

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM PICKENS CNTY COURT OF COMMON PLEAS

Letitia H. Verdin, Circuit Court Judge

Case No. 2014-001880

State of South Carolina Respondent,

v.

Paul Ioan Tat Appellant

RECORD ON APPEAL

Attorneys for Respondent:

ALAN WILSON

Attorney General

SUSANNAH R. COLE

Staff Attorney

Post Office Box 11549

Columbia, SC 29211

Columbia, SC, 29201

Phones: (803) 734-3727

Appellant:

Paul Ioan Tat

518 Fond Du Lac Drive

Central, SC 29630

864.207.3485

Per See

RECEIVED

JUL 07 2015

SC Court of Appeals

W. WALTER WILKINS, III

Solicitor, Thirteen Judicial Circuit

214 East Main Street

Pickens, SC 29671

(864) 898-5906

INDEX

R.1

Judgement in a civil case no. 2013CP3901329, August 1 st , 2014.....	2
Magistrate Second Response, July 18 th , 2014.....	4
Appeal for a Motion to Reverse Judgement from Magistrate Court, October 23, 2013.....	6
Notice of Appeal from sentence imposed by Magistrate Court, Oct 23, 2013.....	13
Order on the Order to Remand from Court of Common Pleas, October 14 th , 2013.....	14
Judgement in a civil case, Remand Case no. 2013CP3901178, October 8 th , 2013.....	16
Petition for Motion to Appeal to the Circuit Court, September 19, 2013.....	17
Order to Deny Motion to Reconsider Judgement, September 13 th , 2013.....	29
Petition for a Motion to Reconsider Judgement, September 3 rd , 2013.....	31
Court of Common Pleas Transcript Record, July 25 th , 2014.....	41
Anjelika Tat Voluntary Statement, February 20 th , 2013.....	57
Paul Ioan Tat Voluntary Statement, February 21 st , 2013.....	58
Anjelika Tat AnMed Health Medical Record, February 20 th , 2013.....	60
Counsel Certificate.....	72
Magistrate Court Trial CD Records.....	73

FORM 4

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

COURT OF COURT
PICKENS COUNTY
SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2013CP3901329

Paul Ioan Tat

South Carolina The State

2014 AUG -5 A 10:05

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

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. ☒ 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

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

Date

7/25/2014 8/1/14

For Clerk of Court Office Use Only

Tr1

R.3
8/5/14

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:

Paul Ioan Tat ,

John Baker Cleveland III 214 E. Main St. Pickens, SC
29671

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter-Caroline Hiskell

Cheryl Watson - Deputy
Harold P Welborn, Jr. - Clerk of Court

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.

Appellant's conviction in Magistrates Court is affirmed. The appellant did not state any grounds in his Notice of Appeal for reversal. However, in his Petition for a Motion to Reverse Judgment, Appellant raises only factual issues - matters not preserved on Appeal. Accordingly, there is no error of law to form the basis of a reversal. Appellant's conviction is affirmed.

Cheryl Watson

STATE OF SOUTH CAROLINA	)	
	)	IN THE CIRCUIT COURT
COUNTY OF PICKENS	)	
	)	
THE STATE,	)	
	)	
VS	)	MAGISTRATE'S SECOND RESPONSE
	)	
PAUL IOAN TAT,	)	
518 Fond Du Lac Drive	)	
Central, SC 29630	)	
	)	
DEFENDANT-APPELLANT	)	
.....)	)	

Presiding Judge S. Michael Gillespie's response to Defendant's Notice of Appeal:

The Defendant served the Presiding Judge a copy of his Appeal for "Conviction and Sentence" on September 19, 2013.

The Defendant did NOT set forth any grounds for appeal in the notice that was served on the Presiding Judge; therefore, was without sufficient information with which to address any appeal.

During the first appeal hearing before the Circuit Court on October 7, 2013 the Court remanded the issue of Motion to Amend for a ruling and provided Presiding Magistrate with a copy of "Petition for a Motion to Amend Judgment Appeal".

Contained within the packet the Defendant presents four questions.

1) Has the Detective, Jerry Lee Gardo, committed perjury?

Detective Jerry L. Gardo was the investigating officer in this case. No objection was made by Defendant during Gardo's testimony as to perjury. No witness was called by Defendant to impeach Gardo. Furthermore, Gardo was sworn in before testimony. Presiding Judge has NO evidence to question the veracity of Gardo's testimony.

- 2) Has the Detective, Jerry Lee Gardo, conducted the case CDV 2013A3910300068.... investigation without prejudicing the parties involved in the case?

There is NO evidence in the record that there was any prejudice by Detective Gardo. The incident report was submitted to another Judge who found probable cause to issue a warrant. Additionally, the record contains ample evidence to support the charge and conviction of the Defendant for the charge of Criminal Domestic Violence. No objection was made by Defendant during Gardo's testimony as to prejudicing any party.

- 3) Has the Interpreter, Angelina Sharry committed perjury?

Angelina Sharry testified that she was a certified interpreter of Russian to English language. Additionally, Ms. Sharry was sworn in before testifying. NO objection was made as to Ms. Sharry's qualifications.

- 4) Has the Defendant, Paul Ioan Tat, abused and injured Anjelika Tat?

Based on the testimony and evidence at trial, the Defendant was found guilty of Criminal Domestic Violence beyond a reasonable doubt.

None of the questions presented by the Defendant were raised during trial or preserved by objection. The Defendant did file a Motion to Amend Judgment, but was denied. Although the notice served on the presiding Magistrate was deficient; the Defendant did file certain grounds with the Clerk's Office. In an effort to preserve judicial economy; I respectfully submit a second response to address the "issues".

RESPECTFULLY SUBMITTED,

July 18, 2014

S. Michael Gillespie
Pickens County Magistrate
115-B Commons Way
Central, SC 29630
(864) 639-8084

2013 OCT 23 PM 3:47
PETITION FOR A MOTION TO APPEL TO THE CIRCUIT COURT

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA
THE STATE OF SOUTH CAROLINA
PICKENS COUTY

APPEAL FROM PICKENS COUNTY
MAGISTRATE COURT
TO
THE CIRCUIT COURT NO. 13
HONORABLE JUDGE

....., Circuit Court Judge

Opinion No. (SC CIRCUIT COURT filed October 23, 2013)

Paul Ioan Tat

Petitioner,

Case No.

2013A3910300068

PETITION FOR A MOTION TO REVERSE JUDGEMENT

Paul Ioan Tat
518 Fond Du Lac Drive
Central, South Carolina 29630
(864) 207-3485
Petitioner

2013 OCT 23 PM 3 47

R.7
1329

INDEX

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

CERTIFICATE OF PETITIONER.....	2
QUESTIONS PRESENTED.....	2
STATEMENT OF THE CASE.....	2
ARGUMENTS.....	4
CONCLUSION.....	7

CERTIFICATE OF PETITIONER

The petitioner certifies that hearing and the case was fully ruled by the Central Magistrate Court on August 21, 2013, a hearing was granted on September 11, 2013, a ruling on October 7th 2013 of the Circuit Court no.13 remanded the case back to Central Magistrate Court which denied the Motion to Amend Judgement on October 14th 2013 and the Defendant was served on October 18th 2013 with the Court Order.

QUESTIONS PRESENTED

1. Did Defendant, PAUL IOAN TAT abused and injured ANJELIKA TAT ?
2. Did Detective, JERRY LEE GARDO, conducted the case CDV 2013A3910300068 investigation without prejudicing the parties involved in the case?
3. Did the Magistrate Court erred denying the Defendant motion to Amend Judgement?

STATEMENT OF THE CASE

- a). On February 19, 2013 around 23:00, Paul Ioan Tat drove Anjelika Tat to AnMED Hospital, Anderson SC ER for head pain, loss of conscience, vomiting, erratic behavior.
- b). On February 20, 2013, Detective Jerry Lee Gardo filled with the Pickens Magistrate Court an Arrest Order for CDV against Anjelika Tat and arrested the Defendant, Paul Ioan Tat, at the AmMed Hospital in Anderson at about 14:15.
- c). The Defendant was charged with CDV and release from the Pickens County Jail on February 21, 2013 on Bail Bond Form I.
- d). The Defendant pleaded NOT GUILTY at MAGISTRATE COURT Pickens County Summary Court trial on March 11, 2013 and the case was transferred to CENTRAL SUMMARY COURT for August 21, 2013, presided by Honorable Judge S. Michael Gillespie.
- e). The Defendant represented himself and the STATE was represented by Detective Jerry Lee Gardo.
- f). Detective Lee Gardo introduced pictures of Anjelika Tat: knees, wrists, a facial and one chest picture and introduced 3 witnesses. Copies of the pictures were not provided to the Defense.

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

witnesses:

STEVEN TACKNOR - Pickens County Dep. Sheriff
DEBORAH WELCH - Victim Advocacy Program
ANGELINA SHARRY- AnMed Health Medical Interpreter

evidence documents:

Anjelika Tat AnMed medical records,
Computer-printer generated pictures of Anjelika Tat,
Angelina Sharry translation of alleged Anjelika Tat Voluntary Statement.

- g). The Defendant asked for continuation to review the evidence delivered at trial. Motion was denied.
- h) The Defendant cross-examined the witnesses.
- i). Defendant supine and introduced the case Medical Record and pictures of himself from 02.21.2013 as evidence and called Detective Lee Gardo as witness.
- j). Detective Lee Gardo testified that he took pictures of the Defendant face and upper body on February 21, 2013 at its release from county jail but considered them irrelevant to the case and removed them from the case evidence.

Court break. 12:30-13:30.

- k). Defendant testified on the events of February 19, 2013 leading to the arrest, described the events that resulted in Anjelika Tat accidentally injuring herself on the top of her head, the struggle that resulted trying to restrain her throwing and breaking objects, tending her when she seem to have passed out, getting her dressed several time to be drive her to see a doctor, lifting her off the floor where she will crawl stating she cant feel her legs, taking her to make use of the toilet or outside to smoke.
- l). Defendant introduce pictures of the injuries he sustained on February 19, 2013.
- m). Prosecution objected to the introduction of pictures not taken by the Defendant. Prosecution had no questions.
- n). Honorable Judge S. Michael Gillespie render his judgement based on 2 (two) consideration :
 - a) Detective Gardo pictures showing Anjelika Tat wrists, knees, face and chest.
 - b) Defendant used the word "grab" in its testimony to describe lifting Angelika Tat of the floor.
- o). Honorable Judge S. Michael Gillespie found the Defendant GULTY OF CHARGES and sentenced the Defendant to 30 days in the County Jail with suspension if the Defendant agrees to enroll and complete twenty six session Behavioral Changing Program within the next 6 moths. Defendant agreed to the enrollment.
- p). The Defendant files a Motion to Amend Judgement on September 3rd, 2013 and a hearing was scheduled for September 11th, 2013.
- r). The Motion to reconsider and Amend Judgement is dismissed on the base of untimely filling the appeal.

s) The Defendant files an Appeal with the Pickens County Circuit Court no.13 on September 19th, 2013.

t) The Honorable Judge Eduard Welmaker ruled the Motion to Amend Judgement timely filled and Remand the matter to the Central Magistrate Court for ruling, on October 7th, 2013.

u) The Honorable Judge S. Michael Gillespie denies the Motion to Amend Judgment filled on September 3rd, 2013 and Remanded on October 7th, 2013 without explanation or answers to the questions included in the motion. Defendant is served on October 18th 2013 by Pickens Cty Sheriff Dpty.

ARGUMENTS

1. THE CIRCUIT COURT HONORABLE JUDGE IS ASKED TO DISMISSED THE CRIMINAL DOMESTIC VIOLENCE ACCUSATION ON 2 (TWO) COUNTS:

A. LACK OF SUSTAINABLE EVIDENCE.

Question No. 1. Did the Defendant, PAUL IOAN TAT abused and injured ANJELIKA TAT ?

1. Anjelika Tat ,Voluntary Statement, written by Angelina Sharry as translation of her deposition:

a) Line 11:

Is stated that the Defendant *"her husband approached her to have sex; she refused by placing her hands/arms in front of her; he persisted; she scratched him - he went outside slamming the door"* There is no description of the Defendant abusing, aggressing or trying to force himself on Anjelika Tat. The statement describes the alleged victim aggressive response to an intimate matter.

b) Line 15 to 16:

"went into a closet and pulled her out by the hair; than began hitting her, twisting her arms and pinching her."

The Defendant brought Anjelika Tat to the AnMed ED for head pain caused by a top of the head injury followed by loss of conscience, vomiting and erratic behavior. The medical record LAB AND RADIOLOGY RESULTS, page 2 and 3 shows:

Entry 7:24 - 2/20/2013 - XR FINGER - *"Three views of the right fingers demonstrate no appreciable fracture, dislocation, or other bony or joint abnormality."* IMPRESSION: NEGATIVE

Entry 10:29 - 2/20/2013 - CT HEAD WO - *"Sequential axial scans were obtained from foramen magnum to the skull vertex". FINDINGS: There is no evidence of inter-cranial mass, hemorrhage or acute infraction. No areas of abnormally increased or decreased attenuation were noted. There is no midline shift or other evidence of mass effect. The ventricular system and subarachnoid appear normal. No extra-axial fluid collections were identified."* IMPRESSION: NEGATIVE

The Lab report shows there were no injuries to Anjelika Tat arms or body to support the Voluntary Statement written by Angelina Sharry and signed by Anjelika Tat.

2. ED Record has several entries describing the patient admission status at 00:45 , interim status at 3:50, MD physical examination notes on patient plus Defendant at 7:26 and Interpreter in the Voluntary Statement at 12:15:

a) 00:45 page 3, Nurse Steersman-Chester notes, line 2: "Bump to the side of the head. Large hematoma noted. Bruising noted to the left posterior arm. Bruising noted around bilateral eyes. Face red. My husband pushed me and hit me against the wall."

