

APPEAL

On the day of August 8<sup>th</sup> 2017,

While I was in Savannah B-15 my ex-roommate was moved out of the unit due to issues with other inmates (PC). Upon leaving my ex-roommate left me all his personal property. About a few hours later the unite officer came and seized his personal property. Later that night Inmate Gambrell #233879 was moved into my cell at about 10:00 PM.

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SC Court of Appeals

Wednesday – August 9<sup>th</sup> 2017,

Early Wednesday morning I left the institution on a medical run (eye exam) to Kirkland R & E.

I returned to Ridgeland Correction Institution later that night at about 7:00 PM.

That's when the threats from Mr. Gambrell began in the cell. He stated that "he found 2 knives under the sink," I replied, "I didn't know anything about the knives under the sink."

Thursday – August 10<sup>th</sup> 2017,

During count-time the threats for my life continue. (Note: I asked several times for him to respect me.)

Mr. Gambrell made several racial comments to me like, "you wetback" "I'm going to kill you" and "I'm going to beat you up."

Due to the threats I reported the issue to Officer Washington but nothing was done. (Note: She was the officer in charge of my section.) When I went to lunch I notified Captain Evans of my situation (on the same day) Again I stated that "my roommate had 2 knives and please come and see them 3x (three times) over.) She replied by saying what room unit you staying. I told her Savannah SB-15. Again nothing was done.

Friday – August 11<sup>th</sup> 2017,

The following day between 7:00 Am – 1:00 PM. Mr. Gambrell threatened my life again. While making coffee at the sink, I told him to respect me. He decided to keep threatening me (again). So I dash him with hot coffee. Soon after he grabbed a knife from under his bed and moved toward me. Clutching a knife, he made me move to the back of the cell unit with the knife in his hand. Mr. Gambrell stated "he was going to kill me." Due to the noises coming from my cell my neighboring inmate Mr. Brinson #260445 checked up on me. I explained to him what had happened between me and my roommate #233879 Mr. Gambrell. Mr. Brinson #260445 then acted as an advocate in Mr. Martinez defense (check incident report.) In Mr. Brinson's attempt to appease the situation he was assaulted by Mr. Gambrell #233879. Afterward Inmate Martinez #367256 personal property belongings were thrown out of his cell (B-15). While Inmate Martinez was gathering his personal property he was assaulted and kicked to the face by the same inmate Mr. Gambrell. Please see medical report for further evidence. His right eye was gauged and bleeding, Mr. Martinez was left lying bleeding on the floor to near unconsciousness. All of

this could have been avoided if both officers had done their job and attended to victim Mr. Martinez plead for help.

❖ Key Point

Lack of responsibility (attending officers)  
Captain Evans / Officer Washington

- ❖ My Life was in danger and nothing was done to prevent it
- ❖ My room wasn't searched down for roommates weapons
- ❖ I can't read without glasses
- ❖ I don't understand English Fluently (literary)
- ❖ No light in room to write and file report
- ❖ Write up should of never made it to appeal
- ❖ Case was mishandled
- ❖ Witness / Brinson
- ❖ I was the victim not the aggressor (look at the box in front of this slip)

I would like to have my appeal overturn to prove my innocence.

Date 9-13-2017

Jesus Martinez

IN THE COURT OF GENERAL SESSIONS  
APPEAL FROM ANDERSON COUNTY

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SC Court of Appeals

JESUS MARTINEZ VARGAS,

Petitioner / Appellant,

vs.

