

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

RECEIVED  
AUG 08 2014  
SC Court of Appeals

APPEAL FROM GREENVILLE  
COURT OF COMMON PLEAS  
Honorable Cetitia H. Verdin  
#2013-CP-2306321

---

Juan C. Vasquez

Appellant

vs

Hunter Chase Harbin

Respondent

---

INITIAL BRIEF

---

Other counsel or record  
David L. Moore, Sr.  
P.O. Drawer 10648  
Greenville, SC 29603-0648

Juan C. Vasquez  
McC.I./Unit 4,  
386 Redemption Way  
McCormick, SC 29899

# TABLE OF CONTENTS

Table of Authorities	_____	2
Statement of issue on appeal	_____	3
Statement of case	_____	4
Argument	_____	5-7
Conclusion	_____	7

# TABLE OF AUTHORITIES

S.C. Const.

14<sup>th</sup> Amend. \_\_\_\_\_ 7

U.S. Const.

14<sup>th</sup> Amend. \_\_\_\_\_ 7

## ISSUE ON APPEAL

WHETHER THE COURT ERRORED IN RULING THAT APPELLANT'S APPEAL WERE UNTIMELY WHEN APPELLANT HAD OBJECTED TO RESPONDENTS LETTER ASKING THE COURT TO DISMISS APPELLANT'S APPEAL AS UNTIMELY, AND WHERE APPELLANT'S 59 (c) MOTION CLEARLY SHOWED HIS APPEAL WERE IN FACT TIMELY FILED.

## STATEMENT OF CASE

On Feb. 9, 2009 Respondent was retained by Appellant to represent him on charges of trafficking of marijuana and cocaine and two counts of murder - total retainer of \$40,000.00

On Feb 22, 2013 Appellant filed a fee dispute against the Respondent. On June 13, 2013 the panel denied Appellant's application. On July 23, 2013 Appellant filed his notice of appeal - which the Clerk of Court did not file until Nov 25, 2013. On Jan 27, 2014 the court dismissed Appellant's appeal. Thus, Appellant filed a timely 59 (e) motion - which was denied

this appeal follows:

## ARGUMENT

The Appellant argues that the court erred in ruling that Appellant's appeal were untimely when Appellant had objected SEE: Ex 3 to Respondent's letter SEE: Ex. 2 asking the court to dismiss his notice of appeal SEE: Ex 1A as untimely. And where Appellant 59 (e) motion SEE: Ex. 5 clearly showed his appeal were in fact timely filed.

Appellant argues that he did in fact timely mail his notice of appeal to the clerk of court - and all parties July 23, 2013 SEE: Ex. 1A; Ex. 1B; Ex. 1C and Ex. 2C

Here Appellant notice of appeal was in

fact filed within 30 days from him receiving the final decision.

Or should have been deemed timely where the clerk of court had refused to file Appellant's notice of appeal as required by law - from July 23, 2013 until Nov 25, 2013 SEE: Ex. 1A

Ex. 8A stating that Appellant were required to pay the FULL \$150.00 for a fee dispute appeal. Thus, after Appellant kept arguing over this matter with the clerk of court, the Admin. Judge finally allowed Appellant to proceed with partial payment Nov 25, 2013

SEE: Ex. 9A. Although the court

erroneously dismissed Appellant's appeal, as untimely — one day before his court hearing, denying Appellant DUE PROCESS per the 14th Amend. to the U.S. and S.C. Const. to argue his appeal as well as his objection to the Respondent's letter to dismiss.

### CONCLUSION

WHEREFORE: For the foregoing reasons, the court's ruling should be overturned where Appellant is and or were entitled to a full hearing upon his appeal, where due to no fault of his own and the extraordinary circumstances his notice of appeal should have been filed and deemed timely. Thereby, the Court erred in ruling that his appeal was untimely.

