

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF BAMBERG)	SECOND JUDICIAL CIRCUIT
)	
ANGELA MIDDLETON, AS GUARDIAN)	CASE NO.: 2021-CP-05-
OF TIERESIAS EPHRAM,)	
)	
Plaintiff,)	SUMMONS
)	(Jury Trial Requested)
vs.)	
)	
BAMBERG COUNTY,)	
)	
Defendant.)	
)	
)	
)	

TO: THE DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer to said complaint on the subscribed, Bamberg Legal, LLC, 104 Bridge Street, Bamberg, SC 29003, within THIRTY (30) days after the service hereof, exclusive of the date of such service. If you fail to answer the complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the complaint.

BAMBERG LEGAL, LLC

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Attorneys for Plaintiffs

Bamberg, South Carolina
March 12, 2021

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
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COUNTY OF BAMBERG)	SECOND JUDICIAL CIRCUIT
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ANGELA MIDDLETON, AS GUARDIAN)	CASE NO.: 2021-CP-05-
OF TIERESIAS EPHRAM,)	
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Plaintiff,)	COMPLAINT
)	(Jury Trial Requested)
vs.)	
)	
BAMBERG COUNTY,)	
)	
Defendant.)	
)	
)	
)	

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

1. The Plaintiff, Angela Middleton, as Guardian of Tieresias Ephram (“Plaintiff”), is a citizen and resident of the County of Bamberg, State of South Carolina. Ms. Middleton is the mother and duly appointed Guardian of her adult son, Tieresias Ephram, who is over the age of 18 but suffers from schizophrenia and other severe mental health conditions.

2. The Defendant Bamberg County (hereinafter “Defendant”) is a governmental agency/entity existing under the laws of the State of South Carolina. At all times hereinafter mentioned in this lawsuit, the Defendant acted and carried on its business by and through its agents, servants, and/or employees. Additionally, these agents, servants, and/or employees (to include and not be limited to the Detention Center personnel mentioned below) were operating within the scope of their officially assigned and/or compensated duties.

3. That at all times relevant hereto, Defendant owned and operated the Bamberg County Detention Center (“BCDC”), Defendant’s jail facility.

4. This action is brought pursuant to the S.C. Tort Claims Act, S.C. Code Ann. §15-

78-10 *et. seq.*

5. Venue is proper in Bamberg County as all acts giving rise to this action were committed in Bamberg County, South Carolina.

6. On or about March 15, 2019, Mr. Ephram was housed by Defendant in the BCDC. At all times, Mr. Ephram was suffering from schizophrenia such that he was deemed by the Second Judicial Circuit Court of General Sessions in Bamberg County – after expert mental examination by the South Carolina Department of Mental Health – to be incompetent and incapable of standing trial for his pending criminal charges.

7. For the duration of his detainment in the BCDC prior to and leading up to March 15, 2019, Mr. Ephram was not afforded adequate, proper, or timely mental health treatment to assist, improve, or treat his severe mental health conditions.

8. Mr. Ephram was very well known by both citizens, local law enforcement in Bamberg County, and Defendant's employees at the BCDC, and Mr. Ephram had since at least August 2000 been receiving mental health treatment for schizophrenia, schizoaffective disorder, psychosis, delusions, hallucinations, and paranoia. Mr. Ephram also suffered from periodic drug addiction when not on his mental health medications.

9. Defendant, by and through its agents, employees, and representatives on the BCDC staff, were well aware of Mr. Ephram's severe, pervasive, and long-standing mental health issues at all times relevant herein.

10. On or about March 15, 2019, Defendant's employees working at the BCDC placed Mr. Ephram in handcuffs. On information and belief, Defendant's employees had just used bleach or some other chemical agent in Mr. Ephram's cell. Mr. Ephram did not want to enter the cell.

11. Despite being fully restrained and handcuffed, and posing no risk of bodily injury

to anyone, at least one employee of Defendant used excessive force on Mr. Ephram by pushing Mr. Ephram's head into a window and then into a cell door resulting in severe physical injury to Mr. Ephram. Mr. Ephram was later transported to the hospital for emergency medical treatment, including to close a portion of his head that had been split open when it hit the cell door.

12. The entire incident was recorded by Defendant's video surveillance system. The *South Carolina Law Enforcement Division* investigated the incident, the conclusion of which resulted in former Defendant's BCDC employee Isaac Jackson ("Jackson") being criminally charged with Misconduct in Office for using excessive force against Mr. Ephram.

