

IN The Mississippi Court of Appeals for The State of Mississippi

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HENRY L. MADISON

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COURT OF APPEALS

APPELLANT

V.

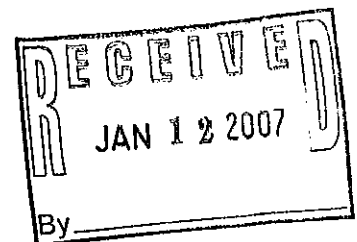
No. 2006-CP-01639

M.D.O.C. et al.,

APPELLEE (S)

BRIEF OF APPELLANT

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Meridian, MS 39307



IN The Mississippi Court of Appeals for The State of Mississippi

Henry L. Madison

APPELLANT

V.

No. 2006-CP-01639

MDOC, Christopher Epps, Commissioner,
DR. John Bearry, Medical Director, DR. Robert
Glenn, Psychiatrist, DR. Santo, AssT. Director

APPELLEE(S)

Certificate of Interested Persons

The undersigned APPELLANT of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the justices of the Supreme Court and/or the judges of the Court of Appeals may evaluate possible disqualification or recusal.

1. MDOC Christopher Epps Commissioner, DR. John Bearry
Medical Director, DR. Santo AssT. Director, DR. Robert Glenn
Psychiatrist
2. HENRY L. MADISON

This 9th day of January, 2007.

Henry L. Madison #

Henry L. Madison
PRO Se

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CASES:

- Bishop V. Stoneman, 508 F.2d 1224 (2d Cir. 1974).
- Corby V. Conboy, 457 F.2d 251, 254 (2d Cir. 1971).
- Deshaney V. Winnebago County Dept of Social Servs., 489 U.S. 189, 199-200, 103 L.Ed.2d 249, 109 S.Ct. 998 (1998).
- Estelle V. Gamble, 429 U.S. 97, 104-06 50 L.Ed.2d 251 97 S.Ct. 285 (1976).
- Farmer V. Brennan, 511 U.S. 825, 834, 128 L.Ed.2d 811, 114 S.Ct. 1970 (1999).
- Gregg V. Georgia, 428 U.S. 153, 169-173 (1976).
- Haines V. Kerner, 404 U.S. 519, 30 L.Ed.2d 652, 92 S.Ct. 594 (1972).
- Helling V. McKinney, 509 U.S. 25, 125 L.Ed.2d 22 113 S.Ct. 2475 (1993).
- Hemmings V. Gorczyk, 134 F.3d 104, 109 (2d Cir. 1998).
- Hudson V. McMillian, 503 U.S. 1, 10, 117 L.Ed.2d 156, 112 S.Ct. 995 (1992).
- Hughes V. Joliet Correctional Ctr., 931 F.2d 425, 428 (7th Cir. 1991).
- Hunt V. Uphoff, 199 F.3d 1220, 1224 (10th Cir. 1999).
- James Johnson V. Cummins, 941 F.2d 705.
- Kersh V. Derozier, 851 F.2d 1509, 1510 (5th Cir. 1988).
- Lancaster V. Monroe County, 116 F.3d 1419, 1425 (11th Cir. 1997).
- Martinez V. Mancusi, 443 F.2d 921 (2d Cir. 1971).
- Murphy V. Walker, 51 F.3d 714, 719 (7th Cir. 1995).
- Murrell V. Bennett, 615 F.2d 306, 310 n.4 (5th Cir. 1980).
- Steele V. Choi, 82 F.3d 175, 179 (7th Cir. 1996).
- Williams V. Stormville, 508 F.2d 541 (1974).
- Wilson V. Seiter, 501 U.S. 294, 298-99 115 L.Ed.2d 271 111 S.Ct. 2321 (1991).

STATUTES

42 U.S.C.S. § 1997e(e).....

Fed. R. Civ. P. 56(c).....

Model Penal Code § 2.02(2)(c).....

OTHER AUTHORITIES

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STATEMENT OF THE ISSUES

ISSUE NO.1: Whether plaintiff can prevail on the facts that he has alleged in pro se complaint?

ISSUE NO.2: Whether acts and/or actions committed constitute violation of the plaintiff's U.S. Const. (14th & 8th) AMENDMENT rights?