Respectfully submitted

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE  
COURT OF COMMON PLEAS  
Honorable Letitia H. Verdin  
# 2013 - CP - 2306321

RECEIVED  
AUG 08 2014  
SC Court of Appeals

Juan C. Vasquez

Appellant

VS

Hunter Chase Harbin

Respondent

APPELLANT'S DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant<sup>s</sup> proposes the following to be included in the record on appeal

- (1) Appellant's notice of appeal dated July 23, 13 - filed by the clerk of Ct. Nov 25, 13 Ex. 1A - Ex. 1B - Ex. 1C Ex 2C Ex. 2A
- (2) Ex. 2 David L. Moore, Jr letter dated Dec 31, 2013 regarding dismissal
- (3) Ex 3 Appellant's objection to said dismissal dated Jan 9, 14
- (4) Ex. 4 Court's dismissal of Appellant's appeal dated Jan 27, 14
- (5) Ex. 5 Appellant's 59 (c) motion - plus Ex. 1A - Ex 9A

(b) Ex. 6 Court ruling on Appellant's 59 (c) motion.

I certify that this designation contains no matter that is irrelevant to this appeal

Respectfully submitted

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
Juan Carlos Estrada Vasquez

Appellant

vs

Hunter Chelsea Harbin

Appellee

IN THE COURT OF COMMON PLEAS

EX 1A

NOTICE AND MOTION  
OF

FEE DISPUTE APPEAL

2013-CP-23-06

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENS  
JUN 25 11 11 AM '13

NOW COMES the above named Appellant ~~who~~ <sup>to</sup> this Hon. court in the above entitled matter the Appellant received the final decision June 29, 2013 which was dated June 13, 2013. (See attached final order and ens.)

This appeal will be based upon Rule 20 (A) (1) and (4) and the fact that my hearing was not postpone until the Board could contact my witness "Eugenia Buitrage Gomez" and go over my evidence. Which I sent Eric Englehardt at 200 East Broad St. Greenville, SC 29602 but came back SEE: Brown ens, postdated June 4, 2013, evidences 1 of 11 - 11 of 11; 1 of 8 - 8 of 8; 1 of 4 - 4 of 4 and letter dated May 23, 2013 showing the address I should send my documentary evidence to.

Date: 07-23-2013

Respectfully Submitted

Vasquez Juan C

Juan Carlos Estrada Vasquez  
MCCI. (Unit 4-143-B)  
386 Redemption Way  
Mt. Carmel, SC 29899

PROOF OF SERVICE

EXIB

copy

I, Varquez Juan Carlos certify that I have served the attached Notice / motion of fee dispute appeal upon the below persons. By placing the above said in the MC Cor. Just. mail room on this day of 07-23-2013 to be placed in the U.S. mail with postage perpaid.

Attn: Michelle Dennis  
S.C. BAR Resolution of  
fee Disputes Board  
PO BOX 608  
Cola SC 29202

The Hon. Clerk of Ct.  
Paul B. Wickensimer  
305 E. North St.  
Greenville SC 29601

Kenneth D. Acker  
Chairman of the Panel  
859 Pendleton St.  
PO BOX 9  
Pickens SC 29671

Hunter C. Harbin  
409 Vardoy St.  
Greenville SC 29601

SWORN to before me

~~the 23 day of July 2013~~

s/ Varquez Juan C.

[Signature]

Notary Public

my Commission Expires  
12-16-2019

~~EXIC~~

~~Date 07-23-2013~~

Dear Hon. Clerk of Ct.

Please find enclosed for filing my  
notice / motion of fee dispute.

Would you be so kind as to return  
me back a filed copy.

Thank you Sincerely

cc: Personal file      Vazquez Juan C.

EX 2 C

Re-submitted w/ check enclosed

8/30/13

Vazquez Juan C.

Date: 07-23-2013

Dear Hon. Clerk of Ct.

Please find enclosed for filing my  
notice/motion of fee dispute.