13. Defendant, by and through its agents, servants, or employees, knew or should have known of Mr. Ephram's severe mental health conditions. Further, Defendant knew or should have known how to interact with Mr. Ephram given previous experiences with him specifically or other mentally ill detainees who, although detained in the BCDC, were innocent until proven guilty under the United States and South Carolina Constitution of their underlying criminal charges.

14. As a result of Defendant's grossly negligent conduct, Plaintiff experienced pain and suffering, permanent disfigurement, mental and emotional anguish, loss of enjoyment of life, anxiety, physical injury, and financial harm. This harm has continued since the date of the incident and is permanent in nature. Defendant's conduct also caused Plaintiff to incur medical expenses and costs.

15. Defendant is liable for the acts and omissions of its employees, servants, and agents under the doctrine of *Respondeat Superior*.

FOR A FIRST CAUSE OF ACTION
(Gross Negligence)

16. Plaintiff incorporates by reference any and all allegations set forth in the Paragraphs above as if set forth verbatim herein.

17. The above set forth incident and Plaintiff's resulting injuries were proximately caused by the grossly negligent, reckless, willful and wanton acts of Defendant, by and through its agents, employees, and servants, in the following particulars:

- a. In failing to properly supervise, train, and monitor the involved officers;
- b. In using unnecessary, unreasonable, unlawful, and improper force to detain Plaintiff;
- c. In failing to follow proper protocol and procedure for the situation;
- d. In failing to exercise reasonable or slight care to protect Plaintiff from harm at the hands of the involved officers;
- e. In failing to exercise reasonable or slight care to properly handle mentally ill persons where Defendant knew the officers were inadequately trained to handle the situation;
- f. In failing to exercise reasonable or slight care to institute proper policy and procedure necessary to ensure that pre-trial detainees, including Plaintiff, are safe and protected from physical and mental harm during service work by officers authorized to work for Defendant;
- g. In failing to exercise reasonable or slight care to make periodic and proper updates to its policies and procedures;
- h. In failing to exercise reasonable or slight care to take appropriate time to follow-up, review, and/or check compliance with policy, state law and/or existing orders;
- i. In failing to exercise reasonable or slight care to take steps necessary to ensure that responding officers did not abuse Plaintiff when interacting with him while he was actively suffering from severe mental illness;
- j. In failing to exercise reasonable or slight care to attend pertinent training sessions, if any were offered;
- k. In conducting it/themselves in an egregious and arbitrary manner;
- l. In breaching its/their fiduciary duty of trust with regard to Plaintiff;
- m. In failing to follow and adhere to the local, state and national standards, policies and procedures, including the policies and procedures of Bamberg County, if any it had;

- n. In failing to use the appropriate degree of competency under the circumstances then existing;
- o. In failing to properly treat Mr. Ephram's severe mental health issues;
- p. In failing to afford Mr. Ephram complete access to medical and mental health treatment;
- q. And such other particulars as may be shown at trial.

18. As a direct and proximate result and because of the Defendant's reckless, willful, wanton and grossly negligent conduct, Plaintiff was severely injured, suffered needlessly, and has been subjected to emotional harm, distress, permanent injury, permanent scarring and other damages.

19. The Plaintiff is informed and believes that he is entitled to judgment against the Defendant for actual and consequential damages for the Defendant's acts of gross negligence.

FOR A SECOND CAUSE OF ACTION
(Civil Assault and Battery)

20. Plaintiff incorporates by reference any and all allegations set forth in the Paragraphs above as if set forth verbatim herein.

21. At all times relevant hereto, Jackson was an officer operating in the course and scope of his duties at the BCDC and with express authorization to act on behalf of Defendant and its jail.

22. Through the above-mentioned actions, Defendant did intentionally, willfully, and wantonly place Plaintiff in fear of imminent, immediate bodily injury and death.

23. At no time during the events described herein and above, nor at any time prior thereto, did Plaintiff consent to any of Defendant's conduct, physical contact made, or threats of physical harm and contact.