ISSUE NO.3: Whether plaintiff's sustained injuries due to the MDOC's hired, license, and contract officials deliberate indifference?

ISSUE NO.4: Whether officials delay in getting plaintiff treatment to his serious medical need the causation to the irreparable damages?

ISSUE NO.5: Whether plaintiff meet THE "PHYSICAL INJURY" REQUIREMENT for mental, or emotional showing of physical injury? [REDACTED]

ISSUE NO.6 Whether plaintiff had conducted himself in any disorderly manner or gross negligent form or fashion where injury occurred?

STATEMENT OF THE CASE

This appeal proceeds from the Tenth Circuit Court Court of Lauderdale County, Mississippi, to the Supreme Court of Mississippi Court of Appeals of the State of Mississippi, of the Circuit Clerk's Donna Jill Johnson own motion for dismissal of Henry Madison's Civil Complaint/Suit/Case for want of prosecution, pursuant to rules 5 and 41 of the Mississippi Rules of Civil Procedures on the 13 day of July, 2006. On the 24 day of August, 2006 motion was well taken and dismissed by judge without prejudice. On the 22 day of September, 2006 petitioner was granted leave to proceed in forma pauperis by same judge with the appeal of this matter, upon filing Notice of Appeal, Designation of the records, and Certificate of service stamped filed on aforesaid date. On the 7 day of November, 2006 the Circuit Court of Lauderdale County, Mississippi, Henry Madison was advised that the record for appeal had been completed. On the 28 day of November, 2006 Henry Madison received briefing schedule pursuant to MRAP 31.

FACTS

In April, 2003 Henry Madison incarcerated with the Mississippi Department of Corrections, located and housed at the Mississippi State Penitentiary in Parchman, MS in a maximum security unit, unit 32-C building. Henry Madison was experiencing mental trauma to the nature of hearing voices, and seeing things that were not there. Henry Madison wrote a four (4) page letter front and back to the unit 42 Hospital's Mental Psychiatrist and requested an interview. Henry Madison spoke with the Mental Health Counselor, Nick McCullin. Subsequently, Henry Madison was admitted that evening and placed on suicide observation at the unit 42 hospital in a stripped room with no clothes, blanket, sheets, or mattress until he could be seen by psychiatrist, Dr. Robert Glenn. Dr. Robert Glenn heard Henry Madison's mental illness and made his diagnosis, placing Madison on two (2) psychological drugs Prozac and Thorazine, without side effect medication, did not warn Madison of the side effects that he would have and/or could experience while taking drugs prozac and thorazine in combination. Dr.

Robert Glenn, released Henry Madison from hospital at unit 42 and placed Madison in a "Special Needs Unit" at unit 32 E building maximum security. Henry Madison soon after taking drugs (prozac and thorazine) had a(n) allergic reaction which was a painful penis erection called a "Priapism" that lasted 24 hours. Within that 24 hour period, Henry Madison noticed that the erection was not normal and had persisted all day and immediately sought medical attention from unit 32 clinic doctor's diagnosis as to what was the reason and cause of that painful erection, instead, Henry Madison was told by unit 32 clinic's doctor, Dr. Santos to fill out a Sick call request form and wasn't seen until three (3) days later after the painful penis erection (priapism) had went away. Upon being called and seen by the unit 32 clinic's doctor, Dr. Santos, after erection had went away, Dr. Santos accused Henry Madison of malingering his condition (erection) in an attempt to get to Unit 32 Clinic and expose himself to the female nurses mostly all being Asians as himself, nevertheless that was not case nor fact. No physical examination or blood/lab work was done on Henry Madison

to find out if what he said happen was something other than the truth. only accusations of what measures and lengths other inmates had done was compaired to Madison's concerns and attempt to get help. Unit 32 clinic doctor, Dr. Santos displayed great gross negligence because of the nature of Henry Madison's infirmity subjecting himself to deliberate indifference because of dealings with other inmates schemes and attempts none of which should have been compaired to the character and intergrity of a(n) inmate whom he had nevered encountered or treated for such alleged complaint. Henry Madison had nevered experienced any computation like this painful penis erection called priapism before in his life until and after consumption (taking) of proscribed drugs by unit 42 hospital's Mental Psuchiatrist, Dr. Robert Glenn, and had nevered filled out any sick call request forms fabricating any condition(s) to expose himself or that did not exist and therefore should not have been subjected to such acts and should have been giving a(n) physical and blood /lab work done. Not knowing the actual causation of the prolong painful penis erection (priapism) Henry