Would you be so kind as to return  
me back a filed copy.

Thank you Sincerely

cc: Personal file

Vazquez Juan C

~~Ex 2A~~

NEXSEN | PRUET

P. O. Drawer 10648  
Greenville SC 29603-0648

Fy  
143

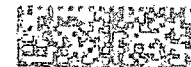
Master

FIRST CLASS MAIL

06/26/2013

US POSTAGE

\$00.66



ZIP 29601  
011011633376

Mr. Juan Carolos Estrada Vazques #351021  
Unit 4-143-B McCormick C.I.  
386 Redemption Way  
McCormick, SC 29899

RECEIVED

JUN 28 2013

MCCORMICK  
MAIL ROOM

29899



Ex. 2

December 31, 2013

The Honorable Letitia H. Verdin  
305 East North Street, Suite 318  
Greenville, SC 29601

Re: Fee Dispute – Juan Carlos Estrada Vasquez v. Hunter Chase Harbin

Dear Judge Verdin:

Please be advised that I am the current Chairman for the Greenville County Fee Disputes Board. In that regard, I recently received notice of an appeal undertaken by Juan Carlos Estrada Vasquez of a decision made by the appointed three-member hearing panel regarding a fee dispute between Mr. Vasquez and Hunter Chase Harbin. This appeal is scheduled for January 28, 2014, before Judge Alison Lee. It is my understanding that you have been appointed as Administrative Judge for Greenville County and, as a result, would have oversight of matters submitted to the Court by appeal. An appeal of this kind is controlled by Rule 20 of the rules concerning the resolution of fee disputes, which is set forth in Rule 416 of the South Carolina Appellate Court Rules. Pursuant to Rule 20, a party aggrieved by the final decision of the Board may appeal that decision to the Circuit Court. To confer jurisdiction of an appeal on the Circuit Court, however, the appealing party must commence the appeal within 30 days after the final decision is mailed to him, except for certain circumstances which are not applicable here. In his motion, Mr. Vasquez notes that he received the final decision on June 29, 2013. His appeal was filed on November 25, 2013, obviously well beyond the 30-day time period for filing such an appeal. Because Rule 20 provides that notice of appeal must be commenced within 30 days after the final decision is mailed to the appealing party in order to confer jurisdiction upon the Circuit Court, and in light of the fact that this appeal had not been commenced until some four to five months after the mailing of the final decision, it would appear that this matter should be dismissed due to lack of jurisdiction.

Charleston  
Charlotte  
Columbia  
Greensboro  
**Greenville**  
Hilton Head  
Myrtle Beach  
Raleigh

The Honorable Letitia H. Verdin  
December 31, 2013  
Page 2

By copy of this letter, I am advising both Juan Carlos Estrada Vasquez and Hunter Chase Harbin of this issue in order that they might respond. I would request, however, that under the circumstances this matter be dismissed and that a hearing not be held. Thank you for your kind consideration in this matter.

Sincerely yours,



David L. Moore, Jr.

DLM/dkr

cc: Mr. Juan Carlos Estrada Vasquez  
Hunter Chase Harbin, Esq.  
Ms. Michelle Dennis (via e-mail)  
Robin Foster, Esq. (via e-mail)

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

Juan Carlos Estrada Vasquez  
Appellant

VS

Hunter Chase Harbin  
Appellee

IN THE COURT OF COMMON PLEAS  
2013-CP-2306321 Ex. 3

APPELLANT'S OBJECTION  
TO

CHAIRMAN MOORE'S  
REQUEST OF DISMISSAL

NOW COMES the above named Appellant who moves  
this Hon. Court in the above entitled matter

This objection will be based upon the following:

(1) On Jan 6, 2014 I received Chairman Moore's letter  
to Judge Verdin dated Dec 30, 2013. Stating that  
my notice of appeal was not timely.

