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IN THE COURT OF GENERAL SESSIONS
ANDERSON COUNTY

JESUS MARTINEZ VARGAS,
Appellant,

vs.

THE STATE,
Appelle

Case No.: Assault and Battery Of A High And
Aggravated Nature 2015-GS-04-00781; Pointing /
Presenting A Firearm 2015-GS-04-00782

I NEED photocopy of my entire file, and the evidence
given unto you being the tape recorder and other files

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I demand a photocopy of my entire file, to me and my son Jesse B. Martinez. Including the voice recording evidences that The Honorable Mr. Fletcher N. Smith Jr. and appellant Jesus Martinez left at the Solicitors office on the date 2015 before the trial on 2-24-2016. I would also like the statements of the criminal investigation, 02-12-2015 that I never received from Mr. Fletch Smith, Jr. before the trial or before any disposition. I need the statements from: Mr. Floyd Mills, Mr. Ernie Trammel, Mr. Roy Trammel, Ms. Ashley, and Mrs. Lisa. Mr. Martinez would also like to know why you, the Honorable Mr. Fletcher N. Smith Jr. never replied to any of my questions, letters or emails? Mr. Martinez would also like to know why he did not receive any documentation regarding the trial nor the appeal?

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Evidence Left at the court trial, not viewed or used

❖ Threatening / Malpractice Voice recordings from:

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- Mr. Floyd Mills
 - Mr. Ernie Trammel
 - Mr. Roy Trammel
 - Ms. Ashley
 - Mrs. Lisa
 - 46 Emails between Mr. Floyd Mills and Mr. Jesus Martinez, which you received on the date, February 2015

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1 ARTICLE 1
2 SECTION 24

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

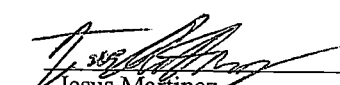
5
6 Honorable Fletcher N. Smith, Jr. Esquire
7 Attorney For Appellant
8 P.O BOX 10496
9 GREENVILLE, SC 29603

10 Jesus V. Martinez – 367256
11 S-B-15
12 Ridgeland Correctional Institution
13 P.O BOX 2039
14 RIDGELAND, SC 29936

- 15 ❖ CC: Mr. Fletcher N. Smith, Jr. Esquire
- 16 ❖ Catherine Townsend Huey, Esquire
- 17 ❖ Alan McCrory Wilson, Esquire
- 18 ❖ Jennifer Ellis Roberts, Esquire
- 19 ❖ Javier De Leon, Consul General Mexican in Raleigh United States
- 20 ❖ Remedios Gomez Arnau, Consul General Mexican in Raleigh United States
- 21 ❖ Jesse B. Martinez, My Son
- 22 ❖ JENNY ABBOTT KITCHINGS, CLERK

23 Post office Box 11629
24 Columbia, SC 29211

25 Dated this 26 of May, 2017.

26
27 
28 Jesus Martinez

LEGAL MAIL

TO CATCH A THIEF:
CRIMINAL CASES

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THE ATTORNEY defending criminal cases is the one least likely to face a legal malpractice claim for negligence in handling the matter. This is probably not because these attorneys commit less malpractice than other attorneys, but rather because the client, a criminal, will probably receive the least sympathy from a jury when complaining of legal malpractice. I have often been asked to sue lawyers who have pressured their clients into pleading guilty when the clients are not guilty to begin with. I have heard of cases where attorneys have failed to file motions to suppress evidence in criminal proceedings.

While the criminals in these cases may not have been sympathetic figures, the criminal, nevertheless, is entitled to the same quality of representation as any other person. It doesn't matter whether or not

Jesus Motina
Jesus Martinez

LEGAL MAIL

The individual uses a public defender, private counsel, or someone assigned by the court. Customarily, in cases where states require pro bono work, that is, where the attorney is obligated to do some work on behalf of the poor or indigent, at reduced or no fees, the attorney is more likely to commit legal malpractice. In many cases, the pro bono attorney is inept in handling the kinds of cases assigned because the attorney has no particular experience in the particular legal field. These situations generate the overwhelming majority of legal malpractice cases in the criminal defence area. Incredibly, these victims of legal malpractice are, however, the least likely to retain an attorney to bring a legal malpractice case. The criminal is far more vulnerable to the legal system because of the trauma of being accused or even worse, being found guilty of a crime. Serving time in jail is one of the most stressful human experiences. As a result of this stress, the individual charged with a crime may be misled by the attorney handling the defense. Many times

Jesús Martínez
Jesus Martinez

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the criminal defense attorney is not well seasoned, and struggles with the procedural requirements as well as with the factual complexities of the case. In many instances the defendant relies on the advice of the attorney in entering a plea of guilty to a lesser crime. The client is then shocked by the resulting jail sentence. In fact, in many cases, bail is revoked and the defendant is led off to jail on the spot! in one case ~~to a crime he did not commit~~, the defendant paid the attorney \$100,000 just to plea guilty to a crime he did not commit. The defendant had no idea he was going going to go to prison and when he was carted off to jail his application for a stay of sentence was denied. As a result, before appeals could be heard, the defendant had already spent a substantial amount of time in jail.

When referring to the phrase
"To catch a thief," in many cases
we're never really quite sure whether it's

Jesus Martinez
Jesus Martinez

the attorney or the criminal defendant who is the thief. The criminal defendant needs to know what the attorney's services include, and the defendant must be informed of the charges for fees and expenses that will be made for those services. The criminal defendant, should also be aware of what motions may be filed and discovery obtained in the defense of the case. All this information should be provided to the defendant but it rarely is. Copies of all discovery, including grand jury minutes, expert testimony, recreation of crimes, and a list of witnesses should be provided. In almost every one of these cases is not. Lists of witnesses should be prepared and the witnesses interviewed by both sides, but this also is frequently left undone. All these factors, ~~but this also is~~ determine whether or not the attorney has competently handled the criminal case. Most courts will not reverse a conviction solely on the basis of an attorney's

Jesus Martinez
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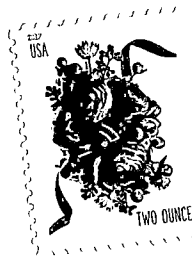
LEGAL MAIL

conduct unless it can be shown that the attorney's misconduct was a material factor in bringing about the defendant's conviction. As a consequence, those charge with crimes sometimes do not get the full benefit of our system of justice.

Jesus Martinez

Jesus Martinez

Jesse Martinez
3736 Todd Quarter rd.
Waterloo, SC. 29384



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JUN 12 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Clerk of Court
P.O. BOX 11629
Columbia, SC 29211

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