Madison continued taking proscribed drugs by psychiatrist. On the 14th day of June, 2003 after morning pill call nurse, nurse Hall had conducted pill call, before returning back to bed Henry Madison noticed that he was erected but thought it was nature and returned back to bed. At morning feeding Henry Madison again recognized that he was still yet erected and because Madison was not in any pain thought it was a nature erection and returned to once again before the daily routine at unit 32-E building began. Henry Madison awoke again before the afternoon hour and was still erected and began to monitor himself because of the last condition that lasted 24 hours. After realizing on that said date Henry Madison started to seek medical attention because the erection had persisted into that evening and he began to hurt. Henry Madison advised a male officer who came on the tier (zone) at unit 32-E building that he had been erected since this morning and now had begun to experience some pain in that erection and that he had this to happen to him in this building before but could not get to unit 32 clinic until days

later. Officer told Henry Madison he was going to call unit 32 clinic when he left the tier, he went outside and smoked. Same officer come on tier to conduct count, Madison tells him that he is still painfully erected, sir before you told me you was going to call the clinic but went outside and smoked a ciggerett, officer stated I forgot and walk away sarcastically. Shift changes and officer came on tier conducting inmate count, and Madison advised him of his condition and what was told and said to him by other officer previously and Madison asked this officer could he please call the Unit 32 clinic that he may get checked out by the doctor, Dr. Santos to see what is causing the persistant painful penis errection, officer then told Madison to do a sick call, Madison advised officer that he did a sick call the last time this happen and did not get seen by the unit 32 clinic's doctor, Dr. Santos until several days later and then told Madison well wait three (3) days again and walked away laughing. Hours later during an officer's routine security check, Henry Madison continued to plead in getting medical attention to a serious medical need yet was told by officer during sec-

urity check tell the nurse in the morning shit don't tell me. Henry Madison told every official that came on the tier at unit 32-E building that night about his need of medical treatment up until the pill call nurse arrived and because of the pain Madison did not sleep. Henry Madison then told nurse, I am not trying to disrespect you. I have been telling every officer since the 14th day of June, 2003 yesterday today is the 15th day of June, 2003 that I have been erected and in pain for 24 hours and no one seem to care or want to help me could she get some help because this is day two (2). Pill call nurse totally disregards Madison's concern for his wellbeing and told him to take the drugs proscribed for him and at the risk of receiving and rule violation report for refusing to take the drugs Madison complied with the orders of the nurse and nurse began to walk away. Madison asked the nurse what about my situation and nurse yells back what about it. Madison ask can you get me to unit 32 clinic to see the doctor. Dr. Santos today and nurse again yells back do a sick call. Henry Madison recieved no sick call forms or help.

On the 16th day of June, 2003 at unit 32-E building, Henry Madison asked officials all morning to get him to unit 32 clinic to see the doctor, Dr. Santos so that he could get medical treatment because his penis had been painfully erected over 48 hours and the officials told Madison they were doing yardcalls not sick calls as Continued passed him starting at the back working their towards the front asking each inmate if they wanted to go outside on yard-call. Madison refused yard call because of the painful condition he was in. After yard call was finished and officers had put every inmate back in his cell, Henry Madison again if he could get a sick call request form because his penis has been painfully erected for two (2) days. officer then told Madison we're fixing to feed and don't have time for that. After inmate feeding Henry Madison asked to see the O.I.C. (officer in command) of the shift, whom ever he/she was nevered came to address Madison's problem and immediate request for medical attention and Madison did not recieve a Sickcall request form before shift changed. When the evening Shift arrived different excuses was giving to Madison as to why he could not get seen or a sickcall request form. The evening