(2) I argue that this statement is in error, when I  
timely mailed my notice of appeal to the Clerk of  
Court July 23, 2013. (See court records - proof of  
service)

Within 30 days from June 29, 2013 of receiving the  
final decision.

(3) Although, from July 23, 2013 until Nov 25, 2013

The Clerk of Court Paul B. Wickensimer had refused to file my notice of appeal stating that I had to pay the FULL \$ 150.00 for a fee dispute appeal (see court records)

- (4) Even after arguing over this matter the Clerk of Court kept refusing - sending back my notice without filing it. Finally the Admin Judge allowed me to proceed Nov 25 2013 (see court records)

WHEREFORE: My notice of appeal is / was timely due to the above facts and my case should not be dismissed where I am entitled to a hearing. Whereas I also intend to argue these facts at my hearing it need be

Respectfully submitted

Varquez Joan C.

PROOF OF SERVICE

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMMER  
2014 JAN 16 AM 12:28

I, Vazquez Juan C. certify that I have served my objection to chairman Moore's request of dismissal upon the below persons. By placing the above said into the W & Corr. Inst. mail room on this day of \_\_\_\_\_ to be placed in the U.S. mail with postage prepaid

The Hon. Clerk of Ct.  
Paul Wickensimmer  
305 E. North St.  
Greenville, SC 29601

The Hon. Judge Cetitia H. Verden  
305 E. North St. Suite 318  
Greenville, SC 29601

Chairman F.D.B  
David L Moore, Jr  
Nexsen/Pruett  
PO BOX / Drawer 10648  
Greenville, SC 29603-0648

Kenneth D. Acker  
Chairman of the Panel  
859 Pendleton St.  
PO BOX 9  
Pickens, SC 29671

Hunter C. Harbin  
409 Vardry St.  
Greenville, SC 29601

SUBSCRIBED to before me

this 09 day of Jan 2014

Jef Rankle

Notary Public

my Commission Expires

12/16/2015

Vazquez Juan C.

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2013CP2306321

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER

*Ex 4*

Juan Carlos Estrada  
Vasquez

Hunter Chase Harbin

2014 JAN 27 AM 10 49

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Court

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

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.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 43(k), SCRCP (Settled);
  - Rule 12(b), SCRCP;
  - Rule 41(a), SCRCP (Vol. Nonsuit);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Rule 40(j) SCRCP;
  - Bankruptcy;
  - 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:  
This matter comes before the Court on Plaintiff's appeal from the Greenville County Fee Disputes Board, pursuant to Rule 416 (20) of the South Carolina Appellate Court Rules. Under Rule 419(20), a party has 30 days after he receives notice of the Board's ruling to appeal. The Plaintiff received the ruling in this case on June 29, 2013, and did not file his appeal until November 25, 2013. As such, this Court lacks jurisdiction over this case and the untimely appeal is hereby DISMISSED.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk:

*Jr1*

**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.**

*[Signature]*  
 \_\_\_\_\_  
 Circuit Court Judge

2162  
 \_\_\_\_\_  
 Judge Code

1/27/14  
 \_\_\_\_\_  
 Date

**For Clerk of Court Office Use Only**

This judgment was entered on 1/27/14, and a copy mailed first class or placed in the appropriate attorney's box on 1/27/14 to attorneys of record or to parties (when appearing pro se) as follows:

Juan Carlos Estrada Vasquez

H. Chase Harbin  
 419 Vardy Street  
 Greenville, SC 29601

\_\_\_\_\_  
 ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
 ATTORNEY(S) FOR THE DEFENDANT(S)

*David L Moore Jr*

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

Court Reporter

*[Handwritten mark]*

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

Juan Carlos Estrada Vasquez

Appellant

vs

Hunter C. Harbin

Appellee

IN THE COURT OF COMMON PLEAS

# 2013-CP-2306321 Ex. 5

NOTICE OF MOTION  
AND  
MOTION FOR 59 (e)

PLEASE TAKE NOTICE, NOW COMES the above named Appellant who moves this Hon. court in the above entitled matter, to reconsider, alter and amend its judgment pursuant to S.C.R. Civil. P. - Rule 59 (e).

