it is clear that SCDC does not have enough counselors, it is equally clear that many of the counselors they do employ are unqualified. The failure to appropriately supervise, evaluate, and dispense psychotropic medications creates a substantial risk of serious harm to inmates with serious mental illnesses.

The Courts may not allow constitutional violations to continue simply because a remedy could involve intrusion into the realm of prison administration *Brown V. Plata* 131 S.Ct 1910, 1928-29 (2011). Additionally, the economic cost of protecting a constitutional right cannot justify it's total denial. *Bounds V. Smith*, 430 U.S. 817, 825 (1977). A plea of lack of funds is an insufficient justification for the failure of the executive department to provide constitutionally mandated treatment programs. *Crain V. Bordenkircher*, 176 W.Va 338, 364, 342 SE2d 422, 449 (1986), quoting *Moore V. Starcher*, 167 W.Va 848-853, 280 SE2d 693, 696 (1981). In the case of *T.R. V. South Carolina Dept. OF Corr.* states: That this Court is bound to uphold the South Carolina Constitution and protect the rights of the mentally ill inmates of SCDC. Moreover, it is the action of a circuit court that triggers the placement of an inmate into the custody of SCDC, under Court authority, and thus this Court has the inherent power- and responsibility to see that the imprisonment of that inmate complies with constitutional mandates. The Court is convinced that to view the evidence put forth in this case and then do nothing could be a great miscarriage of justice.

Plaintiff states that based upon issues raised within complaint and cases in support of claim he feels that he is entitled to the relief in which he request to punitive damages due to all Defendants within this civil action knowingly, and willingly deny of Plaintiff's Constitutional Rights, Civil Rights, & Human Rights as well as inhumane treatment towards Plaintiff in this action even after the case of *T.R. V. South Carolina Dept. OF Corr* case the Department of Corr still violates inmates rights as they did in the case of *T.R. V. South Carolina Dept of Corr.* thus showing total disregard of the laws, statutes, constitution, policies and rights as a human being and citizen of the United States.

CASES IN SUPPORT OF CLAIM

T.R. V. South Carolina Dept. OF Corr.

page [REDACTED]

In the case of T.R. V. South Carolina Dept. OF Corr. Serious mental illnesses are paranoid Schizophrenia, PTSD and Bipolar Disorder all of what I suffer from. In the case of T.R. V. South Carolina Dept. OF Corr. stated: The subjective component is met by proof that a defendant knows that inmates face a substantial risk of serious harm and disregards that risk by failing to take reasonable measures to abate it. Farmer, 511 U.S. at 834-837 - SCDC has known for years that its policies expose serious mentally ill inmates to a substantial risk of serious harm but has failed to take reasonable measures to abate that risk.

In the case of T.R. V. South Carolina Dept. OF Corr. stated: SCDC's expert, Dr. Scott Haas, testified that seriously mentally ill inmates ordinary comprise 18 percent of a prison population. Plaintiff's expert, Dr. Raymond F. Patterson, testified that after detailed analysis, 17 percent was a conservative estimate of SCDC's seriously mentally ill population, and the Court finds the basis of his analysis to be credible. There was evidence presented to the Court of regular violations of the SCDC mental health policy, two of which are particularly relevant to the Court as they relate to the screening and evaluation process at R & E. First SCDC policy requires that a mental health counselor must meet with an inmate within 48 hours of the inmate being assigned to that counselor's caseload. At trial there was evidence submitted to the Court of regular and persistent violations of this policy. Second, inmates are not being seen by a psychiatrist within thirty days of the counselor's initial assessment when a need for psychiatric treatment is indicated, also a violation of SCDC policy.

The treatment program at SCDC places heavy reliance on segregation and use of physical force against seriously ill inmates, as opposed to treatment. Inmates whose movements are restricted in segregation units may develop symptoms of acute anxiety or other mental health problems; regular psychological assessment is necessary to ensure the mental health of any inmate confined in such a unit beyond 30 days. The evidence presented by plaintiff's demonstrates that SCDC consistently showed little to no regard for the mental health of inmates. SCDC's treatment program fails to provide mentally ill inmates with sufficient access to higher levels of care. The Case of T.R. V. South Carolina Dept. OF Corr. states: That the Court finds SCDC's use of force and segregation, as opposed to treatment, in a mental health system where psychiatrists have limited roles and where inmates face systemic obstacles in accessing higher level of care, creates a substantial risk of serious harm for inmates with serious mental illness.

Conclusion

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Appellate states that the United States Supreme Court have been framed upon the theory that a person accused of a crime shall not until he has been finally adjudged guilty in the Court of last resort, be obliged or compelled to undergo imprisonment or punishment, but may be admitted to bail, not only after arrest and before trial, but after conviction. In re Michael H. 360 SC 540 (2004) Supreme Court of South Carolina states that factors to be considered in admitting a person to bail pending appeal include the probability of reversal, the nature of the crime, the possibility of escape and the character and circumstances of the defendant. State v. McFarl 35 SC 545 (1991) Supreme Court of South Carolina states that where the defendant was convicted of manslaughter, sentenced to the penitentiary for seven years, and takes an appeal he is entitled to bail.

Conclusion

State v. Workman 274 SC 744 (1980) Supreme Court of South Carolina states that the purpose of appeal bond in a criminal case is to allow defendant to go free during pendency of appeal while assuring his presence upon affirmance of his conviction or as the court may otherwise direct. US v. Sine 461 F. Supp. 565 (1978) states that despite fact that there is no constitutional right to bail after conviction, Congress has provided that such bail may be granted, setting the limitations thereupon; if bail is denied after conviction defendant is entitled to an adequate statement of statutory conditions relied upon and the reason underlying court's determination that the conditions ~~do not~~ exist. Bail is never to be denied for purpose of punishment, but is to insure defendants appearance and submission to judgment of court. DeAngelis v. State of SC, Right to bail is not to be denied merely because of community sentiment against accused or because of an evil reputation. LT Pressley & Officer Mr. Benjamin on 11/10/23 refused to give me mental health again following inmate ~~inmate~~ Conclusion to stem clear my flag at ~~11:00~~ 8 PM see video cam of talk up.

Appellate states under penalty of perjury that this statement is true and correct so help me God. Appellate is 42 1/2 years old will be 43 years old on January 31, 2024. Appellate is born and raised in Charleston SC attend Trident Technical College ~~Midway College~~ Trident Technical College major Criminal Justice, ~~Business~~ Business and Management, ~~film production, and paralegal~~, Appellate was on way of making Dean's List at one point ~~in time~~ while enrolled at Trident Technical College Charleston SC, was not arrested or convicted since 2016 until this wrongful conviction 4 years without arrest and conviction prior to current wrongful arrest and void judgment, Never convicted of any violent crimes, Had own Business educational/unwarrantedness.org legal freelance writer for law firms found during Covid-19 and due to on the job injury of hand being caught in meat grinder causing nerve damage carpal tunnel still requiring operation to fix, Appellate has a few other Businesses he has formed since being incarcerated which are: (1) Brilliantminds2.com, JesusHustleReal.org mental health, ~~no. 1~~

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STATUTES AND RULES

S.C Code 44-23-430, S.C Code Section 44-23-410, SCRCP Rule 60(b)(4)(3)
 S.C Code Section 22-5-320, S.C Rules of Criminal Procedure Rule 5 Disclosure of evidence, S.C Rules of professional conduct Rule 407, 1.1 - 1.8 Rule 3.8 Prosecutor's mis conduct.

OTHER

USCIA Const 6th Amend effective assistance of counsel
 USCIA Const 14th Amend Due Process Equal Protection of the Laws