THE STATE,

Respondent

Appellate Case No.: 2016-000527  
Case No.: Assault and Battery Of A High And  
Aggravated Nature 2015-GS-04-00781;  
Pointing/Presenting A Firearm 2015-GS-04-00782

MY NAME IS JESUS VARGAS MARTINEZ -367256, BLUFFTON B-15, I HAVE SEVERE TYPE 2 DIABETES, HIGH BLOOD PRESSURE, EXTREME DIARRHEA ON A NEARLY DAILY BASIS, BAD ARTERIES AND A CLOGGED STENT THAT NEEDS SERIOUS ATTENTION, DEPRESSION AND NOW A BROKEN FOOT. ANY SMALL CUTT FOR OLDER DIABETTICS CAN BE SERIOUSLY PROBE TO INFECTION AND I DID NOT KNOW MY LEG WAS BROKEN UNTIL MY DOCTOR VIST MANY DAYS LATER, I HAVE VERY BAD NERVES THAT NEED ATTENTION. I PLEAD AND HASSLE EVERY WEEK WITH THE DOCTORS, THE NURSES UNDERSTAND BUT CANT DO ANYTHING, THE DOCTOR ALWAYS REFUSES MY REQUESTS, HE ONLY GIVES ME ADVIL TO QUITE THE PAIN BUT IT IS ONLY GETTING WORSER AND WORSER. IVE BEEN HERE IN RIDGELAND CORRECTIONAL FACILITY FOR 2-3 YEARS AND THEY OVERDOSE ME WITH INSULIN OR UNDER DOSE ME ALMOST GUESSING, NEVER TREAT ME PROPERLY I NEED BETTER MEDICAL ATTENTION NOW MORE THAN EVER WITH MY BROKEN FOOT, I NEVER RECIEVED CRUTCHES OR A WHEEL CHAIR, I HAD TO WALK WITH A BROKEN FOOT AND NOTHING TO EASE MY SUFFERING I NEED BETTER MEDICAL ATTENTION, I BROKE MY FOOT BECAUSE I SLIPPED ON MY ROOMATES CRAP, THE TOILETS WERE BROKEN IN MY SECTION INCLUDING MINE. IT WAS CLOGGED AND OVERFLOODED IN MY CELL, THEIR WAS BACKFLOOD OF MY ROOMATES CRAP, MY OWN, URINE, AND THE OTHER CELL MATES MIXTURE ASWELL. I AM SEVERLY DIABETIC, I CAN GET WOUNDS INFECTED MUCH MORE DANGEROUSLY THAN NORMAL PEOPLE. I WAS CLEANING UP THE DISGUSTING VOTILE CRAP WHEN I SLIPPED AND FELL, I DID NOT FEEL PAIN AT FIRST BECAUSE OF MY BAD ARTERIES BUT THE DOCTOR CHECKED IT AND IT WAS BROKEN AND BLEEDING ALOT. I AM ONLY GIVEN ADVIL FOR EVERY TREATMENT. I ASKED FOR A WHEEL CHAIR, I RECEIVED NOTHING. THE DOCTOR DIDNT GIVE ME ANYTHING. I WAS FORCED TO WALK ON THE DIRTY FLOORS WITH MY BROKEN BLEEDING FOOT, I HAD NO CRUTCHES, NO WHEEL CHAIR, NO COMFORT SHOE TO EASE THE PAIN AND BALANCE MY WEIGHT OFF THE BROKEN FOOT. I HAD NOTHING, I WAS FORCED TO WALK ON THE FLOOR WITH MY BROKEN FOOT AND NO HELP. EVERYDAY I AM GIVEN MEDICATION THAT MAKES ME HAVE EXTREME DIARHEA ALL NIGHT. I DO NOT SLEEP FOR FEAR THAT I WILL GO ON MYSELF IN THE NIGHT, I SIT ON THE TOILET ALL NIGHT. I ASK I PLEAD THE DOCTOR TO GIVE ME BETTER MEDICATION WITH NO SIDE EFFECTS, I AM ALLERGIC TO THESE MEDICINES, THEY ARE GIVING ME AN ALLERGIC REACTION, I HAVE DIARRHEA ALMOST EVERY NIGHT FOR HOURS EACH TIME, I DO NOT LEAVE THE TOILET. THE FOOD IS NOT GOOD FOR DIABETICS, THE

