

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF EDGEFIELD)	
)	CASE NO.: 2021-CP-_____
Beverly Kay Pilz, individually and as Personal Representative of the Estate of Jeremy Ray Kelley,)	
)	SUMMONS
)	
Plaintiff,)	
)	
vs.)	
)	
South Carolina Department of Corrections,)	
)	
Defendant(s).)	

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is hereby 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.

November 8, 2021

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF EDGEFIELD)	CASE NO.: 2021-CP-
)	
Beverly Kay Pilz, individually and as Personal Representative of the Estate of Jeremy Ray Kelley,)	
)	COMPLAINT
<i>Plaintiff,</i>)	<i>Jury Trial Requested</i>
)	
vs.)	
)	
South Carolina Department of Corrections,)	
)	
<i>Defendant.</i>)	

The Plaintiff above-named, complaining of the Defendant herein, would respectfully show unto this Honorable Court and allege as follows:

PARTIES

1. The Plaintiff is a citizen and resident of the County of Aiken, State of South Carolina. Additionally, the Plaintiff is the properly appointed Personal Representative of the Estate of Jeremy Ray Kelley by Order of the Aiken County Probate Court dated October 8, 2021 under case number 2021ES020924.

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, in Edgefield County, South Carolina (where Trenton 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 Edgefield County.

3. Plaintiff is informed and believes that venue is proper in Edgefield County as a substantial portion of the actions and/or occurrences took place in Edgefield County.

FACTUAL ALLEGATIONS

4. Prior to July 2021, Jeremy Kelley (the decedent) was placed in the care and custody of the Trenton Correctional Institution, where he remained until his death.

5. The Plaintiff is informed and believes that prior to the events in question, Trenton Correctional Institution (as a level (2) two Correctional Institute) had a long history of overcrowding and failing 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 Trenton Correctional Institution 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 Trenton Correctional Institution 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 of Trenton Correctional Institution were well aware of the existence of competing gangs as well as the

potential for violent outbreaks within the inmate population at Trenton Correctional Institution. Further, the Plaintiff is informed and believes that some members of the correctional staff employed at Trenton were working with members of the gangs in order to facilitate illegal actions within the facility.

8. Further, the Plaintiff is informed and believes that SCDC policy and procedure required that inmates be housed according to certain classifications. Specifically, violent offenders were not to be housed with non-violent offenders and PREA (Prison Rape Elimination Act) victims were not to be housed with known PREA violators. However, during the time period in question, inmates housed within the individual units were not separated by a proper classification system. Instead, during this time period inmate with known history of violent offenses and gang relations were allowed to be housed with nonviolent offenders without the appropriate supervision and monitoring.

9. 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 (to include cell strip searches) would result in unsafe conditions for the inmate population – including the type of incident outlined below.

10. Prior to and during the time period in question SCDC policy and procedure required direct supervision of all inmates located within the Trenton Correctional Institution. This required there to be at least one (1) correctional

officer to be present in each wing of each unit 24hrs a day. Prior to and during the time period in question there was normally only one (1) correctional officer working both wings of any given Unit. Additionally, there are many times when there were no correctional officers working either wing of a Unit. This also resulted in unsafe living conditions for the inmate population.

11. Additionally, prior to and during the time period in question SCDC policy and procedure required correctional officer to perform cell/security checks at least once every thirty (30) minutes. This required the correctional officer to actually see and confirm each inmate located within the unit during these security checks were alive and well. Prior to and during the time period in question, this was not being performed in conscious violation of the SCDC policy and procedure. This also resulted in unsafe living conditions for the inmate population.

12. Additionally, prior to and during the time period in question, SCDC policy and procedure 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 in conscious violation of the SCDC policy and procedure. This also resulted in unsafe living conditions for the inmate population. Additionally, the Plaintiff is informed and believes that the security staff working at Trenton during the time period in question would intentionally unlock cell doors to allow for certain illegal activity.

13. 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 inmates remain in the wing which they are assigned to. Prior to and during the time period in question this was not being done in conscious violation of SCDC policy and procedure.

14. During the time period in question SCDC policy and procedure required that the correctional officers working the housing units be properly trained to recognize and provide emergency medical care to inmates who required such care. Also, during the time period in question SCDC/Trenton Correctional Institution had the duty to provide inmates with 24-hour medical care.

15. On July 19, 2021, at approximately 10:00pm, the decedent was violently attacked (without justification or cause) by unknown inmate(s). At this time the correctional officer (who was required by policy to be located in the unit) allowed the assailants to enter the decedent's cell and then exited the unit. As a direct result of this attack, the decedent was stabbed multiple times and beaten severely with what the Plaintiff believes was a shank and locks in a sock. Additionally, because there was no correctional staff present, the decedent had no protection or means to seek immediate medical care for his injuries.

