

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF GREENVILLE

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2012CP2307208

IN THE COURT OF COMMON PLEAS

Mario Ramos Hinojos	State of South Carolina
<b>PLAINTIFF(S)</b>	<b>DEFENDANT(S)</b>

FILED-CLERK  
 GREENVILLE  
 PAUL B. WICK  
 2014 APR 15 PM 1:58  
 CLERK OF COURT

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff, <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

Before the Court is Petitioner's motion to reconsider this Court's Order filed February 21<sup>st</sup>, 2014, which denied Petitioner's motion to reopen proceedings due to purported after-discovered evidence.

To obtain relief based upon a claim of after-discovered evidence, Petitioner must show the evidence (1) is such that it would probably change the result if a new trial were granted; (2) has been discovered since the trial; (3) could not in the exercise of due diligence have been discovered prior to the trial; (4) is material; and (5) is not merely cumulative or impeaching. *State v. Mercer*, 381 S.C. 149, 166, 672 S.E.2d 556, 565 (2009) (citation omitted). Upon thorough review of Petitioner's motion to reconsider and the attached exhibits, Applicant has failed to carry his burden of proof. First, Applicant has failed to prove that the evidence contained in the FBI file would most probably change the result of a new trial. Second, Applicant has not proven that such evidence could not have been discovered prior to trial in the exercise of due diligence. Third, Applicant has not proven that the evidence is material and is not merely cumulative or impeaching. Accordingly, Petitioner's motion to reconsider is DENIED.

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

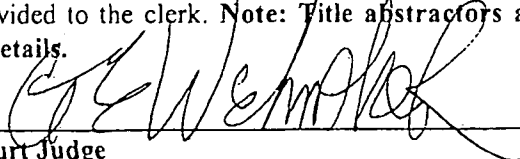
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)


If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge



2137

Judge Code

Date

4/15/14

For Clerk of Court Office Use Only

4-15-14

4-15-14

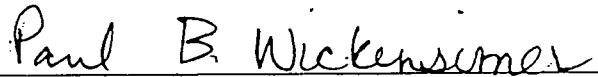
This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

~~Mario Hinojos 301870 Lcc Correctional Institution 990  
Wiscoky Hwy Bishopville, SC 29010~~  
Brian P. Johnson 522 North Church Street Greenville, SC  
29601

Karen Christine Ratigan PO Box 11549 Columbia, SC  
29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Paul B. Wickensimer Greenville County Clerk Of  
Court - Clerk of Court

Court Reporter

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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