CLERK OF COURT

b) 3:50 page 4, Nurse Tomika Willingham notes, line 7: "patient with red marks noted to her face, bilateral knees and bilateral arms, patient with hematoma noted to the top of it side head"

c) 7:26 MD Jeanette Kinsey notes:

Page 6

line 17: "2 Weeks ago he injured her left ring finger and she has been unable to bend it since then."

Page 7

line 1: "He threw her down and tried to choke her, she has bruises on her head and multiple bruises on her arms. She denies neck pain, back pain, pain on her trunk or pain on her LE "(legs)

line 5: "Husband has bruises and scratches around his neck that he reports as defensive injuries."

line 15: "HEAD FACE: 5 cm mild swelling/tenderness on the left head with linear erythema in the center approx. 4cm x 1cm (2" x 1/2"), no redness"

line 16: "EYES: PERRL, EOMI, conjunctiva clear, anterior chamber clear"

line 20: "NECK: supple, non-tender."

line 21: "CHEST: no tenderness, no bruising noted"

line 24: "GI ABDOMEN: soft, no tenderness, no bruising noted"

line 25: "BACK: no spinal tenderness, no bruising noted"

line 28: "EXTREMITIES: good range of motion, swelling multiple bruises noted both arms.....most circular, from dime to dollar size"

line 32: "INTEGUMENT (SKIN): warm, dry, good color, no rash, no lesions"

- A. Between 00:45 and 7:26 that night the eyes, face and legs bruises and injuries disappeared.
- B. No neck, chest or abdominal bruises and injuries.
- C. The medical report does not find any joints and especially right ring finger injuries to confirm Voluntary Statement "arm twisting".
- D. Dime to dollar size bruises on Anjelika Tat arms to small to be attributed to fist blows.
- C. The medical report highlights scratches and bruises around the Defendant neck in line with Anjelika Tat Voluntary Statement and the pictures the Defendant and Detective Gardo took of the defendant face, neck, chest on 02/21/2013 at his release from jail.

3. Detective Jerry Lee Gardo introduced as evidence a number of pictures that he claimed showed bruises on Anjelika Tat chest and legs, showed bruises around her wrists and arms.

The Medical record lists multiple "circular dime to dollar size" old and new bruises on both arms and one bruise to the top left side of the patient head concurring with the Defendant claim that Anjelika acquired the "mild swelling/tenderness" when falling backwards hitting the edge of the drywall and when the arms bruises when tried to block Anjelika attacks or when finding her on the floor unresponsive and grabbing her arms to hold and lift her off the floor.

The position and size of the bruises on the patient head are not consistent with "hair pulling" neither are the bruises on her arms with "fist blows" statements.

In the Jeanette Kinsey MD medical record is no mention of bruises on the patient face, chest, abdomen, legs and neck as claimed by Detective Gardo in his deposition and stated by Angelina Sharry notes witnessed by Detective Gardo in the Voluntary Statement line 5.

B. INFRINGEMENT ON THE DEFENDANT RIGHTS TO EQUAL TREATMENT GUARANTIED BY THE 4th AMENDMENT TO THE USA CONSTITUTION.

Question no. 2. Did Detective, JERRY LEE GARDO, conducted the case CDV 2013A3910300068 investigation without prejudicing the parties involved in the case?

1. Detective Gardo testified that the Defendant asked for pictures to be taken of him at the Pickens County Jail on February 21, 2013 at his release and used his phone to take pictures.

2. The Detective admitted taking pictures showing the injuries on the Defendant neck, arms, legs, face and chest.

3. Detective Gardo admitted withholding evidence and not including the pictures into the CDV case 2013A3910300068, SC State vs. Paul Ioan Tat findings, stating that in his opinion the pictures were not important for the C/CDV case 2013A3910300068 of SC State vs. Paul Ioan Tat to support his accusations of Domestic Abuse claim. *See: Court Voice Record. Detective Jerry Lee Gardo testimony August 21, 2013.*

2. THE CIRCUIT COURT, HONORABLE JUDGE IS ASKED TO REVIEW AND REVERSE MAGISTRATE COURT VERDICT AND FOUND THE DEFENDANT NOT GUILTY.

Question no. 3. Did the Magistrate Court erred denying the Defendant the motion to Amend Judgement?

1. The Honorable Judge S. Michael Gillespie erred by overlooking the discrepancies between Detective Gardo statement, patient and witnesses statements; overlooked that the prosecution evidences did not prove the patient injuries were caused by the Defendant criminal violent conduct; overlooked that there was no evidence of aggressive behavior on the Defendant part, no physical evidence to relate the patient and Defendant physical examination results to the prosecution accusations, interpreter statements, deposition and translations.

2. The Honorable Judge S. Michael Gillespie erred not recognizing the intentional withheld from Defendant of certain evidence as an infringement of the Defendant rights to equal treatment guarantied by the USA Constitution. ((*Brady v. Maryland*, 373 U.S. 83 (1963) United States Supreme Court case in which the prosecution had withheld from the criminal defendant certain evidence))

SUMMARY

1. There is no evidence that the Defendant, Paul Ioan Tat, has abused and intentionally harmed Anjelika Tat. Comparing the prosecution evidence to the AnMed Medical record those do not explain the injuries sustained by Anjelika Tat as a result of been assaulted by Defendant.
2. Prosecution infringed the Defendant USA Constitutional rights to equal treatment. (*Brady v. Maryland*, 373 U.S. 83 (1963) a landmark United States Supreme Court case in which the prosecution had withheld from the criminal defendant certain evidence.

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the reverse of Magistrate Court Guilty Verdict, find the Defendant Not Guilty and amend the Defendant criminal record.

Respectfully submitted,

October 23, 2013

Paul Ioan Tat 
 518 Fond Du Lac Drive
 Central, South Carolina 29630
 (864) 207-3485
 Petitioner

2013 OCT 23 PM 3 38

**NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE
MAGISTRATE COURT**

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

THE STATE OF SOUTH CAROLINA
In The Circuit Court NO. 13

2013-CP-39-1329

APPEAL FROM PICKENS COUNTY
Magistrate Court Judge S. Michael Gillespie

Case No. 2013A3910300068

The State,

Respondent,

v.

Paul Ioan Tat

Appellant.

NOTICE OF APPEAL

Paul Ioan Tat, appeals his conviction and sentence in this case. The sentence was imposed by the Honorable S. Michael Gillespie on August 21st, 2013, a motion to Amend Judgement filled on September 3rd was denied on September 11rd 2013 for not timely filed, an appeal to the Circuit Court No. 13 filled on September 19th 2013, was ruled on October 7th, 2013 with the matter Remanded to the Magistrate Court as properly and timely filed and finally the Motion to Amend Judgement was Denied by the Magistrate Court without specific explanation and answers to the questions and arguments presented by the Defendant. The Defendant was served with the Motion to Amend Judgement Denial Order on October 18th 2013.

October 23, 2013

Paul Ioan Tat
518 Fond Du Lac Drive
Central, South Carolina 29630
(864) 207-3485
Appellant

Representative for Respondent:
Jerry Lee Gardo,
216 I. F. C. Road
Pickens SC 29671
Domestic Violence Investigator

STATE OF SOUTH CAROLINA	)	2013A3910300068
	)	CRIMINAL CASE NUMBER
COUNTY OF PICKENS	)	
	)	IN THE SUMMARY COURT
STATE OF SOUTH CAROLINA	)	ORDER
Vs	)	
PAUL IOAN TAT	)	
DEFENDANT	)	

Case Number(s)/Charge(s): 2013A3910300068 / Criminal Domestic Violence

Presiding Judge: S. Michael Gillespie

Officer Name/Agency: Detective Jerry L. Gardo / Pickens County Sheriff

This Order is a result of an Order of Remand from the Court of Common Pleas held on October 7, 2013.

Whereas; the defendant has been convicted of Criminal Domestic Violence on August 21, 2013 by Bench Trial.

Whereas; the Defendant filed a motion to reconsider with the Court on September 3, 2013. The Court denied that Motion based on Rules of the Magistrate's Rules of Court being filed untimely. The defendant appealed this Court's order to the Circuit Court. The Circuit Court remanded the case for this Court to rule on the motion for reconsideration and found the Motion was filed timely.

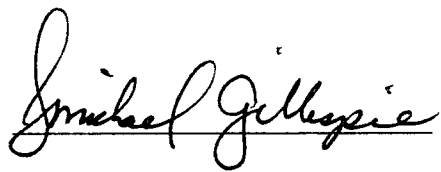
Therefore; after a thorough review of all the evidence that was presented, the Motion for Reconsideration is hereby Denied.

Now it is Ordered that;

The Motion to Reconsider filed by the Defendant is respectfully Denied.

IT IS SO ORDERED!

October 14, 2013

A handwritten signature in black ink, reading "Michael Gillespie". The signature is written in a cursive style with a horizontal line underneath the name.

Pickens County

Central Summary Court

115-B Commons Way

Central, SC 29630

864-639-8084 Office

864-639-0701 Fax

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF PICKENS

CASE NO: 2013CP3901178

IN THE COURT OF COMMON PLEAS

Paul Loan Tat vs. Pickens County Magistrate Central Office

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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRCP; ☐ 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: _____

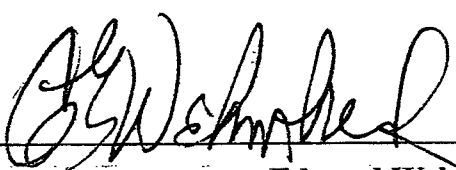
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

☐ See attached order;☐ Statement of Judgment by the Court:

MATTER REMANDED TO LOWER COURT FOR RULING ON MOTION TO AMEND JUDGMENT, WHICH WAS TIMELY FILED.

Dated at Pickens, South Carolina, this .

Court Reporter: **Danette Hanks**

 PRESIDING JUDGE - Edward Welmaker

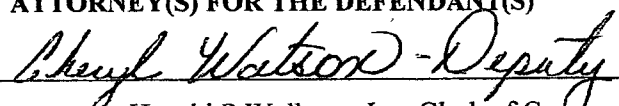
This judgment was entered on the , and a copy mailed first class this 10/8/13, to attorneys of record or to parties (when appearing pro se) as follows:

Paul Loan Tat ,

Michael Gillespie ,

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)


 Harold P Welborn, Jr. - Clerk of Court

PETITION FOR A MOTION TO APPEL TO THE CIRCUIT COURT

THE STATE OF SOUTH CAROLINA
PICKENS COUTY

APPEAL FROM PICKENS COUNTY
MAGISTRATE COURT
TO
THE CIRCUIT COURT NO. 13

Paul Ioan Tat

Petitioner,

Case No.

2013A3910300068

PETITION FOR A MOTION TO REVERSE JUDGEMENT

Paul Ioan Tat
518 Fond Du Lac Drive
Central, South Carolina 29630
(864) 207-3485
Petitioner

INDEX

CERTIFICATE OF PETITIONER.....	2
QUESTIONS PRESENTED.....	2
STATEMENT OF THE CASE.....	2
ARGUMENTS.....	4
CONCLUSION.....	9

CERTIFICATE OF PETITIONER

The petitioner certifies that hearing and the case was fully ruled by the Central Magistrate Court on August 21, 2013 and a hearing was granted on September 11, 2013.

QUESTIONS PRESENTED

1. Did the Magistrate Court err dismissing the motion to review, reconsider and reverse the judgement in holding that petitioner had failed to timely file the appeal?
2. Did the Detective, JERRY LEE GARDON, committed perjury?
3. Did the Detective, JERRY LEE GARDON, conducted the case CDV 2013A3910300068 investigation without prejudicing the parties involved in the case?
4. Did the Interpreter ANGELINA SHARRY committed perjury?
5. Did the Defendant, PAUL IOAN TAT abused and injured ANJELIKA TAT

STATEMENT OF THE CASE

- a). On February 19, 2013, Paul Ioan Tat drove Anjelika Tat to AnMED Hospital, Anderson SC ER for head pain.
- b). On February 20, 2013, Detective Jerry Lee Gardo brought this action for CDV against Anjelika Tat and arrested the Defendant, Paul Ioan Tat, at the AmMed Hospital in Anderson.
- c). The Defendant was charged with CDV and release from the Pickens County Jail on February 21, 2013 on Bail Bond Form I.

- d). The Defendant pleaded NOT GUILTY at MAGISTRATE COURT Pickens County Summary Court trial on March 11, 2013 and the case transferred to CENTRAL SUMMARY COURT for August 21, 2013, presided by Honorable Judge S. Michael Gillespie.
- e). The Defendant represented himself and the STATE was represented by Detective Jerry Lee Gardo.
- f). Detective Lee Gardo introduced pictures of Anjelika Tat: knees, wrists, a facial and one chest picture and introduced 3 witnesses. Copies were not provided to the Defense.

witnesses:

STEVEN TACKNOR - Pickens County Dep. Sheriff

DEBORAH WELCH - Victim Advocacy Program

ANGELINA SHARRY- AnMed Health Medical Interpreter

evidence documents:

Anjelika Tat AnMed medical records,

Computer-printer generated pictures of Anjelika Tat,

Angelina Sharry translation of alleged Anjelika Tat Voluntary Statement.

- g). The Defendant asked for continuation to review the evidence delivered at trial. Motion was denied.
- h) The Defendant cross-examined the witnesses.
- i). Defendant supine and introduced the case Medical Record and pictures as evidence and called Detective Lee Gardo as witness.
- j). Detective Lee Gardo testified that he took pictures of the Defendant face and upper body on February 21, 2013 at its release from county jail but considered them irrelevant to the case and removed them from the case evidence.

Court break. 12:30-13:30.

- k). Defendant testified on the events of February 19, 2013 leading to the arrest, described the events that resulted in Anjelika Tat accidentally injuring herself on the top of her head, the struggle that resulted

trying to restrain her throwing and breaking objects, tending her when she seem to have passed out or throwing-up, getting her dressed several times to be taken to see a doctor and undressing her when she refused to go, lifting her off the floor where she will crawl stating she cant feel her legs, taking her to the toilet or outside to smoke.

l). Defendant introduce pictures of the injuries he sustained on February 19, 2013.

m). Prosecution objected because not all the pictures were not made by the Defendant.