GROUND BEEF HAS WRITTEN ON THE BOXES "NOT FOR HUMAN CONSUMPTION" THEIR IS ALOT OF SUGAR FOODS AND UNHEALTHY FOODS FOR DIABETTICS, I NEED BETTER MEDICAL ATTENTION. I AM TEASED AND BULLIED BY THE INMATES, THEY CALL ME NAMES AND TAUNT ME ALMOST EVERYDAY. I AM FORCED TO SIT QUIETLY BECAUSE I AM OLD AND DIABETIC AND CAN NOT DEFEND MYSELF, I AM CALLED MANY RACIST NAMES BECAUSE I AM HISPANIC, MANY RACIST JOKES THAT ARE NOT FUNNY BUT CRUEL. I AM BULLIED ALMOST DAILY, I SAY NOTHING BECAUSE IF I SAY SOMETHING THEY WILL KILL ME OR BEAT ME. I NEED PROTECTION, I CANNOT SLEEP SAFELY WITHOUT BEING WORRIED ABOUT GETTING ATTACKED. MY PREVIOUS CELL MATE WAS JUST ATTACKED BY 3 INMATES, I FEAR THE SAME WILL HAPPEN TO ME IF I DO NOT GET PROTECTION.

I AM OLD AND CANNOT DEFEND MYSELF, I AM BULLIED AND CANNOT DO ANYTHING ABOUT IT. THIS HAS BEEN GOING ON FOR YEARS BUT I CANNOT SPEAK OUT BECAUSE THEY WILL HURT ME OR KILL ME FOR POINTING THE FINGER. FOR THIS I AM NOW DEPRESSED, I HAVE BEEN DEPRESSED FOR YEARS. I NEED PROTECTION AND BETTER MEDICAL ATTENTION. PLEASE TRANSFER ME TO A FACILITY WHERE THEY CAN ATTEND MY MEDICAL NEEDS AND MORE CLEAN AND SAFE. WE ARE GIVEN LITTLE RAGS TO CLEAN OURSELVES AND MOP THE FLOORS, I CANNOT GET MY WOUNDS INFECTED AND I CANNOT CLEAN AND WALK WITH A BROKEN FOOT AND NO WHEEL CHAIR, IT TOOK THE DOCTOR 3 FULL WEAKS TO GIVE ME A CUSHION SHOE FOR SUPPORT, PLEASE I NEED A FACILITY WITH BETTER MEDICAL ATTENTION AND NO HARRASMENT FROM OTHER INMATES. I ALSO WOULD LIKE TO BE CLOSER TO MY SON, I HAVE A YEAR LEFT AND WOULD LIKE TO BE CLOSER TO MY SON IN LAURENS SC. I AM CURRENTLY 3 HOURS AWAY FROM HIM BUT THE MAIN THING IS MY MEDICAL AND AWAY FROM THE DANGEROUS INMATES. I NEED SAFETY AND PROTECTION AND BETTER HYGIENE AND REAL MEDICAL ATTENTION.

August 11, 2017

Just as I had predicted, I was attacked in my own cell. I was attacked my cellmate because the prison Major Consonya Washington and Captain Evans did not take my plead seriously. I went to them on the same day and pleaded that they move me because my cellmate had weapons and was threatening to kill me and beat me up. They both did nothing. The man known as Gambrell, Anthony SCDC# 233879 threw all of my belongings on the hallway and as I was on my knees picking them up he kicked me in my face and left me bleeding nearly unconscious on the floor. I pleaded and begged the officers in charge to move me to a new cell and they didn't and I am to pay for their mistake. If nothing is done, I will die in this prison.

INCIDENT REPORT

017-08-095

Institution/Center: Ridgeland Correctional Institution				Date of Report: 8/12/2017	
Reporting Official (Full Name): Oscar Torres				Time of Report: Approx 10:35am	
Employee ID #:				Date of Incident: 8/11/2017	
Location of Incident: Savannah B wing				Time of Incident: Approx 12:11pm	
Inmate(s)/Resident:	SCDC #	Age:	Sex:	Race:	Employee(s)/Witnesses Involved:
1. Gambrell, Anthony	scdc# 233879	B/M			1. Lt. E. Mole <i>Bluf 110</i>
2. Brinson, Bobby	scdc# 260445	W/M			2. <i>MIF</i>
3. Martinez, Jesus	scdc# 367256	O/M			3. <i>WK</i>
4.					4. <i>C-y</i>
5.					5.