pill call nurses would also tell Madison fabrications as if they get Madison a sick call request form before they left the building personally but never did. On the morning of the 17th day of June, 2003 the early morning pill call nurse arrived and again Madison begged for medical assistance because erection had continued and the pain had become intense and severe. Madison started refusing the drugs proscribed by psychiatrist Dr. Robert Glenn of the unit 42 hospital, and told the nurse this is the third (3) day which is 72 hours that I have been painfully erected and have recieved no medical sick call request form, assistance or treatment and that I needed to get to unit 32 clinic to see Dr. Santos, nurse advised Madison that she have left noticies for the unit 32 clinic doctor, Dr. Santos and it is up to him to get you to the clinic, nurse told Madison that she would leave another notice and bring him a request for medical attention form, Madison did not recieve request form. Henry Madison asked officer when he entered the tier if he could bring a sick-call request form and because nurse did not come back Madison tried to explain his condition as to why he uraently needed help offical cut him off and said didn't you tell the nurse this, Madison

affirmed and tried to tell officer that maybe she forgot to bring the form officer then stated before Madison could finish well what the fuck you telling me for. Henry Madison left the bars and went to the back of his cell away from the officer. Henry Madison had not slept in 72 hours because of painful penis erection. nor for recieved any help. Henry Madison was not able to sit, stand, or walk for any long period of time and in order for Madison to make it through each dreadful day and night he had to sit for a while, then stand some and take very short steps to the bars back to his bed all day and night, everyday and night. Everytime inmates have problems ~~and~~ and can not get help or attention of the officer(s) or other officials they will flood their room/cell and everyone elses cell and will set fires outside and inside their cells and/or beat on the tin cover up above the bars of each cell until the officer get and give them what they want. Henry Madison has never done or did any of those things although it seem like that type of behavior is all they (officials) understand. On the 18th day of June 2003 Henry Madison's

condition had not changed in fact it had gotten worse to the point that the body of Madison's penis had got solid hard as if the blood was no more liquid but of some form of a clot and was now a solid and were no longer warm but ice cold and the length had started to draw and pull itself backwards up into Madison's stomach and back because Madison could no longer stand straight up but now was slumped over frontward. Henry Madison again told nurse who conducted morning pill call and every officer he encountered and still Madison got the same negative and neglective responses. During yardcall on the 18th day of June, 2003 Henry Madison told an officer that every inmate called and addressed as bulldog about his condition, how long it persisted and start to [REDACTED] that day why he can not get to the clinic of unit 32 and receive medical treatment. Madison professed that he had a serious medical need. Henry Madison already knew that he needed surgery and just hoped and prayed that he did not die. Also, on that date Madison asked officer (bulldog) if he could please get him to the clinic of unit 32 and officer (bulldog) told Madison I'll see. Henry Madison also during yardcall on the 18th of June, 2003 encountered another officer that all the inmates on the tier addressed as (big grip). Madison told official about his infirmity and

dispite the observation of Madison officer (big grip) made jokes
telling Madison that he had found a drug better than viagra and
told Madison to give him some of whatever he was taking and
started laughing and walked away. After yardcall ended and all
the inmates were back in their cells Madison stopped and asked
officer addressed as (bulldog) if he had checked with the Unit 32
Clinic's doctor, Dr. Santos and founded out if he was going to call
Henry Madison to the clinic, officer told Madison he called and
he said no. Henry Madison refused his lunch and dinner trays in
hope to prove that he needed help and still recieved none, neither
on the next shift. On the 19th day of June, 2003 Madison continued
to refuse drugs and when officer ~~Gotaso~~ Tompson came on the
tier and conducted inmate count Madison stopped him before he
passed his cell crying and holding on to stand to the bars and
toilet of his cell and tried again to tell an official that he has
been painfully erectted for five(5) days and for five(5) days he
has been truing to get medical attention from every official on every
Shift and for five(5) days he has not slept day nor night and
for five(5) days the Unit 32 Clinic doctor, Dr. Santos has not and
Refused to call Madison to get medical treatment. Sir, can you please
help me, I don't know what else to do and without changing