Prosecution had no questions.

n). Honorable Judge S. Michael Gillespie render his judgement based on the pictures showing Anjelika Tat bruised wrists, flushed chest and the Defendant choice of words such “grab” used in its testimony.

o). Honorable Judge S. Michael Gillespie found the Defendant GULTY OF CHARGES and sentenced the Defendant to 30 days in the County Jail with suspension if the Defendant agrees to enroll and complete twenty six session Behavioral Changing Program within the next 6 moths.

Defendant agrees to the enrollment.

p). The Defendant file Motion to Appeal Judgement on September 3rd, 2013 and a hearing is scheduled for September 11th.

r). The Motion to reconsider and change judgement is dismissed on the base of untimely filling the appeal between the prescribed time by the Rules of Magistrate Court.

ARGUMENTS

1. THE CIRCUIT COURT HONORABLE JUDGE, IS ASKED TO GRANT THE DEFENDANT THE RIGHT TO APPEAL THE MAGISTRATE COURT DECISION TO “DISMIS THE MOTION TO RECONSIDER FOR NOT TIMELY APPEAL”

The Defendant filed the appeals to The Magistrate Court and the Circuit Court based on the SC Register Rules for Criminal Procedure, rule 29, rule 35 and of Magistrate Court rule 8.

Question No. 1. Did the Magistrate Court err dismissing the motion to review, reconsider and reverse

the judgement for reason the Defendant not timely filing the appeal ?

Court Order September 11, 2013 state that the Defendant failed to file timely the Post-Trial Motion to reconsider. See attached copy.

SC Court Register Rules for Criminal Procedure Post Trial Motion, rule 29 states:

(a) Generally. Except for motions for new trials based on after-discovered evidence, post-trial motions shall be made within ten (10) days after the imposition of the sentence. In cases involving appeals from convictions in magistrate's or municipal court, post-trial motions shall be made within (10) days after receipt of written notice of entry of the order or judgment disposing the appeal.

Rule 8 of the Magistrate Court Rule from the above reference is stating that filling and delivering papers to the court:

a) Delivery: When required. Every order, pleading after the original summons and, complaint written motion, written notice, appearance, demand, offer of judgment, similar documents shall be delivered to each of the parties unless otherwise ordered by court.

Pursuant Rule 18 of Summary Court Judges Bench Book for Criminal law:

Any person convicted of any offense by a magistrate may appeal the sentence to the Court of Common Pleas for that county. (§18-3-10). The appellant shall file the notice of appeal with the clerk of the circuit court and shall serve notice of appeal upon the magistrate who tried the case and upon the designated agent for the prosecuting agency or attorney who prosecuted the case within ten days after sentencing and state the grounds for his appeal (§18-3-30)

(b) Same: How Made. Whenever under these rules delivery of documents is required to be made upon a party represented by an attorney, delivery of the documents shall be made to the attorney unless otherwise ordered by the court. Delivery of a document to a party shall be made by delivering it to that party or by mailing it to the party's last known address or, if no address is known, by filing it with the court.

Rule 35: Time, adopted by Order dated May 1, 2013, states:

In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or State or Federal holiday, in which event the period runs until the end of the next day which is neither Saturday, Sunday or such holiday.

The Defendant filed the motion on September 3rd, 2013 the first working day after Labor Day Holiday. The sentencing took place in August 21th and the ten (10) days period starting on August 22 ends on Sunday, August 31 the Labor Day weekend. The Magistrate Court was closed from August 30th observing Labor Day Holiday.

2. THE CIRCUIT COURT HONORABLE JUDGE, IS ASKED TO REVIEW AND DISMISS ACCUSATIONS BROUGHT BY THE DETECTIVE JERRY LEE GARDON, WHO ADMITTED WITHOLDING EVIDENCES OBTAINED DURING THE AREST AND INVESTIGATION.

Question No. 2. Did the Detective, JERRY LEE GARDON, committed perjury?

JERRY LEE GARDON, deposition at the hearing on August 21, 2013

1. Witness testified that Pickens County Sheriff Office called him at about 7-7:30 AM on February 20, 2013 and arrived at AnMed Hospital ER at about 9 AM. See: Court Voice Record. Medical Records show Detective Jerry Lee Gardon at the AnMed location at 7:34 AM.

See: Medical Records page 5, paragraph 8, Ginn, Michelle RN entry.

2. Witness testified he does not recall talking to the Defendant in the AnMed waiting room on February 20, 2013. See: Court Voice Record.

Medical Records show Detective Jerry Lee Gardon at the AnMed location specking to Jeanette Kinsley MD and defendant at 9:20, See: Medical Records page 5, paragraph 16, Alexander, Leigh entry.

3. Witness denied having conversation with the Defendant about the case on February 25, 2013 at

the Pickens Magistrate Court in the presence of Honorable Judge Benjamin A. Dow, Deborah Welch and court Clerk. See: Court Voice Record.

This argument is exemplified by the attached fax send by the Defendant, Paul Ioan Tat, on February 23 to Honorable Judge Benjamin A. Dow, however, Honorable Judge S. Michel Gillespie could very easy verify the authenticity of the testimony with the Honorable Judge Benjamin A. Dow.

Question No. 3. Did the Detective, JERRY LEE GARDO, conducted the case CDV 2013A3910300068 investigation without prejudicing the parties involved in the case?

1. Witness testified that the Defendant asked for pictures to be taken of him at the Pickens County Jail on February 21, 2013 at his release and used his phone to take pictures. See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013,

2. Witness admitted taking pictures showing the injuries on the Defendant neck, arms, legs, face and chest. See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013.

3. Witness admitted withholding evidence and not including them into the case findings for the CDV case 2013A3910300068, SC State vs. Paul Ioan Tat. See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013.

4. Witness stated that in his opinion the pictures he took of the Defendant, on February 21, 2013, were not important for the C/CDV case 2013A3910300068 of SC State vs. Paul Ioan Tat and for supporting his claim of Domestic Abuse against Anjelika Tat. See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013.

5. Witness objected when the Defense tried to introduce as evidence pictures taken on the morning of February 21, 2013 of the Defendant bodily injuries. See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013.

6. Witness denied the Defendant pictures show bruises and wounds, bodily injuries and show only scratches on face neck, chest and both outside of arms, as when the Defendant had his arms up to defend his face See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013. The Detective, Jerry Lee Gardo, stated that he had no intention of taking those pictures and were taken at Defendant request at the Pickens County Jail. The detective also stated that on February 20, 2013 he left with the copy of the medical records which show no injuries on Anjelika Tat neck and chest and he had no pictures of the head injuries. Court Voice Record.

4. THE CIRCUIT COURT, HONORABLE JUDGE IS ASKED TO REVIEW AND DISMISS ANGELINA SHARRY TESTIMONY FOR PERJURY. THE WITNESS MISLEAD THE COURT ABOUT HER EDUCATION AND BACKGROUND. THE VOLUNTARY STATEMENT SHE WROTE FOR ANJELIKA TAT IS INCONSISTENT WITH THE MEDICAL RECORD AND PREVIOUS INCIDENT DESCRIPTIONS.

Question No. 4. Did the Interpreter ANGELINA SHARRY committed perjury?

ANGELINA SHARRY deposition at the hearing on August, 21, 2013

1. Witness testified, she was born in Kiev, Ukraine in 1932, during the WWII she lived in Ukraine, left Ukraine with her family by deportation by German occupation troops in 1945 and testified that in 1945 her family decided to emigrate from Germany to Venezuela. See: Court Voice Record.

In WWII Ukraine was invaded by the German Army in June 22, 1941, fully occupied by 09, 1941 and freed in 04, 1943 by the USSR. See: http://en.wikipedia.org/wiki/Ukrainian_collaborationism_with_the_Axis_powers.

Angelina Sharry, was born in 1932 to Ivan and Pauline Severin and (See :

<http://www.legacy.com/obituaries/augustachronicle/obituary.aspx?n=raisa-grubisa&pid=147147216>) she was 9 years old in June 1941 and probably a 2nd grade graduate when the German Army invaded Ukraine. On 11, 1943, when Ukraine was freed by USSR Army, if she left for Germany she could have been 11

with a 4th grader russian language education. However, if she left with the Germans in 1943 it is hard to assume she continued her Russian language education in Germany so she had only a 4nd grade Russian education at the time of her emigration to Venezuela.

2. Witness testified that she is a certified russian interpreter and that she learned russian in Ukraine in elementary and high-school. See: Court Voice Record.

She is committing perjury stating that she learned Russian in elementary and high school between 1932 – 1945 in Ukraine. During the German occupation of Ukraine all schools above 4th grade were closed. See: <http://www.infoukes.com/history/ww2/page-13.html>. Koch versus Rosenberg by Andrew Gregorovich: "During a visit to Ukraine in 1942 Hitler said Ukrainians "should be given only the crudest kind of education necessary for communication between them and their German masters." Erich Koch ordered: "I expect the General Commissars to close all schools and colleges with students over 15 years of age and send all teachers and students, irrespective of sex, in a body to Germany for work. I require that no school except four-grade elementary schools should function." All schools above grade four were closed in January 1942 and also all universities were closed as well."

3. Witness testified that she was called first time to the case, the morning of February 20, 2013 at

about 11-12 AM and arrived about one hour and a half later to the hospital. See: Court Voice Record.

This entry is important because it contradicts the Medical Record and rises question about credibility of the Voluntary Statement sign by Angelica Tat. By her own statement she did not reach the hospital until late that day. See Medical Record page 6, paragraph 4, Ginn, Michelle RN entry. Anjelika Tat VS start & end time.

4. Witness testified that the patient hands were red.

No similar entry in any of the previous entries so those must be her introduced stories in the testimony not events related by Anjelika Tat. See Medical Records page 3, paragraph 1, Steadman-Chester, Kerry RN, page 4, paragraph 1, Willingham, Tonya RN, page 6, paragraph 10, Kinsey, Jeanette MD and Anjelika Tat Voluntary Statement.

5. Witness testified that she translated "step by step" as related by Anjelika Tat the events and wrote them in the Voluntary Statement for Anjelika Tat to sign.

In the Voluntary Statement Angelina Sharry describes what she did, observed and knew about the case.

5. THE CIRCUIT COURT IS ASKED TO REVIEW THE SEMANTIC OF WORDS SUCH IS “GRAB” WHEN USED BY DEFANDANT IN SELF DEFENCE CONTEXT AND LANGUAGE AND REVERSE THE MAGISTRATE COURT SENTENCE.

Question No. 5. Did the Defendant, PAUL IOAN TAT abused and injured ANJELIKA TAT?

1. The medical report show no evidence of cranial injuries, broken fingers or joints abnormality,

Dr. Kinsey, physical examination showed:

Neck: no injuries

Face: no injuries

Chest wall: no tenderness, no redness, no bruising

GI Abdomen: no bruising

Legs: no entry

Skin: good color, no rash, no lesions.

Arms : tenderness and swelling, multiple bruises on both arms, dime to dollar size.

See Kinsey, Jeanette MD, Medical Records page 7 and 8, and Lab and Radiology report page 3 and 4:

The size and position of the arm injuries in the pictures introduced by Detective Jerry Lee Gardo as (Prosecution Exhibit #3) showing wrist bruises are consistent with the Defendant statement that he had to take hold of, (“grab”)(see Court Voice Record) Anjelika Tat’s wrist to stop her from hurting him and herself, and the arms bruises, not documented in the exhibits, as resulted from the Defendant getting hold of her arms to lift her off the floor, getting her dressed, carrying her to the toilet, to the car for driving her to the ER are consistent with his claim and Voluntary Statement of February 21, 2013 on the arrest record. Anjelika Tat is only 42 lbs , has very little body fat to protect her from fast bruising . Since the Detective Jerry Lee Gardo choose to withhold from the court the picture he took of the Defendant upper body, head, face and limbs, evidence he collected on February 21, 2013 at the Defendant release from the Pickens County Jail, the Defendant was prejudiced from be able to document through the Police investigation the injuries he sustained trying to prevent Anjelika Tat to hurt her self and him during the day of February 19, 2013, injuries consistent with his claim of non aggression and abuse of Anjelika Tat.

SUMMARY

1. The Defendant filed the motion timely on September 3rd. Magistrate Court fail to correctly calculate the time between the conviction of August 21st, 2013 and Hearing of September 3rd, 2013 overlooking the extension presented by the Labor Day Holiday observed by the court from August 30 to September 2nd. September 3rd, 2013 was the 9th day of the 10 days require to appeal.

1. Detective Jerry Lee Gardo, committed perjury, willingly withheld relevant information to the case.

2. Prosecution infringed the Defendant right for equal treatment, guaranteed by the 14th Amendment to The USA Constitution by withholding information and evidence. (Brady v. Maryland, 373 U.S. 83 (1963) a landmark United States Supreme Court case in which the prosecution had withheld from the criminal defendant certain evidence).

3. The alleged Anjelika Tat Voluntary Statement (VS) is hand written by Angelina Sharry and describes her own activity at the hospital and describes injuries to chest and legs of Anjelika Tat not found in the medical records.

4. There is not evidence that Anjelika Tat understood what was written in the Voluntary Statement she signed. The previously reported facts of the incident translated by various interpreters are not further present in the Voluntary Statement and no russian deposition written by Angelika Tat is on file.

5. There is no evidence that the Defendant, Paul Ioan Tat, has abused and violated Anjelika Tat, there are conflicting translations on records that show no cause and evidence of abuse to cause injuries and do not explain the injuries on Anjelika Tat as results of been assaulted by Paul Ioan Tat.

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the reverse of Magistrate Court Guilty Verdict and find the Defendant Not Guilty.

