

Letter to Justices

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SC Court of Appeals

Carlos Kinlaw vs scwcc

Appellate Case No. 2015-001558

Hello and respect to all of the Honorable justices of the South Carolina appeals court I am writing this letter to you and to tell you that on the December 14, 2016 I will mail a letter to you withdrawing my case. If I do not have decision from this Court the reason for that is the status of limitations will be up in January which I am sure y'all are aware of. I will not allow myself to be robbed of Justice. I have a right to due process for the court to follow the course of Law. At that time I will have the funds to file this case. And then to go to the US Supreme Court if none of the courts in South Carolina ^{are} ~~are~~ willing to give me due process. The time of me being nice over with during this workers comp case which was rigged from the beginning I've had my race talked about just a is done everything in its powers to make sure that defendant wins. All because they wanted resignation to take place in workers comp which are not allowed underneath the state law. With this letter I am sending the two cases that will be filled in Beaufort country

STATEMENT OF CLAIM

Issue 1. Conspiracy to violation 6th, 14th Amendment and a 6th, 14th Amendments violation

Argument and Facts. Brian O'Keefe Esq. and Commissioner Gene McCaskill planned to violated my 6th and 14th amendment right. Commissioner Gene McCaskill postponed a hearing January 9, 2013 and it was to happen on February 28, 2013 but the attorney Brian O'Keefe postponed it on February 13, 2013. The commissioner did the hearing on April 23, 2013 which broke this law 67- 613 E (3) (4) which is also a clear violation of my 6th and 14th amendment right to a fair trial, improper venue and procedural due process violations because he did not have the judicial authority to hold the hearing and reset the case that power is given to the South Carolina Workers' Compensation Commission Judicial Department. Appellate panel made up of Commissioners Avery B. Wilkerson, Jr, Melody L James, Aisha Taylor and Erin Hantske Esq. did a conspiracy to aid in a 6th and 14th amendment right violation in their decision because they could see in the paper work for the case all the postponements in the file and did not act to give a fair trial or procedural due process.

In Beaufort, South Carolina, In The Court Of Common Pleas Fourteenth Judicial Circuit in the County of Beaufort South Carolina a civil lawsuit was heard on August 7, 2014 at 2:00pm Carlos Kinlaw and God Sent Transport LLC vs Workers Compensation Commission of South Carolina, Case No 2014CPo701142 before Judge Carmen T Mullen over a 6th Amendment violation by the state, where Keith Robert, Esq. appeared of the defendant in the hearing. I told the Judge Mullen in the hearing and on the paper work that my 6th Amendment right was violated by the state. Mr. Robert said in that hearing that the state had clear up the 6th Amendment problem when they had not did it at all. Mr Robert hide the fact that Workers Compensation Commission of South Carolina had planned a conspiracy with the lawerys and commissioners to violated my 6th and 14th amendments rights through a workers compensation hearing. This conspiracy could not have been pull off without the Governor Nikki R Haley knowing about it because of the civil lawsuit in The Court of Common Pleas and Workers Compensation Commission of South Carolina is ran by the Governor office.

Due Process is the legal requirement that the state must respect all legal right that are owed to a person. Due process balances the power of law of the land and protects the individual person from it. When a government harms a person without following the exact course of the law, this constitutes a due process violation, which offend the rule of law. The exact course of the law is 67- 613. This is the provision in Article Six, Clause 2 of the United States Constitution that establishes the United States Constitution, federal statutes, and treaties as "the supreme law of the land." It provide that these are the highest form of in United States legal system, and mandates that all state judges must follow federal law when a conflict arises between federal law and either a constitution or state law of any state.

RELIEF

I would like the court to make the state follow procedural Due process in this case as require by sc law 67-613 E (3) (4) of workers compensation. I ask for relief of \$16,000,000 because the state should not have ever plan a conspiracy to violated a person 6th, 14th Amendment right in court.

Wesley Kinlaw

3/9/13

STATEMENT OF CLAIM

1) Issues of case: conspiracy to commit fraud by using the South Carolina Workers Compensation settlement as a way of firing me and trying to use the workers compensation immunity remedy to protect themselves from all lawsuits.