words, jesting, or showing negligence to a serious medical need and by judging the state Henry Madison was in and displaying officer Thompson shook his head and said ok and called unit 32 clinic and got Madison to the clinic at unit 32. Henry Madison managed to and struggled out the doors of unit 32-E building as every official that Madison had told early on stood and watch in believeence now seeing that this inmate was not lying and maybe about 10 to 15 more steps Henry Madison's lower body locked up and left Madison at a standstill slumped over in pain and still pouring tears and the unit 32 clinic had bring a wheelchair to aid Madison to the 32 unit clinic. When Madison arrived at the unit 32 clinic and was seen and physically examined doctor, Dr. Santos he stated he don't know what to do for me so he Dr. Santos sent Madison back to unit 32-E building and call unit 42 Hospital now in the concern of Henry Madison's condition and after five(5) days later. Later on that evening Madison was transported to unit 42 Hospital and admitted for observation. Henry Madison stayed in unit 42 Hospital over night and various tests was ran but it was nothing that unit 42 could do so that morning maybe 10 to 11:00 O'clock on the 20 day of June, 2003 Henry Madison was transported to Jackson ms University Medical Center. Upon arrival Madison was met by Urologist doctor, Dr. White. Urologist, Dr. White ran

Several different techniques, one (1) by taking a very long and big needle and stuck it continuously in all sides and all over the body of Madison's penis trying to release blood and pressure and two (2) took a scapel and cut making an "X" on the tip of Madison's penis trying to relieve the erection. Urologist, Dr. White asked Henry Madison how long have you been erected like this and Madison advised her that it was five (5) days he was in his cell at Parchman MS at the MSP at unit 32-E building and one (1) of those nights was spent in the Unit 42 hospital at parchman MS MSP. and that today June 20 2003 was the 6th day that his penis had been erected like this. Henry Madison was admitted at UMC of Jackson MS and taken up for surgical procedures.

Urologist, Dr. White and other doctors told Madison what was done to him while he underwent surgery. Madison was told by Urologist Dr. White that some veins in the penis which the blood flow through were tapered off and by parchman (MSP) taking as long as five (5) days to get me medical attention the surgery was not successful and by the time your penis go down ~~theres~~ a very strong possibility that you won't be able to achieve another nature erection and the only ^{thing} we (them) can do is let nature take its course and 4 to 6

and discuss the possibilities of penial implants options. After about a week, Henry Madison was released from Jackson MS UMC and transferred back to the MSP at Parchman MS and readmitted to Unit 42 hospital, and at that time Madison had not been able to defecate in a week and had to be administered Spository pills, and Madison receiving disolveable stitches feared to use the bathroom. In two (2) weeks Henry Madison was transferred back to Unit 32-E building, and given the same the same drugs, but Madison refused to take them again. On October, 13th 2003 Henry Madison filed for Administrative Remedy Program. Medical director, Dr. John Beatty answered first response the 24th day of November, 2003 Madison recieved the response the 10th day of December, ²⁰⁰³ Superintendent, Micheal Wilson at the MSP answered second response the 30th day of January, 2004 Madison recieved the response the 5th day of February, 2004. Commissioner, Christopher Epps answered third response the 1st day of March, 2004 Madison recieved the response the 10th day of March, 2004, also on the 1st day of March, 2004 along with third response was the certificate of completion of the ARP process signed by administrator, Glenn Spann. On the 31st day of March, 2004 Henry Madison file a civil action accompanied with Institution Account

information. Authorization by authorized officer of inmate account Gloria Kinard on the 5th day of April, 2004 and a(n) Affidavit of Poverty was stamped filed by Notary PUBLIC Amy Simmons on the 24th day of March, 2004. On the 21st day of April, 2004 from the Clerk of the Circuit of Lauderdale County, Henry Madison's Civil Complaint was stamped filed. Lauderdale County Circuit Judge Larry E. Roberts granted IFP status. Circuit Judge Larry E. Roberts denied Henry Madison's motion for Appointment of Counsel on the 19th day of July, 2004. and Madison sought legal assistance from various other law firms in the month of August, September, and November of 2004. Defendants recieved a copy of summons and complaint the 2 day September, 2004. Henry Madison wrote to clerk of the circuit, Donna Jill Johnson in 2005 asking the status of my/his complaint/case/suit and nevered recieved any replys). Madison was under the impression that case was being entertained by courts and awaited for response.