Respectfully submitted,

September 19, 2013

Paul Ioan Tat

A handwritten signature in black ink, appearing to read "Paul Tat", with a stylized flourish at the end.

518 Fond Du Lac Drive

Central, South Carolina 29630

(864) 207-3485

Petitioner

Pickens Co. Summary Court

STATE OF SOUTH CAROLINA) 2013A3910300068
) CRIMINAL CASE NUMBER
COUNTY/CITY OF PICKENS)
) IN THE SUMMARY COURT
STATE OF SOUTH CAROLINA) ORDER
 vs)
 Paul Ioan Tat)
 Defendant

Case Number(s)/Charge(s): 2013A3910300068 / Criminal Domestic Violence

Presiding Judge: S. Michael Gillespie

Officer Name/Agency: Jerry Gardo / Pickens County Sheriff

This Order is a result of a Motion Hearing held on September 11, 2013.

Whereas; the defendant has been convicted of Criminal Domestic Violence on August 21, 2013 by Bench Trial.

Whereas; the Defendant filed a motion to reconsider with the Court on September 3, 2013 and a hearing was held on September 11, 2013.

Whereas; the Court Denied the relief requested by the Defendant.

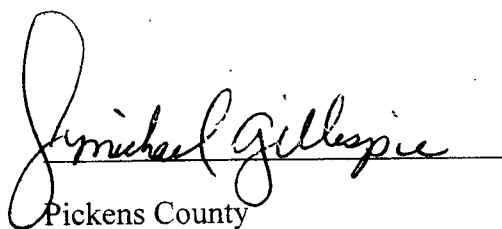
Therefore the Court Finds; the Motion was not filed within the time prescribed by the Rules of Magistrate's Court. No other issues were address by the Court.

Now it is Ordered that;

The Motion to Reconsider filed by the Defendant is respectfully Denied based on the Rules of Magistrate Court.

IT IS SO ORDERED!

September 13, 2013

A handwritten signature in cursive script that reads "Jim Michael Gillespie". The signature is written in black ink and is positioned above a horizontal line.

Pickens County
Central Summary Court
115-B Commons Way
Central, SC 29630
864-639-8084 Office
864-639-0701 Fax

PETITION FOR A MOTION TO RECONSIDER

THE STATE OF SOUTH CAROLINA
PICKENS COUNTY

APPEAL FROM PICKENS COUNTY
MAGISTRATE COURT

Paul Ioan Tat

Petitioner,

Case No.

2013A3910300068

PETITION FOR A MOTION TO RECONSIDER

Paul Ioan Tat
518 Fond Du Lac Drive
Central, South Carolina 29630
(864) 207-3485
Petitioner

INDEX

CERTIFICATE OF PETITIONER.....	2
QUESTIONS PRESENTED.....	2
STATEMENT OF THE CASE.....	2
ARGUMENTS.....	4
CONCLUSION.....	9

CERTIFICATE OF PETITIONER

The petitioner certifies that hearing and the case was fully ruled by the Central Magistrate Court on August 21, 2013 and a hearing was granted on September 11, 2013.

QUESTIONS PRESENTED

1. Did the Detective, JERRY LEE GARDON, conducted the case CDV 2013A3910300068 investigation without prejudicing the parties involved in the case?
2. Did the Interpreter ANGELINA SHARRY committed perjury?
3. Did the Defendant, PAUL IOAN TAT abused and injured ANJELIKA TAT

STATEMENT OF THE CASE

- a). On February 19, 2013, Paul Ioan Tat drove Anjelika Tat to AnMED Hospital, Anderson SC ER for head pain.
- b). On February 20, 2013, Detective Jerry Lee Gardo brought this action for CDV against Anjelika Tat and arrested the Defendant, Paul Ioan Tat, at the AmMed Hospital in Anderson.
- c). The Defendant was charged with CDV and release from the Pickens County Jail on February 21, 2013 on Bail Bond Form I.

- d). The Defendant pleaded NOT GUILTY at MAGISTRATE COURT Pickens County Summary Court trial on March 11, 2013 and the case transferred to CENTRAL SUMMARY COURT for August 21, 2013, presided by Honorable Judge S. Michael Gillespie.
- e). The Defendant represented himself and the STATE was represented by Detective Jerry Lee Gardo.
- f). Detective Lee Gardo introduced pictures of Anjelika Tat: knees, wrists, a facial and one chest picture and introduced 3 witnesses. Copies were not provided to the Defense.

witnesses:

STEVEN TACKNOR - Pickens County Dep. Sheriff

DEBORAH WELCH - Victim Advocacy Program

ANGELINA SHARRY- AnMed Health Medical Interpreter

evidence documents:

Anjelika Tat AnMed medical records,

Computer-printer generated pictures of Anjelika Tat,

Angelina Sharry translation of alleged Anjelika Tat Voluntary Statement.

- g). The Defendant asked for continuation to review the evidence delivered at trial. Motion was denied.
- h) The Defendant cross-examined the witnesses.
- i). Defendant supine and introduced the case Medical Record and pictures as evidence and called Detective Lee Gardo as witness.
- j). Detective Lee Gardo testified that he took pictures of the Defendant face and upper body on February 21, 2013 at its release from county jail but considered them irrelevant to the case and removed them from the case evidence.

Court break. 12:30-13:30.

- k). Defendant testified on the events of February 19, 2013 leading to the arrest, described the events that resulted in Anjelika Tat accidentally injuring herself on the top of her head, the struggle that resulted

trying to restrain her throwing and breaking objects, tending her when she seem to have passed out or throwing-up, getting her dressed several times to be taken to see a doctor and undressing her when she refused to go, lifting her off the floor where she will crawl stating she cant feel her legs, taking her to the toilet or outside to smoke.

l). Defendant introduce pictures of the injuries he sustained on February 19, 2013.

m). Prosecution objected because not all the pictures were not made by the Defendant.

Prosecution had no questions.

n). Honorable Judge S. Michael Gillespie render his judgement based on the pictures showing Anjelika Tat bruised wrists, flushed chest and the Defendant choice of words such “grab” used in its testimony.

o). Honorable Judge S. Michael Gillespie found the Defendant GULTY OF CHARGES and sentenced the Defendant to 30 days in the County Jail with suspension if the Defendant agrees to enroll and complete twenty six session Behavioral Changing Program within the next 6 moths.

Defendant agrees to the enrollment.

p). The Defendant file Motion to Appeal Judgement on September 3rd, 2013 and a hearing is scheduled for September 11th.

r). The Motion to reconsider and change judgement is dismissed on the base of untimely filling the appeal between the prescribed time by the Rules of Magistrate Court.

ARGUMENTS

1. THE CIRCUIT COURT HONORABLE JUDGE, IS ASKED TO REVIEW AND DISMISS ACCUSATIONS BROUGHT BY THE DETECTIVE JERRY LEE GARD, WHO ADMITTED WITHOLDING EVIDENCES OBTAINED DURING THE AREST AND INVESTIGATION.

Question No. 1. Did the Detective, JERRY LEE GARD, committed perjury?

JERRY LEE GARD, deposition at the hearing on August 21, 2013.

1. Witness testified that Pickens County Sheriff Office called him at about 7-7:30 AM on February 20, 2013 and arrived at AnMed Hospital ER at about 9 AM. See: Court Voice Record: Medical Records show Detective Jerry Lee Gardo at the AnMed location at 7:34 AM.

See: Medical Records page 5, paragraph 8, Ginn, Michelle RN entry.

2. Witness testified he does not recall talking to the Defendant in the AnMed waiting room on February 20, 2013. See: Court Voice Record.

Medical Records show Detective Jerry Lee Gardo at the AnMed location speaking to Jeanette Kinsley MD and defendant at 9:20, See: Medical Records page 5, paragraph 16, Alexander, Leigh entry.

3. Witness denied having conversation with the Defendant about the case on February 25, 2013 at the Pickens Magistrate Court in the presence of Honorable Judge Benjamin A. Dow, Deborah Welch and court Clerk. See: Court Voice Record.

This argument is exemplified by the attached fax send by the Defendant, Paul Ioan Tat, on February 23 to Honorable Judge Benjamin A. Dow, however, Honorable Judge S. Michel Gillespie could very easy verify the authenticity of the testimony with the Honorable Judge Benjamin A. Dow.

Question No. 2. Did the Detective, JERRY LEE GARDO, conducted the case CDV 2013A3910300068 investigation without prejudicing the parties involved in the case?

1. Witness testified that the Defendant asked for pictures to be taken of him at the Pickens County Jail on February 21, 2013 at his release and used his phone to take pictures. See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013,

2. Witness admitted taking pictures showing the injuries on the Defendant neck, arms, legs, face and chest. See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013.

3. Witness admitted withholding evidence and not including them into the case findings for the CDV case 2013A3910300068, SC State vs. Paul Ioan Tat. See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013.

4. Witness stated that in his opinion the pictures he took of the Defendant, on February 21, 2013, were not important for the C/CDV case 2013A3910300068 of SC State vs. Paul Ioan Tat and for supporting his claim of Domestic Abuse against Anjelika Tat. See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013.

5. Witness objected when the Defense tried to introduce as evidence pictures taken on the morning of February 21, 2013 of the Defendant bodily injuries. See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013.

6. Witness denied the Defendant pictures show bruises and wounds, bodily injuries and show only scratches on face neck, chest and both outside of arms, as when the Defendant had his arms up to defend his face See: Court Voice Record.

Detective Jerry Lee Gardo testimony August 21, 2013. The Detective, Jerry Lee Gardo, stated that he had no intention of taking those pictures and were taken at Defendant request at the Pickens County Jail. The detective also stated that on February 20, 2013 he left with the copy of the medical records which show no injuries on Anjelika Tat neck and chest and he had no pictures of the head injuries.

Court Voice Record.

3. THE CIRCUIT COURT, HONORABLE JUDGE IS ASKED TO REVIEW AND DISMISS ANGELINA SHARRY TESTIMONY FOR PERJURY. THE WITHNESS MISLEAD THE COURT ABOUT HER EDUCATION AND BACKGROUND. THE VOLUNTARY STATEMET SHE WROTE FOR ANJELIKA TAT IS INCONSISTENT WITH THE MEDICAL RECORD AND PREVIOUS INCIDENT DESCRIPTIONS.

Question No. 3. Did the Interpreter ANGELINA SHARYY committed perjury?

ANGELINA SHARRY deposition at the hearing on August, 21, 2013

1. Witness testified, she was born in Kiev, Ukraine in 1932, during the WWII she lived in Ukraine, left Ukraine with her family by deportation by German occupation troops in 1945 and testified that in 1945 her family decided to emigrate from Germany to Venezuela. See: Court Voice Record.

In WWII Ukraine was invaded by the German Army in June 22, 1941, fully occupied by 09, 1941 and freed in 04, 1943 by the USSR. See: http://en.wikipedia.org/wiki/Ukrainian_collaborationism_with_the_Axis_powers.

Angelina Sharry, was born in 1932 to Ivan and Pauline Severin and (See :

<http://www.legacy.com/obituaries/augustachronicle/obituary.aspx?n=raisa-grubisa&pid=147147216>) she was 9 years old in June 1941 and probably a 2nd grade graduate when the German Army invaded Ukraine. On 11, 1943, when Ukraine was freed by USSR Army, if she left for Germany she could have been 11 with a 4th grader russian language education. However, if she left with the Germans in 1943 it is hard to assume she continued her Russian language education in Germany so she had only a 4nd grade Russian education at the time of her emigration to Venezuela.

2. Witness testified that she is a certified Russian interpreter and that she learned Russian in Ukraine in elementary and high-school. See: Court Voice Record.

She is committing perjury stating that she learned Russian in elementary and high school between 1932 – 1945 in Ukraine. During the German occupation of Ukraine all schools above 4th grade were closed.

See: <http://www.infoukes.com/history/ww2/page-13.html>. Koch versus Rosenberg by Andrew Gregorovich:

“During a visit to Ukraine in 1942 Hitler said Ukrainians "should be given only the crudest kind of education necessary for communication between them and their German masters." Erich Koch ordered: "I expect the General Commissars to close all schools and colleges with students over 15 years of age and send all teachers and students, irrespective of sex, in a body to Germany for work. I require that no school except four-grade elementary schools should function." All schools above grade four were closed in January 1942 and also all universities were closed as well.”

3. Witness testified that she was called first time to the case, the morning of February 20, 2013 at about 11-12 AM and arrived about one hour and a half later to the hospital. See: Court Voice Record.

This entry is important because it contradicts the Medical Record and rises question about credibility of the Voluntary Statement sign by Angelica Tat. By her own statement she did not reach the hospital until late that day. See Medical Record page 6, paragraph 4, Ginn, Michelle RN entry. Anjelika Tat VS start & end time.

4. Witness testified that the patient hands were red.

No similar entry in any of the previous entries so those must be her introduced stories in the testimony not events related by Anjelika Tat. See Medical Records page 3, paragraph 1, Steadman-Chester, Kerry RN, page 4, paragraph 1, Willingham, Tonya RN, page 6, paragraph 10, Kinsey, Jeanette MD and Anjelika Tat Voluntary Statement.

5. Witness testified that she translated "step by step" as related by Anjelika Tat the events and wrote them in the Voluntary Statement for Anjelika Tat to sign.

In the Voluntary Statement Angelina Sharry describes what she did, observed and knew about the case.

4. THE CIRCUIT COURT IS ASKED TO REVIEW THE SEMANTIC OF WORDS SUCH IS "GRAB" WHEN USED BY DEFANDANT IN SELF DEFENCE CONTEXT AND LANGUAGE AND REVERSE THE MAGISTRATE COURT SENTENCE.

Question No. 4. Did the Defendant, PAUL IOAN TAT abused and injured ANJELIKA TAT?

1. The medical report show no evidence of cranial injuries, broken fingers or joints abnormality,

Dr. Kinsey, physical examination showed:

Neck: no injuries

Face: no injuries

Chest wall: no tenderness, no redness, no bruising

GI Abdomen: no bruising

Legs: no entry

Skin: good color, no rash, no lesions.