Appellant received a copy of the order of dismissal Feb. 3, 2014. Which was received by the Inst. Jan 30, 2014. Which said order was signed by the Judge Jan 27, 2014 [one day before Appellant's court date]

## ARGUMENT

Appellant strongly contends that he

was entitled to a hearing - to argue his objection to Chairman Moore's request of dismissal.

Here Appellant further argue that he timely mailed his notice of appeal to the Clerk of Ct. Mr. Paul B. Wickensimer on July 23, 2013 SEE: Exhibit 1 A;  
Ex. 1 B; Ex. 1 C and Ex. 2 C

Which shows that Appellant notice of appeal was in fact filed within 30 days from him receiving the final decision.

Or should have been filed, although from July 23, 2013 until Nov 25, 2013 the Clerk of court had refused to file Appellant's notice of appeal, as required by law

The Clerk of Court stated that I had to pay the full \$150.00 for a fee dispute appeal SEE: Ex. 1A

Ex. 8A Thus, after Appellant argued over this matter with the Clerk of Court, the Administrative Judge finally allowed Appellant to proceed with partial payment Nov 25, 2013 - of \$19.80 SEE: Ex. 9A Which shows that Appellant's case/notice of appeal should have been filed right after July 23, 2013 the day he sent it to the Court.

WHEREFORE: For the foregoing reasons, the Appellant respectfully requests this Court to direct the entry of a new judgment, and set him a new hearing date per 59(a)(2).

Respectfully submitted  
s/ Varquez Juan C.



Office of the Clerk of Court

Paul B. Wickensimer  
Clerk of Court for Greenville County  
Greenville, South Carolina

[www.greenvillecounty.org](http://www.greenvillecounty.org)

EX-3A

August 5<sup>th</sup> 2013

Vazquez Juan C: 351021  
McCormick Corr Institute  
386 Redemption Way  
McCormick SC 29899

We are returning your mail: There is a \$150.00 filing fee for a Fee Dispute Appeal.

Please be advised the Clerk of Court Office Civil Records cannot give legal advice. All pleadings filed in this office are prepared by a self represented litigant or an attorney. Our Court is governed by South Carolina Rules of Civil Procedure and any applicable Code of Laws.

Thank you for your attention in this matter.

Sincerely,  
Clerk of Court Office  
Common Pleas/Civil Records  
Greenville County

**Ex 4A1**

2013-CP-23-06321

**INMATE TRUST FUND ACCOUNT REPORT  
for SOUTH CAROLINA COURT FILING FEES**

**LEGAL MAIL  
MAIL ROOM**

**INSTRUCTIONS TO INMATE:** Complete top portion then give to your mailroom. When returned from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws 24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMMER  
JUN 11 11 AM 11 17

INMATE NAME (print): Vazquez Juan C. #351021

SCDC # #351021 INMATE SIGNATURE: Vazquez Juan C.

I plan to file this action in the SC County of Greenville Ct of Common Pleas

*The section below is for SCDC - Financial Accounting Branch's use ONLY.*

(1) Total deposits to inmate's account for preceding six months' period*	\$	<u>100.11</u>
(2) Twenty percent (20%) of line 1	\$	<u>20.02</u>
(3) Account balance - current date	\$	<u>26.23</u>
(4) PAYMENT AMOUNT ** (lesser of line 2 or line 3) Enclosed check #	\$	<u>19.80</u>

**\*\*NOTE to COURT:** If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections  
Financial Accounting - Room 234  
PO Box 21787  
Columbia, SC 29221-1787

\*Admission date is noted here if inmate incarcerated less than six months    /   /   

[Signature] 8/19/13  
Prepared by Financial Accounting Branch - SCDC Date

~~Ex 4 A2~~

Entry

Date ~~09-29-2013~~

Dear Hon. Clerk of Ct.