SUMMARY OF THE ARGUMENT

The plaintiff was denied medical care for five (5) days and in those five (5) days plaintiff was subjected to a form of punishment(s) which involve the unnecessary and wanton infliction of pain, which are repugnant to the cruel and unusual punishment clause of the Eight Amendment. The government's obligation to provide medical care for those whom it is punishing by incarceration was establish in the principles of the cruel and unusual punishment clause of the Eight Amendment. Plaintiff begged for officials who had rule over his body to help him because by reason of the deprivation of his liberty, could not care for himself and get the medical treatment to his serious medical needs, in return officials showed plaintiff deliberate indifference to his serious medical need, delayed access to medical care intentionally because his condition lasted five (5) days and it was so obvious that a lay person would easily recognized the necessity for a doctor's attention regardless of the nature, just the evidence of a prisoner's serious medical need is sufficient and warrant enough, and plaintiff's claim and continued request for treatment for five (5) days, without sleep, unable to sit, walk, or stand exacerbated his medical condition to the point of surgery procedures because officials and doctors(s) delayed in his transport to the hospital was unreasonable and a callous deliberate neglect

that has cause irreparable damages to the plaintiff's penis whereas he can never achieve another natural erect except with the aid of mechanical devices (implant), depriving him reproduction of life and enjoyment of life with his wife thus violating his Eight and Fourteenth Amendment rights under the United States Constitution, prohibition against these acts or omissions. Plaintiff and his wife had planned to have another child but because of the inadequate medical treatment, of the conduct of the Unit 32 officials, conduct which should shock the conscience of the courts by prison to a prisoner's request for essential medical treatment yet willingly refuse take reasonable measures to abate the serious risk of harm, danger and life threatening situation. Officials and doctors know that inmates masterbating on the women staff and compared the nature and character of those inmates to plaintiff's situation. For five days plaintiff was talked about, cursed at, lied to, disregarded, and denied medical treatment to his serious medical need.

ARGUMENT

Issue No. 1 Whether plaintiff can prevail on the facts that he has alleged in pro se complaint?

Henry Madison was denied medical treatment for five days, as

■ a result, Madison underwent surgical procedures which had left him with irreparable damages to his penis resulting from priapism caused by proscribed drugs.

Issue No. 2 Whether acts and/or actions committed constitute violation of plaintiff's U.S. Const. 8th and 14th Amendment right?

Henry Madison took proscribed drugs by psychiatrist repeatedly and had an allergic reaction which was a painful penis erection that persisted for five (5) days. Henry Madison verbally informed every official staff member of AD about his condition. Official cursed and fabricated stories, and picked and joked and left Madison in unnecessary and wanton infliction of pain, and delayed medical treatment to his serious medical need, and because of irreparable damages has cause to be deprived of life.

Issue No. 3 Whether plaintiff's sustained injuries due to the MDOC's hired, licensed, and contracted officials deliberate indifference?

Had Henry Madison been proscribed side effect medications along with psychological drugs that were over 100 mg as usual maybe this would have nevered happen to plaintiff. When painful erection persisted and Madison tried to get medical treatment long before five (5) days. Officials intentionally denied and delayed Madison access to medical care. Dr. Santos directly accused plaintiff of malingering his erection in an attempt to expose himself to female nurses like other inmates, this was and has never been a fact in Madison's character. One shoe don't fit all.

Issue No. 4 Whether officials delay in getting plaintiff

treatment to his serious medical need the causation to the irreparable damages?

Henry Madison felt in his heart and mind before he was taken to the Unit 32 clinic that he would have to have surgery. When Urologist, Dr. White conducted several techniques she ask in disbelief, how many days have you been like this and in the end after surgery Urologist, Dr. White tells Madison that parchman taking so long it was nothing they could really do but taper off plaintiff's veins and let nature take its course as the tissues in Madison's penis die away he will never achieve another nature erection due to the evil heartedness of officials deliberate indifference labeling one for all.

Issue No. 5 Whether plaintiff meet "The Physical Injury Requirement" for mental or emotional showing of physical injury?