Arms : tenderness and swelling, multiple bruises on both arms, dime to dollar size.

See Kinsey, Jeanette MD, Medical Records page 7 and 8, and Lab and Radiology report page 3 and 4:

The size and position of the arm injuries in the pictures introduced by Detective Jerry Lee Gardo as

(Prosecution Exhibit #3) showing wrist bruises are consistent with the Defendant statement that he had to take hold of, ("grab")(see Court Voice Record) Anjelika Tat's wrist to stop her from hurting him and herself, and the arms bruises, not documented in the exhibits, as resulted from the Defendant getting hold of her arms to lift her off the floor, getting her dressed, carrying her to the toilet, to the car for driving her to the ER are consistent with his claim and Voluntary Statement of February 21, 2013 on the arrest record. Anjelika Tat is only 42 lbs , has very little body fat to protect her from fast bruising . Since the Detective Jerry Lee Gardo choose to withhold from the court the picture he took of the Defendant upper body, head, face and limbs, evidence he collected on February 21, 2013 at the Defendant release from the Pickens County Jail, the Defendant was prejudiced from be able to document through the Police investigation the injuries he sustained trying to prevent Anjelika Tat to hurt her self and him during the day of February 19, 2013, injuries consistent with his claim of non aggression and abuse of Anjelika Tat.

SUMMARY

1. Detective Jerry Lee Gardo, committed perjury , willingly withheld relevant information to the case.
2. Prosecution infringed the Defendant right for equal treatment, guaranteed by the 14th Amendment to The USA Constitution by withholding information and evidence. (Brady v. Maryland, 373 U.S. 83 (1963) a landmark United States Supreme Court case in which the prosecution had withheld from the criminal defendant certain evidence).
3. The alleged Anjelika Tat Voluntary Statement (VS) is hand written by Angelina Sharry and describes her own activity at the hospital and describes injuries to chest and legs of Anjelika Tat not found in the medical records.

4. There is not evidence that Anjelika Tat understood what was written in the Voluntary Statement she signed. The previously reported facts of the incident translated by various interpreters are not further present in the Voluntary Statement and no Russian deposition written by Angelika Tat is on file.

5. There is no evidence that the Defendant, Paul Ioan Tat, has abused and violated Anjelika Tat, there are conflicting translations on records that show no cause and evidence of abuse to cause injuries and do not explain the injuries on Anjelika Tat as results of been assaulted by Paul Ioan Tat.

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the reverse of Magistrate Court Guilty Verdict and find the Defendant Not Guilty.

Respectfully submitted,

September 03, 2013

Paul Ioan Tat



518 Fond Du Lac Drive

Central, South Carolina 29630

(864) 207-3485

Petitioner

1 STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
2 Paul Ioan Tat) 2013-CP-39-1329

3)
4 vs.) TRANSCRIPT RECORD
5 State of South Carolina)
6 Defendant)

7 July 25, 2014
8 Pickens County, South Carolina

9 ----
10 B E F O R E: The Honorable Letitia Verdin, Judge

11 A P P E A R A N C E S:
12

13 Paul Ioan Tat, Pro se
14 Pro Se Defendant

15 John Baker Cleveland, Esquire
16 Attorney for the Defendant

17
18
19
20
21 Caroline Hiskell
22 Thirteenth Circuit Court Reporter
23
24
25

I N D E X

WITNESSES:

DR

CR

RED

REC

(No witnesses called.)

E X H I B I T S

IDENTIFICATION

ID

IN EVD

(No exhibits presented.)

Paul Ioan Tat vs. State of South Carolina

P R O C E E D I N G S

THE COURT: The first case is Tate versus the State of South Carolina.

Do you mind just giving me a little background on this case. It looks like it's had a lot of steps along the way.

MR. CLEVELAND: Yes, Your Honor, just very briefly.

THE COURT: Okay.

MR. CLEVELAND: Mr. Tate was convicted at a bench trial for criminal domestic violence on August 21, 2013. He filed a motion with the magistrate's court to have his -- it was basically a reconsideration motion. The Court ruled in that motion that it was not timely filed and he appealed that aspect of his motion because it wasn't timely filed.

We argued it as an appeal on that issue back in August of 2013. Judge Welmaker ruled that it was timely filed and remanded the case to the court for the sole purpose of ruling on the motion to amend the judgment.

Judge Gilesbie had a hearing, denied that motion to amend the judgment and upheld the sentence that he gave him on the conviction. Following that Mr. Tat appealed filing this appeal in this case.

Paul Ioan Tat vs. State of South Carolina

1 Just briefly, Judge, Mr. Tat filed a notice
2 of appeal as required by statute to the magistrate but
3 that notice of appeal did not state any grounds for which
4 his appeal was based. In all candor he did file a
5 petition for motion to amend judgment with the Clerk's
6 Office. That was never filed with the magistrate or with
7 the solicitor's office, just with the Clerk. I went and
8 got a copy of it and it appears that the questions that
9 he's presenting and what he's asking the Court to consider
10 is all factual.

11 THE COURT: I'm concerned about that in
12 briefly looking at the file itself.

13 Anything else?

14 MR. CLEVELAND: Just to state the State's
15 position, the State's position is the appeal should be
16 dismissed, one, for no notice, no stating grounds for
17 appeal in the notice of appeal which was filed with the
18 magistrate.

19 Second, the grounds that he is stating in
20 that motion are all factual. Under the case law, this
21 venue is improper for the circuit court to consider to
22 engage in any fact finding.

23 There was no objections made at trial. The
24 only objection the defendant made after my review of the
25 record of the notes of Judge Gilesbie was a hearsay.

Paul Ioan Tat vs. State of South Carolina

1 objection which was sustained in his favor. So nothing
2 was even preserved for appellate review on that
3 conviction. So the State doesn't believe there's any
4 grounds for this appeal and ask that it be dismissed and
5 the sentence be affirmed.

6 THE COURT: Alright.

7 Mr. Tat, I see here that you filed this
8 motion for petition to amend judgment in which you state
9 your grounds for your appeal in this motion. The notice
10 of appeal doesn't contain the grounds for this, but I'm
11 going to find that the petition containing your grounds,
12 I'm going to allow that to stand and I'm going to allow
13 you to go forward today.

14 Technically it's not right. I'm going to
15 tell you that technically it's not right. There are
16 several reasons that that's the way you have to file a
17 notice of appeal.

18 In this case, it does look like the State was
19 able to take a look at this petition and see what the
20 grounds were.

21 You understand that in an appeal, the circuit
22 court, I can't go back and look at all the facts of your
23 case. It sit to correct errors of law. Errors of law.

24 Tell me what your grounds for appeal in this
25 case are.

Paul Ioan Tat vs. State of South Carolina

1 MR. TAT: Your Honor, the grounds for appeal
2 is that Detective Gardo(ph) has withdraw information
3 before the trial and the information evidence that the
4 State had in hand, the prosecution had in had, was not
5 forwarded to me before the trial.

6 THE COURT: Did you make that objection at
7 trial?

8 MR. TAT: At the trial, yes. Yes.

9 THE COURT: That the information had never
10 been provided to you in discovery request.

11 MR. TAT: Yes.

12 MR. CLEVELAND: In my review of the record
13 and speaking with the magistrate about his notes, those
14 objections were never noted.

15 Furthermore, in this petition none of that is
16 ever mentioned. I don't know how the State would ever be
17 able to prepare for those grounds in fighting it.

18 Essentially, there's three factual objections
19 he's making whether he abused his wife, which is clearly
20 factual, whether Detective Gardo was bias or whether the
21 sentence should have been remanded and in all three cases,
22 the fact finder, which was the judge in this case, clearly
23 sided with the State and ruled that his guilt was proven
24 beyond a reasonable doubt taking into consideration
25 credibility of the witness whether there was bias from

Paul Ioan Tat vs. State of South Carolina

1 Detective Gardo, clearly found that the defendant did
2 abuse the victim in this case Angelica Tat based upon the
3 guilty verdict and then denied his motion to reconsider
4 the sentence which is ground No. 3.

5 So that's all we have any notice of.

6 MR. TAT: Your Honor, I have the records here
7 where Judge Giles pie refused to accept and actually
8 admitted that I requested medical records. I subpoenaed
9 medical records in order to have access to the information
10 and they were not delivered to me until the date of the
11 trial.

12 THE COURT: You're talking about a subpoena
13 that you sent to the medical provider?

14 MR. TAT: Yes.

15 THE COURT: You're here talking about Brady.
16 You're not talking about a discovery request that wasn't
17 complied with by the State, the prosecutor, right?

18 MR. TAT: Your Honor, let me read here a
19 letter by Alan Wilson, Attorney General.

20 THE COURT: Why don't you hand that up to me.
21 You can give it to the clerk.

22 MR. TAT: It's a little bit confusing to
23 understand that and the prosecution is mixing the actual
24 ruling of the judge with the appeal here.

25 I was not appeal here the Judge Giles pie

Paul Ioan Tat vs. State of South Carolina

1 ruling. I appeal the fact that the State should have
2 provided me permission before the trial and that the
3 evidence was destroyed prior to the trial by Detective
4 Gardo.

5 THE COURT: And were there things destroyed?

6 MR. TAT: I have it right here.

7 MR. CLEVELAND: To my knowledge, I don't
8 know, Your Honor. My discussions with Detective Gardo
9 regarding medical records where he objected to the medical
10 records because the defendant brought them up and had no
11 one there to authenticate them and doesn't understand the
12 evidentiary rules to put them in, but he consented for
13 them to come in.

14 It's my understand that the judge got these
15 records and considered them in rendering his verdict.

16 From reviewing his petition, I don't think
17 it's dispositive -- I think he's shown records where she
18 didn't have injuries in some places where clearly there
19 were injuries in other places. It's a factual matter, but
20 I don't see how it has any bearing on this appeal. There
21 was no law issued determining those medical records.

22 THE COURT: So was the medical records
23 entered at trial?

24 MR. CLEVELAND: At trial.

25 THE COURT: And you had gotten those just

Paul Ioan Tat vs. State of South Carolina

1 prior to trial but ---

2 MR. TAT: At the trial and I did not have any
3 time to review them. I didn't have time to look at the
4 pictures.

5 THE COURT: And Judge Giles pie said that you
6 had had enough time to review it and he entered them. Is
7 that what you're ---

8 MR. TAT: I requested a continuation and it
9 was rejected.

10 MR. CLEVELAND: Again, that's not mentioned
11 in his notice of appeal.

12 MR. TAT: I have it on record.

13 MR. CLEVELAND: It's not in the filing for
14 appeal. The issues in which he's appealing in this case
15 which the State is prepared to argue are the grounds in
16 which he stated in his notice. Otherwise, there's just
17 nothing to be considered by the appellate court.

18 I understand this is a bit of a concession.
19 I know he's representing himself, but in the notice of
20 appeal and what Judge Giles pie gave me to prepare for he
21 had no clue. It was never noticed until I went and talked
22 to the Clerk.

23 THE COURT: Alright. Okay.

24 What is it that you have here on this tape?

25 How long is it?

Paul Ioan Tat vs. State of South Carolina

1 MR. TAT: I went through the audio tapes and
2 I made short records of the claims that I have that -- I'm
3 saying that during the trial, Detective Gardo admits that
4 he has made pictures of me, physical injuries, after
5 released from jail and he never filed it with the court.

6 He admit he destroyed them as being
7 irrelevant.

8 Then I tried to introduce a sworn affidavit
9 from the only person at the time of the incident that was
10 aware and had knowledge of the incidents and it was an out
11 of state person and I asked him to swore an affidavit for
12 the court.

13 THE COURT: That's not admissible.

14 MR. TAT: I do know that. That was the
15 recommendation that I got from the magistrate court
16 because he could not travel and that is ask to do a sworn
17 affidavit.

18 Initially, in the record, Judge Giles pie
19 admits that a sworn affidavit is admissible and then he
20 went to check with the courts and it's not.

21 And then I asked for a continuation because
22 that's the time I was given the medical records and
23 pictures of my wife that I had never seen before and I
24 asked for a continuation..

25 I have notice and the exact time in the

Paul Ioan Tat vs. State of South Carolina

1 recording when this happened. When I interviewed
2 Detective Gardo I asked him about the pictures that he
3 took after being released from jail. First he said they
4 were irrelevant because they had already filled out the
5 case. And based on my understanding of law, they are at
6 least relevant until the judgment is passed on.

7 Second is at the same time I tried to
8 introduce pictures that I made of myself and I had my son
9 do it myself when I got home from jail showing the body
10 injury and Detective Gardo objected to the fact the
11 pictures were not made to me.

12 I would have committed perjury if I said they
13 were all taken by me and they were not. So half of them
14 were but I couldn't split them up.

15 THE COURT: Were the pictures admitted?

16 MR. TAT: I don't know because one time Judge
17 Giles pie accepting objections for rejecting the pictures
18 and second time he said to me that I had the right to
19 introduce the pictures and I didn't know now that the
20 pictures had to be introduced without them being a
21 perjury.

22 THE COURT: Alright.

23 MR. TAT: I want to make a statement here, I
24 do not fault Judge Giles pie for the judgment he passed on
25 me because he did not have the evidence that the police

Paul Ioan Tat vs. State of South Carolina

1 provided. My evidence was not accepted. I have no access
2 to any of the documents, neither the victim's statement,
3 neither the interpreter's statement, neither of the
4 medical records to prepare for the court case, for the
5 hearing, and I was denied a continuation.

6 THE COURT: Alright. Anything additionally
7 in response?

8 MR. CLEVELAND: It's my understanding that
9 the pictures and the medical records were admitted. That
10 none of what he's brought up is his basis for his appeal.
11 It's clearly a factual argument and I understand he
12 represents himself and I can't hold him to the same level
13 as a licensed attorney in this matter, but this is a very
14 serious matter and the rules have to be followed.