On the above date and approximate time:

I Sgt Oscar Torres along with Lt. E. Mole assisted in a first responders activation to Savannah B wing. As we arrived we observed inmate Martinez, Jesus scdc# 367256 O/M laying on the floor outside of cell #15 with a open gash below his right eye. As we approached the cell we then observed inmate Gambrell, Anthony scdc# 233879 B/M in cell #15 and he appeared to have burn marks on the right side of his hand to on his left outer forearm. Both inmates were taken to medical to be seen for their wounds. During the treatment, inmate Gambrell stated that the reason the incident occurred was because inmate Martinez had placed some contraband inside of the cell and inmate Gambrell wanted it out. Another inmate named Brinson, Bobby scdc# 260445 W/M entered into the conflict and tried to speak to inmate Gambrell and during the discussion a physical altercation occurred where both inmates received wounds and it was <sup>at</sup> the time when inmate Martinez had thrown boiling hot water on inmate Gambrell which he received 2nd degree burns to his arm and facial area. Upon investigation it was determined that inmate Brinson entered cell #15 to convince inmate Gambrell to leave inmate Martinez alone and if he wasn't happy he needed to move out of the cell. That discussion caused tension between inmates Gambrell and Brinson and that is what caused the physical altercation. I recommend that inmates Gambrell, Anthony scdc# 233879 and inmate Brinson, Bobby scdc# 260445 W/M be charged with "823" Fighting without a weapon. Inmate Martinez, Jesus scdc# 367256 be charged with "808" Fighting with a weapon.

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Signature: *Oscar Torres* Title: Sgt

Evidence: Photo (10) OCT 05 2017

Disposition of Evidence: Attached SC Court of Appeals

Supervisor's Comments: Charge inmate Anthony Gambrell and Bobby Brinson with 823. Charge inmate Jesus Martinez with 808. *MM completed. N/A*

Printed Name: *John Wiggins Jr*

Signature: *[Signature]* Title: *Capt* Date/Time: *8/12/17 11:30am*

Major/Responsible Authority:

Charge 1/m Gambrell AND 1/m Brinson with 823. Charge 1/m Martinez with 808.

Printed Name: *Consonya Washington*

Signature: *[Signature]* Title: *Major* Date/Time: *8/17 5:00pm*

STG Related - Refer to STG Committee

Yes  No  Unknown

This incident is DRUG related

Yes  No  Unknown

Responsible Authority

Action Taken

Informal Resolution

Administrative Resolution *823*

Refer to Disciplinary Hearing *808*

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT AND HEARING RECORD**

Case#: 17-00001 Inmate Name: JESUS MARTINEZ SCDC#: 86756X 367256  
 Living Area: BLUFFTON UNIT CELL #110 Job: WARD KEEPER Custody: M12  
 Offense Date: 08 / 11 / 17 Offense Time: 12:11 AM  PM Institution: SAVANNAH B-WING/RIDGELAND C.I.

**Offense Description:**

808 Fighting With a Weapon: Any group of two or more inmates who engage in a physical altercation with any instrument used for the purpose of inflicting physical injury on any person.

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SC Court of Appeals

Charging Officer/Employee: OSCAR TORRES Title: SGT.

**INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 48 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.**

<input type="checkbox"/> I GIVE UP MY RIGHT TO 48-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING	
<input type="checkbox"/> I DO NOT WANT TO BE PRESENT AT MY HEARING	
<input type="checkbox"/> I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING	
<input type="checkbox"/> I DO NOT WANT MY ACCUSER PRESENT AT THE HEARING	
	RHU/CPH-SEGREGATION ONLY
	<input type="checkbox"/> I WANT A COUNSEL SUBSTITUTE
	<input type="checkbox"/> I DO NOT WANT A COUNSEL SUBSTITUTE
Date & Time Notified: <u>8/11/17</u> <u>12:11</u> AM/PM By (Print): <u>Jesus Martinez</u>	
Inmate Signature: <u>Jesus Martinez</u>	SCDC#: <u>86756X 367256</u> Date: <u>8/11/17</u>