Please be advised, that I believe that you are in error - I don't have to pay the full \$150.00 per. 24-27-100 - where I've shown that I do not have the funds in my I'm trust fund account, per my check that was enclosed.

If you feel that I must pay the full \$150.00. Please submit my fee dispute appeal payment issue to the Administrative Judge for Common Pleas for his/her consideration. ~~I am enclosing my check for \$19.00 and my fee dispute appeal for the Judge review.~~

Sincerely

cc: Personal file

Varquez Juan C.

~~Ex 5A~~

Clerk of Ct.

Mr. Paul B. Wickensimer

305 E. North St.

Greenville, SC 29601

~~Date: 09-15-2013~~

Dear Mr. Wickensimer

Please be advised that I have not gotten a filed copy of my fee dispute appeal back from your office, after re-submitting it with payment as you requested. Thus please send me back a filed copy and note that without said copy I will not be able to file briefs nor answer the Appellee without notice of appeal and Ex. <sup>5</sup>

cc: personal file

Sincerely

Varquez Juan C.



Office of the Clerk of Court

Paul B. Wickensimer  
Clerk of Court for Greenville County  
Greenville, South Carolina

[www.greenvillecounty.org](http://www.greenvillecounty.org)

EX-6A

~~September 19<sup>th</sup>, 2013~~

Juan Carlos Estrada Vazquez 351021  
McCormick Correctional Institute  
386 Redemption Way  
McCormick SC 29899

Mr Vazquez,

We are returning this Fee Dispute Appeal. This requires a \$150.00 filing fee and we cannot accept partial payment. You may consider filing a motion for In Forma Pauperis.

Greenville County Clerk Of Court  
Civil Records



Office of the Clerk of Court

Paul B. Wickensimer  
Clerk of Court for Greenville County  
Greenville, South Carolina

[www.greenvillecounty.org](http://www.greenvillecounty.org)

~~EX 7A~~

~~OCTOBER 8TH 2013~~

JUAN CARLOS ESTRADA VAZQUEZ 35021  
MCCORMICK CORR INSTITUTE  
386 REDEMPTION WAY  
MCCORMICK SC 29899

MR VAZQUEZ,

PLEASE BE ADVISED THAT FEE DISPUTE APPEALS DO NOT FALL UNDER INMATE LITIGATION. THERE IS A \$150.00 FILING FEE OR YOU MAY CONSIDER FILING A MOTION TO PROCEED IN FORMA PAUPERIS. WE CANNOT ACCEPT PARTIAL PAYMENT.

THANK YOU FOR YOUR ATTENTION IN THIS MATTER.

GREENVILLE COUNTY CLERK OF COURT  
CIVIL RECORDS

~~Ex B A~~

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
Juan Carlos Estrada Vasquez

IN THE COURT OF COMMON PLEAS

MOTION TO PROCEED  
IN FORMA PAUPERIS

Petitioner

vs

Hunter Chase Harbin

Respondent

2013-CP-23-063

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKBENSIMMER  
2013 NOV 25 AM 11 17

I Vazquez Juan Carlos hereby apply for leave to proceed in my fee dispute appeal without full payment of fees or costs. In Support of my motion:

- (1) I am the petitioner in this action and I believe that I am entitled to redress
- (2) ~~See attached I'm trust fund acct. and check for \$19.00 and my letter to the Clerk of Ct. dated 9-24-13.~~

SWORN to before me  
this ~~22~~ day of ~~OCT~~ 2013

J. C. Amiller  
Notary Public 12/16/2019  
my Commission Expires

s/ Vazquez Juan C.  
Petitioner

Proof of service this date Oct 22 13  
The Hon. Greenville Clerk of Ct.

Vazquez Juan C.