15 There's no basis for error in law for this
16 appeal regardless of his disagreement and how everything
17 played out and I just ask the appeal be dismissed. We can
18 go line by line this.

19 THE COURT: Okay. This is what we're going
20 to do, I'm going to take a look at all of these documents
21 and file I have here and also the other file that's been
22 provided. I'm going to look at your grounds for appeal
23 and I'm going to do what we call take it under advisement.
24 That means I'm going to think about it.

25 I'm going to give you this attorney general's

Paul Ioan Tat vs. State of South Carolina

1 letter and opinion back. I think that it's talking about
2 two different things, apples and oranges.

3 MR. TAT: I understand this is not the
4 gravity of what we're talking about here but we're talking
5 about the principle of law here.

6 THE COURT: That's not what I'm talking
7 about. I'm not talking about one is serious and one is
8 not serious. The matter before me today I consider to be
9 very serious. The attorney general's letter is talking
10 about a different area of the law, but I'm going to take
11 this matter under advisement and I will think about it and
12 I will issue my decision shortly.

13 If I need more information, then I'll contact
14 you via letter.

15 MR. TAT: As you know I already fulfilled my
16 punishment. It's not about be absolved, not about suing
17 the State, nothing personal with Mr. Gillespie or the
18 proceeding, but in doing the procedure, the law, the
19 prosecution here is my trying to bring the arguments of
20 whether I did it or not. I am not talking about yet
21 because I never got the chance to argument that.

22 The issue is I was prevented to have access
23 to the information to be able to at least answer.

24 THE COURT: I understand and you've made your
25 argument very well about that and you've distinguished

Paul Ioan Tat vs. State of South Carolina

1 that some of the issues in your notice are factual, but
2 you are right that is a question of law is what you've
3 stated here today.

4 I'm going to talk that matter under
5 advisement.

6 MR. TAT: Interpreters. The interpreters at
7 the time has lied and has lied grossly and it is something
8 that has been happening in the situation I had. The
9 situation that happened a year ago has not ended.
10 Every time I end up with an interpreter, they tried to
11 explain to my wife things that they do not know of.

12 The situation arose two weeks ago with
13 Detective Gardo and the interpreter was trying to tell her
14 things we did not discuss and I told him they were trying
15 to tell her actual stuff that did not translate.

16 If you look at her translation, that's her
17 words and that's not my wife's.

18 Thank you.

19 THE COURT: Thank you.

20 MR. CLEVELAND: Just briefly, the magistrate
21 prepared a response to the second one and if you want me
22 to hand that up, I'll be happy to make a copy. I told him
23 he didn't need to because these are factual responses and
24 factual allegations but I'll be happy to hand those up.

25 THE COURT: I would like to see it. Does

Paul Ioan Tat vs. State of South Carolina

1 Mr. Tat have it?

2 MR. CLEVELAND: No, he does not.

3 THE COURT: If you would give Mr. Tat a copy
4 of it and me a copy of it, I would appreciate it.

5 MR. TAT: I have a letter from Judge Gilesbie
6 of dismissal without the cause showing ---

7 THE COURT: Okay. Thank you.

8 ---END OF TRANSCRIPT RECORD

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

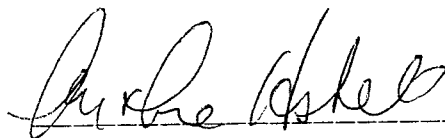
25

Paul Ioan Tat vs. State of South Carolina

1
2 I, the undersigned Caroline Hiskell, Official
3 Court Reporter for the Thirteenth Circuit of the State of
4 South Carolina, do hereby certify that the foregoing is a
5 true, accurate, and complete transcript of record of all
6 the proceedings had and evidence introduced in the trial
7 of the captioned case, relative to appeal, in the Common
8 Pleas Court of Pickens County, South Carolina on this 25th
9 day of July, 2014.

10 I do further certify that I am neither of kin,
11 counsel, nor interest to any party hereto.

12
13 August 18, 2014

14
15
16 

17 Caroline Hiskell
18
19
20
21
22
23
24
25

VOLUNTARY STATEMENT

DATE 2-20-13 PLACE An Med TIME STARTED 11:21 A MI, the undersigned, Angelika TAT am 34 years of age, my date and place ofbirth being the 4 day of Nov 1978 at _____I now live at 418 Pin du Lac DR., Central SCBefore answering any questions or making any statements, DET GARDO

a person who identified himself as a PSO Deputy
 duly warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority, before or at anytime during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time that I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

I, Angelina Sharry, Russian Interpreter came into ER Room 5 Critical Care to Interpret for Russian lady. her name is Angelika Tat (maiden name: SAGRIYeva) Angelika was brought in by her husband PAUL TAT to ER. Angelika has bruises on her arms, knees and chest. Angelika has problem explaining what has happened from the start. Further talking to her, she finally explained step by step how it happened. She is always afraid of her husband; she does not want to put her husband to jail, what happened her husband approached her to have sex; she refused by placing her hands/arms in front of her; he persisted; she scratched him - he went outside slamming the door; she RAN into the spare room placed the suit cases barricading the door entrance, and hid herself in a closet. He came in there the suitcases threw all her clothes around, went into a closet and pulled her out by the hair - then began hitting her, twisting her ARMS and pinching her. This is not the first time happening. She came to USA last May of 2012 and ever since her husband was hitting her on weekly basis.

End Statement

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 1315 P M. on the 20 day of Feb, 2013

WITNESS: Angelina Sharry - Interpreter X Paul
 Signature of person making voluntary statement

13-24246

R-58

VOLUNTARY STATEMENT

DATE 2-21-13 PLACE 3615 E. 1st St. Reno TIME STARTED 3:45 P.M.

I, the undersigned, Paul D. Smith am 36 years of age, my date and place of

birth being the 27 day of August 1976 at Reno, Nevada

I now live at 600 E. 1st St. Reno, NV 89501

Before answering any questions or making any statements, I met Det. [illegible]

a person who identified himself as a Police Officer. I was duly warned and advised me, and I know and understand that I have the following rights: that I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority before or at anytime during any questioning or statements that I make; without cost or expense to me; that I can stop answering any questions or making any statements at any time that I choose; and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements; whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

[The following section contains multiple lines of illegible text, likely representing the body of the voluntary statement.]

I have read each page of this statement consisting of 2 page(s) each page of which bears my signature and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say.

This statement was completed at 3615 E. 1st St. Reno M. on the 21 day of Feb 2013

WITNESS [Signature] Signature of person giving voluntary statement

WITNESS [Signature]

R-59

PICKENS COUNTY FORM 36-1



Emergency Department
800 N. Fant St. Anderson, SC 29621 (864) 512-1333

Patient: Tat, Angelika
Age/DOB: 11/4/1978

Med Rcd: 599544
Pt Acct: 7724954

ED RECORD ***PRELIMINARY COPY***

Patient: Tat, Angelika
Pt Acct: 7724954
Home Address: 518 Fonddulac Dr

City: Central
State: SC Zip: 29630
Home Ph: (864)207-3485
Established Pt: _____

Age/DOB: 11/4/1978
Med Rcd: 599544
Age: 34yr Sex: F

Arrival: 2/20/2013 0004
Area of Care: Zone 1
Dispo Summary Printed: 2/20/2013 0733
Time Left ED: _____

ECOPY

Acuity: 2
Mode of Arrival: _____
Precautions: _____

Disposition: Discharge - Home
Mode of Departure: Private Vehicle
Condition at Dispo: Stable

CC/Curr Imp: Head Pain/Dizzy

RN Triage: _____
RN Eval: Michelle G. R.N.
RN Dispo: _____

MD ED: Kinsey, Jeanette M.D.
Res/PA/NP: _____

Home Medications

Arrival Medication	Last Dose	Comments	Source	Verified
none				2/20/2013 0013

Allergies

Allergic Substance	Reaction	Severity
NKA		

Vital Signs

Sys	Dia	Pulse	Resp	SAT	O2 Delivered	Temp (F)	Route	Pain Scale	Comment	Taken at	User Name
177	115	134	22	100%	RA	98.4 F	oral			2/20/2013 0011	Steadman-Chester, Kelley R.N.
134	92	86	20	100%				unable to quantify		2/20/2013 0235	Shiflet, Emily R.N.
128	93	88		100						2/20/2013 0300	
138	96	105	19	99%	RA			unable to assess		2/20/2013 0626	Willingham, Tonya R.N.
133	84	102		99				60		2/20/2013 0700	
143	102									2/20/2013 0624	
138	96									2/20/2013 0625	
136	97	104		97						2/20/2013 0630	
166	115	105	20	98%	RA			5/10 Numeric	Reassessment	2/20/2013 0952	Ginn, Michelle R.N.
156	96	99	20	98%					Reassessment	2/20/2013 1042	Ginn, Michelle R.N.



Emergency Department
800 N. Fant St. Anderson, SC 29621 (864) 512-1333

LAB AND RADIOLOGY RESULTS

Patient: Tat, Angelika
Age/DOB: 11/4/1978 Age: 34yr Sex: F

Arrival: 2/20/2013 0004
Med Rcd: 599544
Pt Acct: 7724954

MD ED: Kinsey, Jeanette M.D.
PMD: None
Follow-up 1: _____

Wellsoft Interface Created: 2/20/2013 0200 Last Entry: 0200
Patient: TAT, ANGELIKA ; Date/Time: 2/20/2013 0145 ; 29344164

----- CBC -----

Source: Blood

TEST	VALUE	UNITS	REF RANGE
WBC	10.20	K/microL	3.50-10.80
RBC	4.62	M/microL	3.60-5.00
HGB	14.0	G/DL	11.5-15.3
HCT	41.3	%	33.5-46.0
MCV	89.4	fL	80.0-100.0
MCH	30.3	PG	25.9-34.9
MCHC	33.9	G/DL	32.0-36.0
RDW	13.5	%	11.0-15.0
PLT	195	K/microL	150-450
MPV	9.5	fL	7.0-11.7
Neutrophil %	71.6	%	
Per the College of American Pathologist (CAP), reference ranges should not be reported for the			
Lymphocyte %	19.7	%	
Monocyte %	7.8	%	
Eosinophil %	0.4	%	
Basophil %	0.5	%	
Neutrophil #	7.30	K/microL	1.50-8.10
Lymphocyte #	2.0	K/microL	0.6-4.8
Monocyte #	0.8	K/microL	0.1-1.3
Eosinophil #	0.0	K/microL	0.0-0.7
Basophil #	0.1	K/microL	0.0-0.2
NRBC #	0.00	K/microL	0.00-0.09
Manual Differential	Not Indicated		
NRBC	0.0	%	

Wellsoft Interface Created: 2/20/2013 0241 Last Entry: 0241
Patient: TAT, ANGELIKA ; Date/Time: 2/20/2013 0145 ; 29344165

----- COMP MET -----

Source: Blood

TEST	VALUE	UNITS	REF RANGE
Total Protein	8.2	G/DL	6.6-8.2
Albumin	4.8	G/DL	3.3-4.9
Calcium	9.8	mg/dL	8.5-10.3
Glucose	103	mg/dL	70-99
BUN	4	mg/dL	5-23
Creatinine	0.79	mg/dL	0.30-1.10
Total Bilirubin	0.8	mg/dL	0.2-1.2
Alkaline Phosphatase	68	units/L	40-135
AST (SGOT)	18	units/L	0-40
Sodium	138	mmol/L	135-146
Potassium	3.0	mmol/L	3.5-5.2
Chloride	101	mmol/L	98-107

Anion Gap	15	mmol/L	4-15
ALT (SGPT)	19	units/L	0-78
Globulin	3.4	G/DL	
A/G Ratio	1.4		
eGFR	>60		

The NKDEP recommends that eGFR readings of greater than 60 mL/min not be reported due to potential inaccuracies.
eGFR should be correlated with the patient's clinical status.
Chronic kidney disease is defined as either kidney damage or GFR less than 60 mL/min/1.73 m² for at least three months.