16. The Plaintiff is informed and believes that because the decedent was unable to receive immediate medical care and as a direct result of the Defendant's failure to ensure that proper security checks were performed within the unit every thirty (30) minutes, the decedent was abandoned and

suffered and died alone due to the stab wounds as well as the blunt force trauma to his head, neck and body.

17. The Plaintiff is informed and believes that the body of the decedent was not found by correctional staff until the following morning (approximately 8+hrs later) during the morning shift change. Therefore, it is clear that proper security checks were not done during the night shift.

18. After this incident, SCDC failed to perform a proper investigation into the incidents in question. As a result, the above-mentioned attacking inmates went unpunished and unprosecuted.

FOR A FIRST CAUSE OF ACTION
(GROSS NEGLIGENCE - SURVIVAL)

19. The Plaintiff reiterates each and every previous relevant allegation as if repeated verbatim herein.

20. The above set forth incidents and the decedent'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 Trenton Correctional Institution;
- b. In failing to provide the appropriate number of correctional staff at the various locations in Trenton Correctional Institution;
- c. In failing to provide adequate and appropriate security officers at the Trenton Correctional Institution;
- d. In failing to properly monitor the inmates (mainly the decedent) at Trenton Correctional Institution;

- 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 Trenton Correctional Institution;
- h. In failing to follow policies and procedures with regard to prevention of contraband in the facility;
- i. In failing to perform cell checks on the inmate population at least once every thirty (30) minutes;
- j. In failing to have appropriate policies and protocols in place to provide for the safety and wellbeing of the inmate population at Trenton Correctional Institution;
- k. If such policies exist, in failing to follow the same;
- l. Failing to follow and adhere to the policies and protocols of the SCDC;
- m. In failing to protect the decedent;
- n. In failing to provide any level of security in the Units of Trenton Correctional Institution after multiple events indicating danger;
- o. In failing to recognize a clearly dangerous situation after multiple events providing notice;
- p. In failing to take any action to prevent inmates from becoming severely injured after multiple events providing notice of danger;
- q. In failing to provide proper investigations of violent incidents which occur at Trenton Correctional Institution;
- r. in failing to take appropriate security measures to locate and properly dispose of contraband (including shives) which were being used to injure inmates;

s. In failing to properly classify and monitor inmates at Trenton Correctional Institution; and

t. In failing to provide immediate emergency medical care.

21. As a direct result of the Defendant's reckless, willful and wanton, and grossly negligent conduct, the decedent suffered (both mentally and physically) prior to his death. As a result, the Plaintiff is entitled to actual and consequential damages in an amount to be determined by a competent jury in accordance with the law and evidence in this case.

FOR A SECOND CAUSE OF ACTION
(WRONGFUL DEATH)

22. The Plaintiff reiterates each and every relevant allegation stated above as if repeated verbatim herein.

23. This action is brought for the wrongful death of Jeremy Ray Kelley, pursuant to the provisions of § 15-51-10 et seq., Code of Laws of South Carolina (1976, as amended), and is brought for the statutory heirs of Jeremy Ray Kelley, who died on the 20st day of July, 2021.

24. The death of the Decedent was caused and occasioned by the grossly negligent acts on behalf of the Defendant as set forth above.

25. Prior to his death, Jeremy Ray Kelley was 44 years of age. By reason of his untimely death, his heirs have been deprived of all the benefits of his society and companionship and have been caused great mental shock and suffering by reason of his death. They have and will forever be caused grief and

sorrow by the loss of Mr. Kelley's love, society, and companionship. They have been deprived of his future experiences and judgments. They have incurred expenses for his funeral and final expenses and, as a result of the foregoing, they have been damaged as follows:

- a. Mental shock and suffering;
- b. Wounded feelings;
- c. Grief and sorrow;
- d. Loss of his support;
- e. Loss of companionship; and
- f. Deprivation of the use and comfort of the Decedent's society and loss of his experience, knowledge, and judgment.

26. As a further result, and because of the Defendant's reckless, willful, and grossly negligent conduct, which ultimately caused the wrongful death of Jeremy Ray Kelley, this Plaintiff is entitled to ACTUAL and CONSEQUENTIAL damages in an amount to be determined by a jury in accordance with the law and evidence in this case

WHEREFORE, the Plaintiff prays for judgment against the Defendant, for an award of actual and consequential damages, the costs of this action, and for such other and further relief as this Court deems just and proper.

November 8, 2021

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