24. As a direct and proximate result of Defendant's acts and omissions, by and through

Jackson and others, Plaintiff is informed and believes and therefore alleges that such acts directed towards him were malicious and belligerent, and the acts were done with a conscious disregard of Plaintiff to be free from such tortious behavior, such as to constitute oppression, fraud, or malice, and as such he is entitled to judgment against Defendant for actual and consequential damages in an amount to be determined by a jury.

FOR A THIRD CAUSE OF ACTION
(Intentional Infliction of Emotional Distress/Outrage)

25. Plaintiff incorporates by reference any and all allegations set forth in the Paragraphs above as if set forth verbatim herein.

26. Plaintiff is informed and believes and therefore alleges that such acts of Defendant, through Jackson and others, were intentional, extreme, and outrageous. Further, Defendant's acts and omissions were intentional, extreme and outrageous both prior to, during, and after the incident. Plaintiff is further informed and believes and therefore alleges that such actions were done with the intent to cause serious emotional distress or with reckless disregard of the probability of causing him serious emotional distress.

27. As a direct and proximate result of Defendant's acts and omissions, Plaintiff is informed and believes and therefore alleges that he is entitled to judgment against Defendant for actual and consequential damages in an amount to be determined by a jury.

FOR A FOURTH CAUSE OF ACTION
(Declaratory Judgment – State Constitutional Violations of Article I § 3)

28. The foregoing factual allegations are made a part of this Fourth Cause of Action through incorporation by reference.

29. This cause of action is brought pursuant to the South Carolina Uniform Declaratory Judgments Act, S.C. Code. Ann. § 15-53-10 et seq. and the South Carolina State Constitution, Article I § 23.

30. Article I § 3 of the South Carolina Constitution provides that the privileges and immunities of Plaintiff shall not be abridged, “nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.” (1970 (56) 2684; 1971 (57) 315.).

31. That the Defendant’s acts and omissions, through its agents, employees, and representatives, complained of herein constitute a violation of Plaintiff’s state constitutional rights under Article I § 3.

32. Plaintiff in fact was deprived of life and liberty without due process of law through the actions complained of herein. Plaintiff was further deprived of his rights under this provision of the South Carolina Constitution as a mentally ill detainee by Defendant’s failure to properly, timely, and adequately address Plaintiff’s mental health needs while detained in the BCDC.

33. Plaintiff is entitled to a judgment that the Defendant’s complained of acts and omissions had the effect of denying and/or abridging Plaintiff of his state constitutional rights under Article I § 3, Privileges and immunities; due process; equal protection of laws.

34. Plaintiff is further entitled to the costs pursuant to S.C. Code Ann. § 15-53-100 and such further relief from City as this Honorable Court deems necessary and proper pursuant to S.C. Code Ann. § 15-53-120.

FOR AN FIFTH CAUSE OF ACTION
(Declaratory Judgment – State Constitutional Violations of Article I § 15)

35. The foregoing factual allegations are made a part of this Fifth Cause of Action through incorporation by reference.

36. This cause of action is brought pursuant to the South Carolina Uniform Declaratory Judgments Act, S.C. Code. Ann. § 15-53-10 et seq. and the South Carolina State Constitution, Article I § 23.

37. Article I § 15 of the South Carolina Constitution provides that Plaintiff has the right to be free from cruel and unusual punishment.

38. That the City's acts and omissions, through its agents, employees, and representatives, complained of herein constitute a violation of Plaintiff's state constitutional rights under Article I § 15.

39. Plaintiff in fact was deprived of his Article I § 15 rights through the actions complained of herein, Defendant's officers acted with deliberate indifference to Plaintiff's rights, and no reasonable officer working in a detention center could have believed that using said physical force against a handcuffed mentally ill person could comport with the South Carolina Constitution, named Article I § 15.

40. Plaintiff is entitled to a judgment that the Defendant's complained of acts and omissions had the effect of denying and/or abridging Plaintiff of his state constitutional rights under Article I § 15.

41. Plaintiff is further entitled to the costs pursuant to S.C. Code Ann. § 15-53-100 and such further relief from City as this Honorable Court deems necessary and proper pursuant to S.C. Code Ann. § 15-53-120.

WHEREFORE, Plaintiff prays for judgment against Bamberg County for **ACTUAL** and **CONSEQUENTIAL DAMAGES**, together with costs of this action, prejudgment interest, attorney's fees, and for such other and further relief as this Court may deem fit, just, and proper.

[Signatures to Follow]

Respectfully Submitted,

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