Stages of Chronic Kidney Disease:

Stage	Description	eGFR (mL/min/1.73m ²)
1	Kidney damage with normal or increased GFR	greater than 90
2	Kidney damage with mild decreased GFR	60-89
3	Moderate decreased GFR	30-59
4	Severe decreased GFR	15-29
5	Kidney Failure	less than 15 (or dialysis)

NOTE: The MDRD formula as used above for eGFR is not recommended for drug dosage calculations
eGFR (African American) >60

Wellsoft Interface Created: 2/20/2013 0340 Last Entry: 0340
Patient: TAT, ANGELIKA ; Date/Time: 2/20/2013 0329 ; 29344163
----- U/A CUL -----

Source: Urine

TEST	VALUE	UNITS	REF RANGE
U Glucose	Negative	mg/dL	Negative
U Protein	Negative	mg/dL	Negative
U Bilirubin	Negative		Negative
U Urobilinogen	<2.0	mg/dL	<2.0
U pH	5.0		5.0-7.5
U Blood	Negative		Negative
U Ketones	40	mg/dL	Negative
U Nitrite	Negative		Negative
U Leukocyte Esterase	Trace		Negative
U Appearance	Cloudy		Clear
U Specific Gravity	1.005		1.002-1.035
U Color	Yellow		Yellow
CULT IND	Yes		
U RBC	2	HPF	0-4
U WBC	5 High	HPF	0-4
U Bacteria	TNTC		Negative
Too Numerous To Count			
U Squam Epithelial	36 High	HPF	0-4
U Mucus	Rare	LPF	

Wellsoft Interface Created: 2/20/2013 0724 Last Entry: 0724
Patient: TAT, ANGELIKA ; Date/Time: 2/20/2013 0153 ; 29344162
----- XR FINGER (PRELIMINARY RESULTS) -----
HA, DIZZINESS, VOMITTING, POSITIVE LOC
RIGHT FINGERS



Emergency Department
800 N. Fant St. Anderson, SC 29621 (864) 512-1333

Patient: Tat, Angelika

Age/DOB: 11/4/1978

Med Rcd: 599544

Pt Acct: 7724954

Vital Signs (continued)

Sys	Dia	Pulse	Resp	SAT	O2 Delivered	Temp (F)	Route	Pain Scale	Comment	Taken at	User Name
166	115									2/20/2013 0921	Zearley, Caitlyn
		110		99						2/20/2013 0708	
134	92	90		100						2/20/2013 0234	

Input & Output

Fluid Type	Intake	Output	I/O Time
No Entries			

ED Orders

Order	Sched D/T	Comp D/T	MD Sig
CT Head W/O Contrast - Who_to_read:_Radiologist to read	2/20/2013 0134	2/20/2013 0808	Kinsey, Jeanette M.D. 2/20/2013 0134
XR Finger - Side:_Left	2/20/2013 0134	2/20/2013 0724	Kinsey, Jeanette M.D. 2/20/2013 0134
MISC - Secretary Order patient to have food and drink	2/20/2013 0134	2/20/2013 0136	Kinsey, Jeanette M.D. 2/20/2013 0134
Urinalysis Diagnostic, Culture if indicated	2/20/2013 0134	2/20/2013 0340	Kinsey, Jeanette M.D. 2/20/2013 0134
TRANSPORT TO ED CT	2/20/2013 0142		Ordered Outside ED
HOLD BLUE	2/20/2013 0148		Ordered Outside ED
HOLD GREEN	2/20/2013 0148		Ordered Outside ED
HOLD PURPLE	2/20/2013 0148		Ordered Outside ED
HOLD RED	2/20/2013 0148		Ordered Outside ED
CBC with Differential	2/20/2013 0134	2/20/2013 0200	Kinsey, Jeanette M.D. 2/20/2013 0134
CMP	2/20/2013 0134	2/20/2013 0241	Kinsey, Jeanette M.D. 2/20/2013 0134
Potassium Chloride SR (K-DUR) 40 mEq (2 tablets of 20 mEq/tablet) by mouth once; with apple juice or OJ - Gave 40 mEq, Given_At_2/20/2013_0636	2/20/2013 0258	2/20/2013 0636	Kinsey, Jeanette M.D. 2/20/2013 0258
C URINE	2/20/2013 0340		Ordered Outside ED
CANCELED 0708 - Splint - Buddy Tape to left 4th finger	2/20/2013 0703	2/20/2013 0708	Canceled
CANCELED 0708 - MISC - Nurse Order buddy tape the ring finger to the middle finger on the left.	2/20/2013 0703	2/20/2013 0708	Canceled
NORCO 5 GEN (Hydrocodone-Acetaminophen 5/325) 1 tablet by mouth once - Gave 1 tablet, Given_At_2/20/2013_0926	2/20/2013 0726	2/20/2013 0926	Kinsey, Jeanette M.D. 2/20/2013 0726

PMH

62

Condition

Verified By

none

Steadman-Chester, Kelley R.N.

PSH	
Procedure	Verified By
NONE	

Calls				
Name	Comments	Requested By	Call 1	Returned
No Entries				

EMS/PMD	PMD: <u>None</u>	PMD Ph: _____
Dx/Instr	ED Dx 1: <u>Contusions, Multiple, Arm</u> ED Dx 2: <u>Domestic Violence (Abused Person Not Elsewhere Classified)</u>	
Admit Info		
RN/Triage		

Steadman-Chester, Kelley R.N. Created: 2/20/2013 0011 Last Entry: 0045

NURSING TRIAGE (Adult)

ED HPI: ASSESSMENT INFORMATION COLLECTED USING TELEPHONIC INTERPRETRATION SERVICES. PT COMPLAINING OF HEADACHE PAIN. PT DESCRIBES HAVING BUMP TO LEFT SIDE OF HEAD. LARGE HEMATOMA NOTED. BRUISING NOTED TO LEFT POSTERIOR ARM. BRUISING NOTED AROUND BILATERAL EYES. FACE RED, FLUSHED. PT CRYING DURING ASSESSMENT. PT AND VISITOR DISTANT NOT MAKING EYE CONTACT. PT CONTINUES TO LOOK DOWN DURING ASSESSMENT AND INTERRUPTING INTERPRETER STATING, "PLEASE STOP ASKING ME QUESTIONS AND GET ME MEDICAL TREATMENT FOR MY SEVERE HEADACHE." STATES, "I HURT MYSELF AGAINST THE WALL IN MY HOME." ADMITS TO HAVING DIZZINESS AND VOMITING. PT THEN STATES, "MY HUSBAND HIT ME AND PUSHED ME AGAINST THE WALL." ADMITS TO HAVING POSITIVE LOC. UPON WAKING PT BEGAN VOMITING. MALE GENTLEMAN STANDING IN TRIAGE ROOM. PT ADMITS THAT THIS WAS HER HUSBAND. MAN ASKED TO HAVE A SEAT IN WAITING AREA. PT TAKEN TO CC FOR EVALUATION. UPON ENTERING ROOM PT MADE BODY MOVEMENTS TO THIS RN. PT MAKING MOTIONS OF HITTING SELF IN HEAD, EYES AND CHOKING AROUND NECK. TONYA RN AT BEDSIDE AND AWARE OF ABUSE SITUATION. LOCATION OF ASSAULT UNKNOWN.

PREHOSPITAL CARE:

PMH List (See PMH Table) **PSH List** (See PSH Table)

SH: no tobacco, no alcohol, no drugs

Support System: lives w family or significant other.

Special Considerations: non-english speaking.

LEARNING BARRIERS: language development barrier, language comprehension barrier.

ABUSE NEGLECT ASSAULT SCREENING: Domestic Violence - (-)Alleged (+)Suspected.

Suicide Risk Screening:

Do you feel safe at home? no. PT VOICED THAT SHE DOES NOT FEEL SAFE AT HOME.

Do you have any thoughts of harming self? no.

Swallow screen: not applicable

TRIAGE DATA:

History obtained from: patient

LMP: 2wks.

Last Tetanus: Not Current.

Immunizations:

PHYSICAL EXAM:

AIRWAY: oral, (-)obstructed, (+)patent.

BREATHING: no breathing compromise, non labored.

CIRCULATION: no circulatory compromise,

GENERAL APPEARANCE: (adult) - well nourished, alert, oriented X 3, no acute distress, no obvious discomfort.

SKIN: warm, dry, good color, no rash.

NURSING INTERVENTION: None

Willingham, Tonya R.N. Created: 2/20/2013 0125 Last Entry: 0350

Nurse Note: Language Line used for this RN assessment...Operator 8170 Russian interpreter was used during this assessment...Pt sts : she lives in her bedroom"... pt sts "she is unable to come out of this room"... pt sts "I can not eat in this room"... pt sts "I don't have a cell phone nor a computer because they were taken from me by my husband"... pt sts "he beats me a lot and then feeds me and tells me everything is ok"... pt sts "my husband promises daily not to hurt me anymore"... pt sts "tonight while I was sitting on my bed and not speaking to him he started to beat me"... pt sts "he hit me several times with his fist and throw me on the floor"... pt sts "he choked me"... pt sts "he told me that he will kill me and place my body in the woods or under the house"... pt sts "I am afraid to go home"... pt with red marks noted to her face, bilat kness and bilat arms.. pt with hematoma noted to the top lt side of her head...resp even and nonlabored/skin/warm/dry/red/peril/pt maew.. pt sts positive loc tonight with vomiting x1.. pt now c/o of nausea and dizziness. pt sts some vision changes, sts I see things floating in front of my face.. pt is a&o x4 at this time...pt sts "I was able to go out three days ago to a buffet style place to eat" .Pt sts "I keep my suitcase packed and ready to go back to Russia"...Pt sts "I want to go home to Russia but I can't afford that"...Pt sts "I will not be able to get away from him because he will find me no matter where I go"... pt sts my mother is the only person I have and she is in Russia...Pt sts "my mother don't have the money to send for me".

A GENERAL**PHYSICAL EXAM:**

AIRWAY: oral, (-)obstructed.

BREATHING: non labored, good air exchange bilateral.

CIRCULATION: radial pulse strong bilateral, capillary refill <2 seconds.

GENERAL APPEARANCE: alert, anxious, obvious mild discomfort.

HEART: normal rate, normal rhythm.

LUNGS: no wheezing, no rales, no rhonchi, (-)accessory muscle use, good air exchange bilateral.

ABDOMEN: vomiting 1 time(s) in 2hrs, no diarrhea, normal BS, soft, no abd tenderness, (-)guarding.

EXTREMITIES: good pulses in all extremities, tenderness all extremities, no edema.

SKIN: warm, dry, good color, no rash, no decubitus.

Patient drank 3 ounces of water without stopping. (-)coughing within one minute of completion, (-)gurgling/wet voice quality. not applicable

FALLS ASSESSMENT(Adult):

AGE: Less than 60yrs 0

COGNITIVE: Fully alert and oriented 0

ELIMINATION: Independent with bowel bladder control 0

MEDICATIONS: No meds listed given 0

EQUIPMENT: None in room 0

MOBILITY TEST: Independent steady gait gets up down without assist 0

ADMITTING DIAGNOSIS: None known 0

HISTORY OF FALLS: No Fall within 30days 0

FALL RISK SCORE: Low Risk (0-19).

Plan of Care to Decrease Fall Risk: Low/Moderate Risk Interventions include - (+)Oriented to room, (+)Instruct to call for help/call bell within reach, (+)Use nonskid footwear, (+)Family/caregiver at bedside, (+)Bed in low position, (+)Bed/stretchers brakes on, (+)Bed rails up, (+)Uncluttered environment.

Willingham, Tonya R.N. Created: 2/20/2013 0140 Last Entry: 0145

Nurse Note: officer Ticknor returned call to this RN...Officer Ticknor was given info on alleged spousal abuse....I was told by Officer Ticknor that he will return a call back to this RN when he talk with his supervisor...

Phillips, Amanda R.N. Created: 2/20/2013 0147 Last Entry: 0147

Nurse Note:

BLOOD DRAW - 2/20/2013 0147 - Specimen obtained from wrist left after 1 attempt by Phillips, Amanda R.N.. Dressing applied. Specimen was labeled and sent to lab. Patient tolerated procedure.



Emergency Department
800 N. Fant St. Anderson, SC 29621 (864) 512-1333

Patient: Tat, Angelika

Med Rcrd: 599544

Age/DOB: 11/4/1978

Pt Acct: 7724954

Roper, Trenton D. Created: 2/20/2013 0214 Last Entry: 0215

Nurse Note: Pickens county sending victims advocate to speak with patient.

Willingham, Tonya R.N. Created: 2/20/2013 0331 Last Entry: 0332

Nurse Note: pt ambulated to the restroom with this RN.. pt tolerated well.... pt denie any discomfort.. pt returned to the room....will continue to monitor pt.....

Willingham, Tonya R.N. Created: 2/20/2013 0333 Last Entry: 0351

Nurse Note: pt resesting in bed with the lights off for comfort....nad noted at this time....call bell w/i reach...will continue to moniotr pt.....

Willingham, Tonya R.N. Created: 2/20/2013 0438 Last Entry: 0442

Nurse Note: Pickens county victims advocate is here to speak with pt at this time...lanuage line used at this time...operator 12265 used at this time...

Willingham, Tonya R.N. Created: 2/20/2013 0518 Last Entry: 0519

Nurse Note: pt husband brought back to the room to see pt at this time...victim advocate remains in the room with them.....nad noted at this time.. pt was given ice water per pt request....will continue to monitor pt.....

Willingham, Tonya R.N. Created: 2/20/2013 0544 Last Entry: 0545

Nurse Note:pt was given a warm blanket per her request at this time.... nad noted.....vicitm advocate and husband at bedside....will continue to monitor pt...

Willingham, Tonya R.N. Created: 2/20/2013 0622 Last Entry: 0623

Nurse Note: pt resting in bed,nad noted at this time..... pt will remain in the ed until officer arrives to talk with her.....will cotinue to monitor pt.....

Ginn, Michelle R.N. Created: 2/20/2013 0733 Last Entry: 0733

Nurse Note: Call light within patients reach.

Bed in low position.

Bedside Rounding completed - 2/20/2013 0703

Report received from Willingham, Tonya R.N.. Assumed the care of the patient at this time.

Ginn, Michelle R.N. Created: 2/20/2013 0733 Last Entry: 0734

Nurse Note: Pt noted to be sitting in chair at this time at side of bed. Detective at bedside speaking with pt along with a victims advocate via interpretation services.

Willingham, Tonya R.N. Created: 2/20/2013 0736 Last Entry: 0739

Order(s) performed by "Nurse": swallow screen protocol completed prior.....

- Potassium Chloride SR (K-DUR) 40 mEq (2 tablets of 20 mEq/tablet) by mouth once; with apple juice or OJ - Gave 40 mEq, Given At: 2/20/2013 0636

Order Notes: was given po with water.... pt tolerated well...pt denies any allergy to this med at this time....lanuage line used at this time.....

Willingham, Tonya R.N. Created: 2/20/2013 0740 Last Entry: 0740

Nurse Note:

Report given to Ginn, Michelle R.N.. Care transferred at this time.

Ginn, Michelle R.N. Created: 2/20/2013 0812 Last Entry: 0949

Nurse Note: 2/20/2013 0812 - Pt is talking to detective at this time via interpretation services. Interpretor number: 12265

Ginn, Michelle R.N. Created: 2/20/2013 0821 Last Entry: 0946

Nurse Note: Detective Lee Gardo spoke with pt and made pt aware of safe harbour opportunities and pt refused per detective Gardo: Detective Gardo states they will be doing a welfare check in the next few days.

Ginn, Michelle R.N. Created: 2/20/2013 0824 Last Entry: 0824

Nurse Note: Detective Lee Gardo 864-898-5544 or 864-898-5529

Ginn, Michelle R.N. Created: 2/20/2013 0827 Last Entry: 0827

Nurse Note: Pt given breakfast tray at this time.