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF GREENVILLE

CASE NO. : 2013CP230 6321

IN THE COURT OF COMMON PLEAS

~~EX-9-A~~

Juan Carlos Estrada Vasquez

Hunter Chase Harbin

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER  
2013 NOV 25 AM 11:17

PLAINTIFF(S)

DEFENDANT(S)

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.

**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 \_\_\_\_\_

**IT IS ORDERED AND ADJUDGED:**  See attached order;  Statement of Judgment by the Court:

~~Hereby direct the Clerk of Court to file the above case and collect the filing fee in accordance with S.C. code Ann. Statute 24-27-100 et seq.~~

Dated at Greenville, South Carolina, this 21<sup>ST</sup> day of Nov, 2013.

Court Reporter:

*Man In*

PRESIDING JUDGE -

This judgment was entered on the Nov 25 day of 2013, and a copy mailed first class this Nov 25 2013 day of 2013 to attorneys of record or to parties (when appearing pro se) as follows:

Juan Carlos Estrada Vasquez

ATTORNEY(S) FOR THE PLAINTIFF(S)

SCDC Cooper Trust Fund Acct  
Greenville County Accounting

ATTORNEY(S) FOR THE DEFENDANT(S)

Ex 6

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2013CP2306321

Juan C. Vasquez	Hunter Chase Harbin
-----------------	---------------------

FILED - CLERK OF COURT  
 GREENVILLE CO. S.C.  
 PAUL B. WIGGINS  
 2014 JUL 23 PM 10:58

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: The Court	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
-------------------------	---

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.
- 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:

Plaintiff appealed a decision of the Greenville County Fee Disputes Board. On January 27, 2014, this Court dismissed the appeal as untimely. Plaintiff then filed a motion to alter or amend the judgment, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. Plaintiff's motion is hereby DENIED.

ORDER INFORMATION

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

2162

Judge Code

7/8/14

Date

**For Clerk of Court Office Use Only**

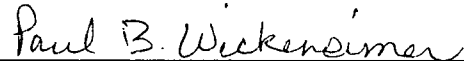
This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Juan C. Vasquez 351021  
McCormick Correctional Institute  
386 Redemption way 29899

ATTORNEY(S) FOR THE PLAINTIFF(S)

David Moore  
P.O. Drawer 10648, 29603

ATTORNEY(S) FOR THE DEFENDANT(S)



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

Court Reporter



APP  
copy

# PROOF OF SERVICE

I Vazquez Juan C. certify that I have served the below persons. my initial brief and designation of matter. By placing the above said into the McC.I. mail room on this 05 day of August 2011 to be placed in the U.S. mail with postage prepaid

Clerk. Jenny A. Kitchings  
P.O. BOX 11629  
Cola SC 29201

David L. Moore Jr.  
P.O. Box Drawer 10648  
Greenville SC 29603-0648

Hunter C. Harbin  
409 Vardy St.  
Greenville SC 29601

SWORN to before me  
this 05 day of August 2011

Franklin

Notary Public

my Commission Expires 12/10/2011

J Vazquez Juan C.

S.C. Ct. of Appeals  
Clerk, Jenny A. Kitchings  
P.O. BOX 11629  
Columbia, SC 29201

RECEIVED  
AUG 08 2014  
SC Court of Appeals

Date Aug 5, 14

Dear Hon Clerk

Please find enclosed for filing my notice of appeal; brief and Resignation of matter plus my motion in forma pauperis

Please send me back filed copies of the above, copy enclosed.

Thank you

Sincerely

cc Personal file

Varquez Juan C.

Vazquez Juan C. #351021 F2-184-A  
McCormick Corr. Inst.  
386 Redemption Way  
McCormick SC 29899

**RECEIVED**  
AUG 08 2014  
**SC Court of Appeals**

S. C. Court of Appeals  
Clerk, Jenny A Kitching  
P.O. Box 11629  
Columbia SC 29201

5.60