

Date: Dec/03/2023

Re: My Case Appellate Case No. 2023-000263

**RECEIVED**

DEC 15 2023

SC Court of Appeals

Dear, JENNY ABBOTT KITCHINGS, CLERK

COMES NOW, This is a written memorandum that I would like to be submit for the Court's consideration of my appeal:

1. Suppress the chain of custody:

A: The chain of custody document received by my Counsel shows the blood sample was collected at 10:29 PM on the night of November 4, 2021, however, a view of Trooper Robertson's body worn camera footage shows a date of November 5, 2021, and a time of 2:29 AM.

B. Deputy Robertson states in his written report that he took possession of the blood for transport to SLED.

C. At 5:54 AM however a SC DPS Evidence log shows that the blood was apparently submitted into a "drop locker" by Trooper M. Lagonestra

D. However there is no document showing a transfer from Robertson to Lagonestra, there is no document with a signature from anyone at SLED.

E. The samples were tested on or about December, 7, 2021.

F. From the claimed time of 10:29 PM on November 4, and 5:54 AM on November 5, the blood appears to change hand at least twice before being submitted by "drop locker" with no person to account for it, other the Trooper Lagonestra's typed name on the SLED evidence form:

- G. Upon review of the state's evidence, it appears the State will be unable to establish a chain of custody of the blood samples.
- H. The Judge did not articulate any basis for denying the motion to suppress the chain of custody.

2. On February 7, 2023, Counsel James filed a motion to reconsider the sentence. Judge Gravely denied the motion, but he did not articulate basis for denying the motion.
3. I plead guilty as indicted because my Counsel told me that my sentence was going to be 15 years max. I never get all the information about my guilty, plead deal.
4. How it happens the collision:
- a. Just before the impact, there was a third vehicle in front of Ms. Holbrooks vehicle.
  - b. Me and Ms. Holbrooks attempted to change lanes to go around the vehicle was in front of Ms. Holbrooks. And there simply wasn't enough time for me to correct as I did not expect Ms. Holbrooks to change lanes at the time that she did.
  - c. In other words, that this was not 100 percent my own doing.
  - d. This collision was the result of simultaneous unexpected movement by both vehicles.
  - e. We hired Matt Sims and Jody Black who were my investigators and they go through discovery photographs, and they realized that there was some unexpected movement from Ms. Holbrooks car at the point of the impact.

This the memorandum that I like to be submit for the court's consideration of my appeal. And I hope this help on the reconsideration of my sentence.

Jose Martin Guzman Pilego #390149  
Tyger River Correctional Institution  
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Enoree SC 29335-9308

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SC Court of Appeals

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