Alexander, Leigh Created: 2/20/2013 0920 Last Entry: 0921

Nurse Note: Janine here speaking with detective, husband in waiting room, and per Janine, russian interpreter Angelina will be here in about 1 1/2 hours.

Ginn, Michelle R.N. Created: 2/20/2013 0948 Last Entry: 0950

2/20/2013 0900 - Nurse Note: Detective at bedside speaking with pt via interpretation phone. Interpretor number: 7188 Pt given second breakfast tray

Ginn, Michelle R.N. Created: 2/20/2013 0956 Last Entry: 0956

Nurse Note: Detective remains at bedside. pt sitting in chair at this time.



Emergency Department
800 N. Fant St. Anderson, SC 29621 (864) 512-1333

Patient: Tat, Angelika

Med Rcd: 599544

Age/DOB: 11/4/1978

Pt Acnt: 7724954

Ginn, Michelle R.N. Created: 2/20/2013 0956 Last Entry: 0956

Order(s) performed by "Nurse":

- NORCO 5 GEN (Hydrocodone-Acetaminophen 5/325) 1 tablet by mouth once - Gave 1 tablet, Given At: 2/20/2013 0926

Ginn, Michelle R.N. Created: 2/20/2013 0956 Last Entry: 0957

Nurse Note: Detective is requesting a copy of pts medical chart. This RN spoke with Anna Bolton in medical records who states pt has to have an interpreter present to sign medical release form. Detective made aware.

Ginn, Michelle R.N. Created: 2/20/2013 1101 Last Entry: 1101

Nurse Note: Awaiting interpreter at this time.

Ginn, Michelle R.N. Created: 2/20/2013 1242 Last Entry: 1242

2/20/2013 1120 - Nurse Note: Interpreter here at this time speaking with pt along with law enforcement getting pts written statement

Ginn, Michelle R.N. Created: 2/20/2013 1242 Last Entry: 1244

Nurse Note: interpreter remains at bedside along with law enforcement. Pt has signed authorization for release of medical information after it was interpreted by Russian interpreter.

Ginn, Michelle R.N. Created: 2/20/2013 1326 Last Entry: 1326

Nurse Note: Pt given lunch tray at this time.

Ginn, Michelle R.N. Created: 2/20/2013 1408 Last Entry: 1408

Nurse Note: pt speaking with safe harbour at this time via telephone

Ginn, Michelle R.N. Created: 2/20/2013 1418 Last Entry: 1418

Nurse Note: Per Detective Lee Gardo pt has been accepted to Safe Harbour

Larcombe, Debra Created: 2/20/2013 0238 Last Entry: 0300

Other Note: Pt's spouse to registration desk asking to go back to see pt. After I told him she couldn't have visitors he said he had her mother on the phone and she wanted to know the test results. I explained that her mother could call her direct but we couldn't give her any information. He asked for the results for himself and I told him he couldn't have them either.

MD Chart

Status MD/rm: 2/20/2013 0050

Kinsey, Jeanette M.D. Created: 2/20/2013 0134 Last Entry: 0726

PHYSICIAN H&P

(+)Nurse's Notes Reviewed

(+)Allergies reviewed

(+)Medications reviewed

PREHOSPITAL CARE:

ED HPI: ASSESSMENT INFORMATION COLLECTED USING TELEPHONIC INTERPRETRATION SERVICES. PT COMPLAINING OF HEADACHE PAIN. PT DESCRIBES HAVING BUMP TO LEFT SIDE OF HEAD. LARGE HEMATOMA NOTED. BRUISING NOTED TO LEFT POSTERIOR ARM. BRUISING NOTED AROUND BILATERAL EYES. FACE RED, FLUSHED. PT CRYING DURING ASSESSMENT. PT AND VISITOR DISTANT NOT MAKING EYE CONTACT. PT CONTINUES TO LOOK DOWN DURING ASSESSMENT AND INTERRUPTING INTERPRETER STATING, "PLEASE STOP ASKING ME QUESTIONS AND GET ME MEDICAL TREATMENT FOR MY SEVERE HEADACHE." STATES, "I HURT MYSELF AGAINST THE WALL IN MY HOME." ADMITS TO HAVING DIZZINESS AND VOMITING. PT THEN STATES, "MY HUSBAND HIT ME AND PUSHED ME AGAINST THE WALL." ADMITS TO HAVING POSITIVE LOC. UPON WAKING PT BEGAN VOMITING. MALE GENTLEMAN STANDING IN TRIAGE ROOM. PT ADMITS THAT THIS WAS HER HUSBAND. MAN ASKED TO HAVE A SEAT IN WAITING AREA. PT TAKEN TO CC FOR EVALUATION. UPON ENTERING ROOM PT MADE BODY MOVEMENTS TO THIS RN. PT MAKING MOTIONS OF HITTING SELF IN HEAD, EYES AND CHOKING AROUND NECK. TONYA RN AT BEDSIDE AND AWARE OF ABUSE SITUATION. LOCATION OF ASSAULT UNKNOWN.

Through the interpreter the patient admits to being married to her husband for 2 years. He came to Russia, Tuscan, where they married after a short courtship. He brought her here. He does not allow her to leave her room, she is not allowed to access the food in the refrigerator. She is not allowed to have heat in her room. He is nice to her for a few days and then he loses his temper and beats her. After that he apologises for hurting her but insists that it is her fault. 2 Weeks ago he injured her left ring finger and she has been unable to bend it since then. Tonight he threw her clothes out of her suitcase where she keeps them at



Emergency Department
800 N. Fant St. Anderson, SC 29621 (864) 512-1333

Patient: Tat, Angelika
Age/DOB: 11/4/1978

Med Rcrd: 599544
Pt Acct: 7724954

all times. He threw her down and he tried to choke her ; she has a bruise on her head and multiple bruises on her arms. She denies neck pain, back pain, pain on her trunk or pain in her LE.

He has a son who reported to her that he had abused his previous wife. She does not speak english, she has no money, her mother is retired in Russia and has no money.

Husband has bruises and scratches around his neck that he reports as defensive injuries. He told the charge nurse that she is paranoid, hiding in the closet much of the time, c/o his son terrifying her with a chainsaw, repoted that an 80 yo lady she was staying with was beating her. She has refused to go travelling with him and he has to go travelling a good deal. At one point she was going regularly to town to learn english but she stopped it because she became so fearful.

ROS: All other systems reviewed and are negative unless otherwise noted.

PMH List (See PMH Table) **PSH List** (See PSH Table)

SH: See nurses' notes

PHYSICAL EXAM:

CONSTITUTIONAL: no fever, (-)malaise, (-)weakness, (+)fatigue

GENERAL APPEARANCE: (+)VS noted, (-)looks well, alert, (+)lucid, appears in acute distress

HEAD FACE: 5cm mild swelling/tenderness on the left head with linear erythema in the center approx 4cm x 1cm, no redness

EYES: PERRL, EOMI, conjunctiva clear, (+)Anterior chamber clear

EARS: canals clear bilat, TMs normal

NOSE: Mucosa normal

MOUTH: Dentition good, mucosa dry with lower lip crack.

NECK: supple, nontender, no lymphadenopathy, (-)palpable masses, thyroid is not enlarged

CHEST WALL: no chest tenderness, (-)crepitus no bruising noted

LUNGS: normal respiratory effort, no wheezing, no rales, no rhonchi, (-)accessory muscle use, good air exchange bilateral.

CV HEART: normal rate, normal rhythm, no murmur, no rub, (-)gallup

GI ABDOMEN: soft, no abd tenderness, no abd masses, no bruising noted

BACK: (+)full range of motion, no spinal tenderness, (-)CVA tenderness no bruising noted

GENITALS:

PELVIC:

EXTREMITIES: good range of motion, NVT intact in all extremities, (+) tenderness, (-) swelling multiple bruises notes both arms some erythematous some blue some gray. moose are circular from dime size to dollar size Painful ring finger on the right without swelling but tenderness is in the distal phalynx, not in the DIPJ and there is associated proximal subungual blood.

NEURO: walks and talks without difficulty, motor grossly intact, sensory grossly intact,

INTEGUMENT (SKIN): warm, dry, good color, no rash, no lesions

MEDICAL DECISION MAKING:

Complexity of Visit: The ED Physician performed a face-to-face history and physical,

Current radiology diagnostics reviewed.

Current labs reviewed.

EKG reviewed.

Differential Dx: domestic abuse, paranoia, head injury, finger injury,

ED Treatments:

Serial Exams.

Diagnostic Testing (Imaging).

Administration of Medication.

PROCEDURE:

Kinsey, Jeanette M.D. Created: 2/20/2013 0256 Last Entry: 0256

Results Reviewed by ED Physician:

CBC with Differential

CMP

Kinsey, Jeanette M.D. Created: 2/20/2013 0413 Last Entry: 0413

Results Reviewed by ED Physician:

Urinalysis Diagnostic, Culture if indicated

67

Kinsey, Jeanette M.D. Created: 2/20/2013 0726 Last Entry: 0730

MD Note:

EXTREMITY X-RAY: extremity series, routine views, my reading. no fracture, no subluxation.

CT Scan Brain: unremarkable.

All labs interpreted by Kinsey, Jeanette M.D..

History obtained from: patient, relatives.

DISCUSSION - Discussed diagnosis and condition of patient with patient.

REEVALUATION - Patient feeling about the same; symptoms unchanged.

Victim advocate consulted and in with both patient and her husband for eval. At this time son needs to be interviwed and her investigator is going there. She has asked that the patient be help here.

Patient is noted to be dehydrated with ketones in the urine, She asked for food but then refused it.

Kinsey, Jeanette M.D. Created: 2/20/2013 0735 Last Entry: 0735

Results Reviewed by ED Physician:

XR Finger - Side: Left

Signatures

MD Sgntr: _____

Res/PA/NP Sgntr: _____

(C) 2009 Wellsoft, Elsevier THIS IS THE LAST PAGE

Three views of the right fingers demonstrate no appreciable fracture, dislocation, or other bony or joint abnormality.

IMPRESSION:

NEGATIVE.

NOTE: Additional Information is Available in the Sections Below.

Wellsoft Interface Created: 2/20/2013 0808 Last Entry: 0808

Patient: TAT, ANGELIKA ; Date/Time: 2/20/2013 0213 ; 29344161

----- CT HEAD WO (PRELIMINARY RESULTS) -----

CALL REPORT TO DR KINSEY 1334. PER WELLSOFT PT STATES HUSBAND THREW HER AGAINST A WALL, HA, BUMP TO LEFT SIDE OF HEAD. VOMITING, DIZZINESS. POSITIVE LOC. NO PMH OR SX. CTED CS/TG COMPIT/PACS CS/TG
CLINICAL HISTORY: Head injury, headache.

TECHNIQUE: Sequential axial scans were obtained from the foramen magnum to the skull vertex.

FINDINGS: There is no evidence of intracranial mass, hemorrhage, or acute infarction. No areas of abnormally increased or decreased attenuation were noted. There was no midline shift or other evidence of mass effect. The ventricular system and subarachnoid spaces appeared normal. No extra-axial fluid collections were identified.

IMPRESSION:

NEGATIVE CT SCAN OF THE HEAD WITHOUT CONTRAST.

NOTE: Additional Information is Available in the Sections Below.

Wellsoft Interface Created: 2/20/2013 1029 Last Entry: 1029

Patient: TAT, ANGELIKA ; Date/Time: 2/20/2013 0213 ; 29344161

----- CT HEAD WO -----

CALL REPORT TO DR KINSEY 1334. PER WELLSOFT PT STATES HUSBAND THREW HER AGAINST A WALL, HA, BUMP TO LEFT SIDE OF HEAD. VOMITING, DIZZINESS. POSITIVE LOC. NO PMH OR SX. CTED CS/TG COMPIT/PACS CS/TG
CLINICAL HISTORY: Head injury, headache.

TECHNIQUE: Sequential axial scans were obtained from the foramen magnum to the skull vertex.

FINDINGS: There is no evidence of intracranial mass, hemorrhage, or acute infarction. No areas of abnormally increased or decreased attenuation were noted. There was no midline shift or other evidence of mass effect. The ventricular system and subarachnoid spaces appeared normal. No extra-axial fluid collections were identified.

IMPRESSION:

NEGATIVE CT SCAN OF THE HEAD WITHOUT CONTRAST.

Wellsoft Interface Created: 2/20/2013 1029 Last Entry: 1029

Patient: TAT, ANGELIKA ; Date/Time: 2/20/2013 0153 ; 29344162

----- XR FINGER -----

HA, DIZZINESS, VOMITTING, POSITIVE LOC
RIGHT FINGERS

69

CLINICAL HISTORY: Injury, pain.

Three views of the right fingers demonstrate no appreciable fracture, dislocation, or other bony or joint abnormality.

IMPRESSION:

NEGATIVE.

This is the Last Page

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

July 1st, 2015

Paul Ioan Tat
518 Fond Du Lac Drive
Central, SC 29630
(864) 207-3805
Appellant

A handwritten signature in black ink, appearing to read "Paul Tat", is written over the printed name.

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Case No. 2014-001880

RECEIVED

JUL 07 2015

SC Court of Appeals

State of South Carolina Respondent,

v.

Paul Ioan Tat Appellant

PROOF OF SERVICE

The Record on Appeal, 14 bound and one unbound copies are hand delivered to the
Court Of Appeals Clerk of Court:

Jenny Abbott Kitchings

1015 Sumter Street

Columbia, SC 29201

and one unbound copy US Certified Mail to:

Attorney for the Respondent:

Susannah R. Cole

P.O. BOX 11549

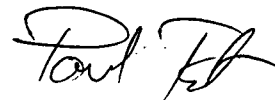
Columbia, SC 29211

FIRST CLASS MAIL

CONFIRMATION SIGNATURE

Appellant

Paul I. Tat



518 Fond Du Lac Drive

Central, SC 29630