**HEARING INFORMATION:**

Hearing Date: <u>  /  /  </u>	Hearing Time: <u>  </u> am/pm	Medclass: <u>  </u>	Reading Level: <u>  </u>
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EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; OR (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING

\_\_\_\_\_

\_\_\_\_\_

OFFENSE CODES		
INMATE PLEA (G, NG, None)		
FINDINGS (G, NG, DS)		

IF GUILTY, EVIDENCE PRESENTED CONSIDERED AND REASONS FOR DETERMINATION OF GUILT: (A) ADMISION OF GUILT; (B) OFFICER'S REPORT; (C) WITNESS TESTIMONY; (D) OTHER. EXPLAIN IN DETAIL: \_\_\_\_\_

**SANCTIONS:**

Loss of Privileges (Days) \_\_\_\_\_ Reprimand: \_\_\_\_\_ Loss of Good Time (days): \_\_\_\_\_  
 Property (Days) \_\_\_\_\_ Extra Duty (Hours): \_\_\_\_\_ Restitution: \$ \_\_\_\_\_\*\*  
 Canteen (Days) \_\_\_\_\_ Visit Suspension \_\_\_\_\_  
 Phone (Days) \_\_\_\_\_ Cell Restriction (Days): \_\_\_\_\_  
 Disciplinary Detention (Days) \_\_\_\_\_  
 Other (Days) \_\_\_\_\_

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: \_\_\_\_\_

CREDIT FOR PHD TIME SERVED? YES/NO IF YES, DAYS \_\_\_\_\_

DATE INMATE PLACED IN PHD   /  /    
 INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: \_\_\_\_\_ DATE: \_\_\_\_\_

HEARING OFFICER (PRINT NAME) \_\_\_\_\_

APPROVED/DD MODIFICATION ONLY \_\_\_\_\_ WARDEN \_\_\_\_\_ REASON \_\_\_\_\_

CONTACT YOUR CLASSIFICATION CASEWORKER OR COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.  
 White - Institutional Record Canary - Inmate (Service of Disciplinary Report)  
 Golden Rod - Inmate (Service of Disciplinary Hearing Disposition) Pink - Central Record

\*\* (Note - When there is restitution, a copy of this form should be forwarded to Financial Accounting)  
 SCDC 19-69 (Rev., Feb 2017)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
 RIDGELAND CORRECTIONAL INSTITUTION  
 SPECIAL MANAGEMENT UNIT PROPERTY INVENTORY

INMATE NAME: Martinez, Jesus

SCDC # 367250

AUTHORIZED ITEMS	AUTHORIZED AMT	ACTUAL AMT	CONDITIONS		
			GOOD	FAIR	POOR
PLASTIC CUP	1	1		✓	
SPORK	1	1		✓	
BATH TOWEL (WHITE)	1	1		✓	
WASH CLOTH (WHITE)	1	1		✓	
SHEETS	2	2		✓	
BLANKET (DURING COLD WEATHER AS NEEDED)	1	1		✓	
UNDERSHORTS	2	2		✓	
SOCKS	2 pairs	2		✓	
CROCS	1	1		✓	
SHOWER SHOES (IF CROCS ARE UNAVAILABLE)	1	1			
RELIGIOUS MATERIAL (BIBLE OR QUR'AN)	1	1		✓	
MEDICINE: ALL MEDICATION SHOULD BE TURN INTO MEDICAL IMMEDIATELY UPON SMU PLACEMENT	MEDICAL WILL DISTRIBUTE APPROPRIATE MEDICATION FOR INMATES TO KEEP IN CELL				
LAUNDRY BAG (WHITE MESH ONLY)	1	1			
JUMPSUIT	1	1			
AGENCY ID: IN CRISIS INTERVENTION MUST HAVE THEIR IDS MAINTAINED IN SMU OPERATIONS UNTIL THEY HAVE BEEN REMOVED FORM THIS STATUS					
HYGLINE (1 UNOPENED BAR OF SOAP, NO. DEODORANT AND NO SOAP DISH)	1	1			
PERSONAL LETTERS	10	10			
PERSONAL PICTURES	3	3			
LEGAL MATERIALS (PENDING CASES ONLY)					
NO BELT, ROPE, STRING, PAPER CLIPS, METAL BINDER, OR WRITING MATERIAL (I.E. PENS, PENCILS, STAMPS, OR ENVELOPS, MAGAZINES, PAPER, OR PERSONAL BOOKS.					
SHIFT SUPERVISOR SIGNATURE			DATE:		
INVENTORYING OFFICER'S SIGNATURE			DATE: 8-11-17		
INMATE'S SIGNATURE			SCDC#		

