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APR 06 2017

SC Court of Appeals

DATE:

STATE OF SOUTH	Jesus Vargas Martinez
CAROLINA	367256-S-B-15
COUNTY OF Anderson	Ridgeland Correctional
Jesus V. Martinez	Institution
APPELLANTE	P.O. Box 2039
↓	Ridgeland, SC 29936
STATE OF SOUTH	
Carolina	
Respondent	

IN THE COURT OF GENERAL SESSIONS
 FOR THE TENTH JUDICIAL CIRCUIT
 RE: Trial Court case NO. 2015-IGS-04-781-782
 Appellate Case No. 2016-000527

This responds to your recent correspondence
 MAR 16-2017.

Along with this letter. I contact my
 Attorney Honorable, Fletcher N. Smith Jr.

- To Filing a petition For appeal bond.
- TO filing a petition to review, my APPEAL
- TO Request For a hearing to Present, NEW new, Evidences, To The U.S. Supreme Court.
- I returning your correspondence along with this letters.

Jesus Martinez

ARTICLE 1

SECTION 24

Passed January 22, 1998 at 1:50 PM
Be it enacted by the General Assembly of
the state of South Carolina:

SECTION 1. the amendment adding
Section 24 to Article 1 of the Constitu-
tion of South Carolina, 1895 prepared
under the terms of a joint Resolution of
1996, bearing ratification number 451,
having been submitted to the qualified
electors of the General Election of 1996
as prescribed in Section 1, Article XVI
of the Constitution of South Carolina,
1895, and a favorable vote having been
received on the amendment, is ratified
and declared to be a part of the
Constitution so that Section 24
as added to Article 1 reads:

Jesus M. Are-

Section 24. (A) To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

(1) Be ~~to~~ treated with fairness, respect, and dignity, and to be free from INTIMIDATION, harassment, or abuse, throughout the Criminal and justice process, and informed of the victim's Constitutional rights, provided by statute;

(2) Be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped;

(3) Be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;

(4) Be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;

Jesus Martinez

(5) Be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;

(6) Be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;

(7) Confer with the prosecution, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition;

(8) Have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;

(9) Receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury including both

(10) Be informed of any proceeding when any post conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision.

Mr. Honorable, Fletcher N. Smith Jr
February 28, pro se "Petition for Appeal Bond"

This same package of EVIDENCE will be used
For: APPEAL Bond, APPEAL, TO REQUEST
FOR a HEARING TO PRESENT NEW
Evidences, TO The U.S. Supreme Court.

Jesus Martinez
Jesus Martinez

Jesus Martinez

- C C : Catherine Townsend Huey, Esquire
- Jenny Abbott Kitchings, Honorable
- Fletcher N. Smith, Jr. Esquire
- Alan McCrory Wilson, Esquire
- Jennifer Ellis Roberts, Esquire
- Richard A. Shirley
- Javier Diaz Leon Consul General
Mexican Consulate General in Raleigh, NC.
- Remedios Gómez Amau, Mexican Consul
General

I trust this letters will meet with
yours, immediate attention.

Very truly yours,

Jesus Vargas Martinez

Jesus Martinez

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF GENERAL SESSIONS)
FOR THE TENTH JUDICIAL CIRCUIT)

Jesus V. Martinez, #367256,)

Trial Court Case No. 2015-GS-04-781, -782)
Appellate Case No. 2016-000527)

Appellant,)

v.)

RETURN TO APPELLANT'S)
PETITION FOR APPEAL BOND)

State of South Carolina,)

Respondent.)
_____)

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Initially, for the reasons set for the below, Respondent (the State) submits Appellant's February 28, 2017 *pro se* "Petition for Appeal Bond" is an improper *pro se* filing, and that by responding to said petition, the State is NOT acknowledging its legitimacy or the legitimacy of any future *pro se* filings. However, in the interest of judicial economy the State, through undersigned counsel and making Return to the Petition, would respectfully show unto this Court:

I

Appellant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Anderson County Clerk of Court. In May 2015, the Anderson County Grand Jury indicted Appellant for Assault and Battery of a High and Aggravated Nature (ABHAN) (2015-GS-04-781) and Pointing/Presenting a Firearm (2015-GS-04-782). Fletcher N. Smith, Jr., Esquire, represented Appellant. On February 23-24, 2016, Appellant proceeded to trial before the Honorable Scott Sprouse and a jury. On February 24, 2016, the jury found Appellant guilty of both charges, and Judge Sprouse sentenced him to ten years' imprisonment for the ABHAN charge, suspended on the service of three years' imprisonment and followed by

1
190 palabras

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MAR 16 2017
Richard R. Kula
CLERK OF COURT

probation for five years, and to five years' imprisonment for the pointing and presenting charge, suspended on the service of three years' imprisonment and followed by probation for five years, to be served concurrently. Judge Sprouse sentenced Appellant to ten years' imprisonment.

Appellant's counsel, Fletcher N. Smith, Jr., filed a timely notice of appeal and continues to represent him on appeal. On September 23, 2016, Mr. Smith filed an Initial Brief of Appellant

on Appellant's behalf. Respondent filed a Respondent's Brief in response.

c?

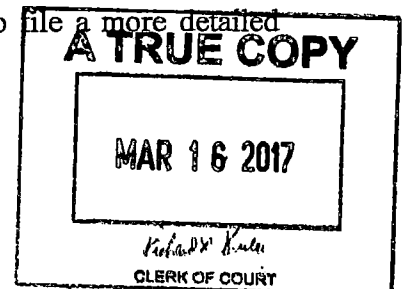
II.

Appellant has now filed this petition *pro se*. However, he is currently represented by Fletcher N. Smith, Jr., on appeal. Respondent submits the Court need not entertain this petition because it violates the prohibition against hybrid representation. See State v. Stuckey, 333 S.C. 56, 58, 508 S.E.2d 564, 564 (1998) ("Since there is no right to hybrid representation, substantive documents filed *pro se* by a person represented by counsel are not accepted unless submitted by counsel.") (citing Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989)). Appellant is represented by counsel, and his *pro se* submission is a nullity. Miller v. State, 388 S.C. 347, 347, 697 S.E.2d 527 (2010) ("Because petitioner was represented by counsel, the *pro se* motion was not proper, should not have been accepted, and should not have been ruled upon. The motion was essentially a nullity.").

III.

Should the Court entertain the petition despite its violation of hybrid representation, the State submits he would not be entitled to bond and reserves the right to file a more detailed response if and when requested by the Court.

288 palabras



IV.

WHEREFORE, Respondent asks the Court to deny and dismiss Appellant's petition for bond pending appellate review.

Respectfully submitted,

Catherine T. Huey

Catherine T. Huey
Deputy Solicitor
10th Judicial Circuit

3.16, 2017

16

+ 190
+ 288
16
494 →

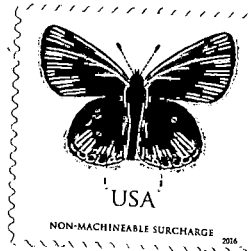
Ms. Huey
You send 494 only word with zero evidence. Go and clean dishes at your house
Jesús Matinez

Closing argument by Ms. huey in the court - Page 102
She said PLEASE FIND HIM GUILTY.

Ms. Huey, - Page 21 She said in the court
21-Q18. As I said, this will no be a particularly long case.
Jesús Matinez

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MAR 16 2017
Kathleen K... Clerk
CLERK OF COURT

Jesse Martinez
3736 Todd Quarter rd.
Waterloo, S.C. 29384



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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk of Court
P.O. Box 11629
Columbia, S.C. 29211

29211-629 8012