Henry Madison suffered this physical injury upon consuming proscribed drugs and after allergic reaction persisted Madison to seek medical treatment and none was provided to him, as a he suffered a perminated lost of life. It has been three (3 1/2) and a half years and Madison still can achieve no erection when on conjugal visits with his wife. Henry Madison has been and still is till this day very depressed, angry, frustrated, tormented in my mind constantly trying to convince myself that I am still a man and constantly asking my wife do she still see me constantly worrying will my marriage soon end because of

What happened to me at the Mississippi State Penitentiary at Parchman Ms in unit 32-E building 2003 of June. In my heart and mind and in faith, I believe that I will receive the relief I am seeking in Jesus Christ's name because the devil do not have any power over God who is righteous. Those officials and doctors refused to and I had to suffer and learn humbleness in the midst of my adversary and his evil doers and I did and God sent officer Tompson to help and till this day I am thankful to cause the devil was trying to take my life and I believe if I would have stayed in that condition longer I might have died. This that happen to me has me to the point of suicidal because my wife and son is all I love and have and I couldn't bare going through without her and since this happened to me I seem to cry all the time about it. Its very very stressful and after 3 1/2 years later everyday I feel long throbbing pain in that area and doctor(s) told me I will until I die, because of the ■ scaring.

Issue No. 6 Whether plaintiff had conducted himself in any disorderly manner or gross negligent form or fashion where injury occurred?

Henry Madison had nevered had any confrontation or disrespected any officer while housed at unit 32 maxium security. Till this day Madison does not have any masterbating nor/or indecent

exposures of myself as unit 32 clinic doctor. Dr. Santos accused me of malingering my erection in an attempt to expose myself and he never laid eyes on me before in his life and just slander my character like he did. When erection happened the first time if Dr. Santos would have called for me no matter his past dealing with inmates and ran tests all this heartache and pain and stress would not be. Henry Madison has never had caused any problems and I never had / got no Rule Violation Reports while housed in unit 32 Maximum security from the date I was there until departure. and there was no reason for officials to be deliberate indifferent / curse and deny Medical attention for subject Henry Madison to cruel and unusual tactics and punishment:

CONCLUSION

Henry Madison continued repeatedly to notify officials of his need of medical attention and that he was shown malicious and sadistic unconcern and uncaring deliberate indifference by those officials state of mind about the serious danger he faced by the delay intentionally and denying of medical treatment causing unnecessary and wanton infliction of pain which manifested deliberated indifference and cruel and unusual punishment thus violating Madison's eighth and fourteenth U.S. Const. Amendment rights. Regardless of how evidenced the government's obligation was to provide medical care for whom it is punishing by incarceration, and because it was not Henry Madison suffered irreparable damages. The relief sought here is as stated in good faith of the original Complaint. That the plaintiff be awarded a Jury Trial. That the MDCC authorize the funds that's necessary to have a(n) Surgical implant performed on the plaintiff's penis. That the plaintiff be awarded \$250,000.00 in compensatory damages. That the plaintiff be awarded \$500,000.00 in punitive damages. That the plaintiff be awarded \$250,000.00 in nominal damages, the loss of enjoyment of life and reproduction...

And any other relief that this court deems Just and Proper.

Respectfully submitted,

x Henry Madison

Henry Madison #T1280 Pro Se

E.M.C.F. - G.E.O.

10641 Hwy 80 West

Meridian, Ms 39307

CERTIFICATE

I, Henry Madison, do hereby certify that I have this the 9th day of January, 2007, mailed a true and correct copy of the above and foregoing Brief of Appellant to Donna Jill Johnson, Clerk of the Circuit of Lauderdale County, P.O. Box 1005 Meridian, MS 39302-1005, and to James M. Norris, Attorney Senior, P.O. Box 36 Parchman, MS 38738, and to Supreme Court of Mississippi Court of Appeals of The State of Mississippi, office of the Clerk, Betty W. Sephton, P.O. Box 249 Jackson, MS 39205-0249, (Street Address) 450 High Street Jackson, MS 39201-1082 all by U.S. mail, first class postage prepaid.

SWORN AND SUBSCRIBED
BEFORE ME, THIS 9th DAY
OF JANUARY, 2007.

Christy A. Covert
NOTARY PUBLIC

Henry Madison

Henry Madison #T1280 Pro Se

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES DEC 13, 2010
BONDED THRU STEGALL NOTARY SERVICE