\*\* COMPLETED FORM MUST BE TURNED IN TO THE PROPERTY CONTROL OFFICER\*\*

MAJOR'S NOTE:

PLEASE ADHERE TO THE ABOVE OR YOU WILL RECEIVE CORRECTIVE ACTION

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SC Court of Appeals

NOTICE OF PLACEMENT IN PHD

Inmate Name: Martinez Jesus SCDC#: 17156 Custody: 112

Reason for Placement in PHD:  Current Escape Risk  Maintain the Integrity of an Investigation  
 Protective Concerns  Inmate is a threat to the physical safety of other inmates or staff  
 Inmate's presence in the population would create a threat to the safety, security, and/or order of the institution

S/ Conner White Date 8/11/17 Time: 5:10 AM/PM  
Warden, Associate Warden, Major, Captain,

I certify that I was given a copy of this notice within 72 hours of my placement in PHD. I also certify that this notice is clear and readable and that I will appear before the Institutional Classification Committee within seven (7) calendar days of my placement in PHD.

Inmate/Witness Signature: Jesus Martinez Date 8/11/17 Time: 4:31 AM/PM

Serving Officer/  
Witness Signature: Sgt. Tulacz Date 8/11/17 Time: 4:31 AM/PM

SCDC 19-67 (Rev., August 1999) White: Institutional Record  
Canary: Central Record  
Pink: Inmate

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SC Court of Appeals

Key Point

- ack of responsibility (Officers)
- Cpt. Evans / otc. Washington
- Life was in danger and nothing happen
- Room wasn't shatter down
- Can't read without glass
- Don't understand English ~~that~~ plenty (Read)
- No light in room to file report
- Write up should of never made it to appeal
- Case was mishandled
- Witness Don Drinson
- I was the victim not the assessor (look at box on front of this slip.)

APPEAL

193e3

I would like to have my  
Appeal over turn. to Prove my  
Innocent

Date 9/3-2017 Jesus Martinez  
Jesus Martinez



The following day between 11:00am - 11:00pm Mr. Gambrell threatening me. While drinking coffee at the sink I told him to respect me. He decided to keep threatening me. (Assault) So I dash him with hot coffee. After he grab a knife from under his bed and moved toward me. Clutching a knife. He made me moved to the back of the cell with the knife in his hand. Mr. Gambrell stated "he was going to kill me". Due to the noises coming from my cell my neighbors & Inmate #260445 Mr. Brinson checked up on me. I explain to him what had happen between me and my roommate #233879 Mr. Gambrell. (Check incident report)

then acted as an advocate in Mr. Martinez defense. (Check incident report) In Mr. Brinson attempt to appease the situation he was assaulted by Inmate #233879. Afterward Inmate #362256 Martinez gather his property was thrown out of his cell. While Inmate Martinez gather his property was then assaulted by the same Inmate (Mr. Gambrell) See Medical report (Right eye)

Jesus Martinez  
Jesus Martinez  
Date 9-13-2017

Jesse Martinez  
3736 Todd Quarter rd.  
Waterloo, SC 29384



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OCT 05 2017

SC Court of Appeals

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