1) Claim: On October 13, 2009 I had a back injury which was later fixed in the latter part of 2010. I obtained lawyer to help with the case; Fletcher M. Johnson. On March 16, 2011 I was called to Mr. Johnson's office by his office manager Jeff Lawson and was told that I had to sign a resignation and release from my job. It is legal and common practice here in the state of South Carolina, so I complied and signed it. But South Carolina workers Compensation settlement law does not allow resignation as part of the settlement, so Mr. Johnson did not live up to his fiduciary duty to tell me about the law. However, before the release was signed on March 12, 2011, I suffered a calf, back and hip injury. I received a letter from Mr. Lawson later from the defense counsel Brian O'Keefe with supporting facts, a worker comp examiner note and other documents. The argument is that an employer may not fire an employee because the employer feels an employee may get injury; that unfortunately was the circumstance in my case. Lowes Homes Center, Inc; Sedgwick Claim Management Service, Inc; and McAngus , Goudelock & Courie, L.L.C, had approved this fraud and had knowledge of it.

2) Issue of case: The issue of case, is that there was a plot to conspire to defraud me of workers compensation and medical treatment for injuries.

1) Claim: March 12, 2011: I suffered a calf, back, and hip injury and was sent to Joseph P Tobin M.D. On May 12, 2011, Dr. Tobin said in his workers compensation report, "the claimant complained of left calf pain and left leg pain." Dr. Tobin also said, "There was no pathology in the hip and knee with a physical examination and x-ray." Jeffrey M Reuben M.D. wrote in his report on September 6, 2011, "Dr. Tobin did not feel that any further work- up as far as his hip or knee is concerned was necessary." On January 12, 2012 Dr. Tobin reevaluated me at the request of Dr. Reuben because of a calf M.R.I. that showed pathology in the knee, Dr. Tobin also received a positive on the physical examination of the hip in his report and stated, "there is a fair amount of pain in the hip." He did not order an M.R.I. that day. Dr. Tobin did a deposition on November 7, 2012 and stated, "I cannot give a reasonable degree of medical certainty or maximum medical improvement. You have to try and understand that there are a

lot of players and people involved here that have a lot of interest in the outcome of your case, and you were sent to me on January 12, 2012 for a specific reason; and my opinion on that day was that I would not recommend that you have any knee surgery, and I recommend that you go back to see Dr. Reuben or to see Dr. Mitchell, and those were my best recommendations, and they were in your best interest.” It is clear that Dr. Tobin will lie to help the employer in this case by his statement. Dr. Richard J Friedman joined the conspiracy on January 3, 2013 to make sure that I stay injured and not be approved for workers compensation. He said in a medical report, “If in fact he did tear the labral as a result of his work-related injury, then I would expect him to have a sharp pain almost immediately or so within the first 24 hour. It would not fit that he would develop pain six weeks afterwards if he had an acute labral tear.” In that statement, he lied as seen in medical notes of Dr. Jon Hyman where he said, “of note, acetabular labral tear can occur without being symptomatic, both at the time they occur or in the months or years that follow. Many patients have tears in the hips that are asymptomatic.” No doctor can tell you if it is symptomatic or asymptomatic, they advise the patient that if he or she is having pain in the hip to go with the M.R.I scan he wrote his report to favor Lowes in this case.

Doctor Jon Hyman M.D. did an independent medical evaluation on me on February 14, 2013; in his medical notes he said (of note, acetabular labral tear can occur without being symptomatic, both at the time they occur or in the months or years that follow. Many patients have tears in the hips that are asymptomatic). Dr. Hyman ruled on Lowe’s side but Dr. Hyman cannot tell whether the injury is a new or old injury, nor whether it is asymptomatic or symptomatic. Dr. Hyman’s evaluation is based on aiding Lowe’s to win.

Erin L. Hantske assisted with trying to say that the fraud was an addendum to a doctor’s note from Richard Friedman in an appeal to South Carolina Workers Compensation Commission. She also knew about the resignation and how it was attained by fraud.

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