

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

*Decided December 13, 2017*

THE STATE,

Appellant-Respondent

v.

JESUS V. MARTINEZ

Appellant-Petitioner

Case No. 2016-000527

Opinion No. 2017-UP-462

**RECEIVED**  
MAR 16 2018  
SC Court of Appeals

-----  
Appeal from Anderson County  
R. Scott Sprouse, Circuit Court Judge  
-----

PETITION FOR WRIT OF CERTIORARI

-----  
Appellate defender: Pro Se, Jesus Martinez for Petitioner

Attorney General Alan Mccrory Wilson and Assistant Attorney General Jennifer Ellis Roberts, both of Columbia; and Solicitor Catherine T. Huey, of Anderson. David R. Wagner, of Anderson and John Benjamin Aplin, of Columbia.

Appellant respectfully petitions the Court for Writ of Certiorari on the panel decision of December 13, 2017, in this case. The Court's opinion overlooks and does not address crucial portions of appellant's arguments. Appellant asks for Writ of Certiorari on both issues on appeal.

#### Importance of The Question Presented (II)

The Proceeding involves one or more questions of exceptional importance, impeaching a witness through prior inconsistent statements, impeaching a witness by showing bias and personal interest, malicious prosecution, PCR, South Carolina Civil Rule 60(b)(2)(3)(6) Relief from a Judgement or Order, Rule 40(A)(3) Petition for Panel Rehearing and Rule 35(a)(b)(c) En Banc Determination.

First and foremost, malicious prosecution from the opposing party with grounds for relief from a final judgement, order and proceeding, Rule 60(b)(2)(3)(6); newly discovered evidence that, with reasonable diligence, could have been discovered in time to move for a new trial under Rule 59(b); fraud, misrepresentation and misconduct by an opposing party; any other reason that justifies relief. The respondent, Mr. Floyd Mills was dishonest and had a clear motive to get rid of or otherwise set up PET. Jesus Martinez. Petitioner, told Mr. Floyd Mills, he was going to sue his company for legal malpractice and negligence on 1-26-2015. Mr. Mills was biased and had a personal interest in the matter because he would be in danger of losing his firm and license. Mr. Floyd Mills the victim did not fulfill his legal duties, he did not pay all the medicals bills totaling \$1,144.00 from the Village Hospital from a prior case of my son Jesse Martinez VS. Sain Heavner Trucking Co. I talked to Mr. Floyd Mills the victim and his legal response, "Don't pay," a very unethical legal advice. His next response was to commit Medicaid fraud. PET. Jesus tried to reason and remind his lawyer, Mr. Floyd Mills that the distribution of medical bills was his legal duty, "but yall supposed to cover and especially that one, the first invoices where that happen the accident we bring the papers to yall." To which Mr. Mills got furious at PET. and denied the responsibility. PET. at that point I told him, "I think I don't need you no more" and released him as legal counsel for that particular case. Date, July 2014 - PET. has evidence in the recordings/transcripts. PET. has evidence proving Mr. Floyd Mills violated the terms of the contract, overcharging the written amount and giving

illegal instructions to commit Medicaid fraud. Petitioner, told Mr. Floyd Mills, he was going to sue his company for legal malpractice and negligence on 1-26-2015. Mr. Mills would be in danger of losing his firm, license and livelihood. Mr. Mills had no choice but to set-up PET. and get rid of him before he could file a lawsuit.

The intentional "dignitary" tort of malicious prosecution may be brought by someone against whom a criminal or civil action has proceeded without probable cause and with malicious intent. PET. Mr. Martinez had no probable cause and no malicious intent, he was falsely prosecuted by fear of suing Mr. Mills and reporting his illegal services to the Bar Association and having his practice license revoked. Mr. Mills and Mr. Martinez had worked it all out with a reduced fee and a new contract just 9 days prior to his arrest their was no motive for malicious intent, "we had met previously before this day and had agreed to work everything out. I agreed to reduce my fee. So everything could move forward" (Transcript Page 32). It was Mr. Mills who falsely testified and lied under oath, he made Mr. Martinez appear like a guilty criminal to the court, "Mr. Martinez came into the office and wanted to fire me – He wanted his money – he wanted his money now. He didn't want to wait for the litigation to be over. He wanted – he was in need of the money then and now – I told him that's not how it works. We've lost leverage if I do that" (Transcript page 29). Mr. Mills is Libel / Slander and a Fraud and Lying under oath. Pet. Mr. Martinez recorded many of his meetings with Attorney Mr. Mills including this particular one, Mr. Martinez never brought up any subject of his settlement money nor did he ever tell Mr. Mills that "he wanted his money." Mr. Martinez was solely there to clear up the due medical bill that the attorney failed to pay, which was his duty as per the legal binding contract.

Luckily Mr. Martinez recorded nearly all visits with Mr. Mills, everything Mr. Mills has said and testified to has been a lie and we have the tape recordings to prove it, furthermore, Mr. Fletcher Smith and the state and prosecutor Ms. Huey also have these evidences . Now we respectfully petition for Rule 60(b)(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b) and Rule 60(b)(3) fraud, misrepresentation, or misconduct by an opposing party and also Rule 60(b)(6) any other reason that justifies relief. In addition we would like to petition for Post-Conviction Relief also known as PCR, we more than qualify for this opportunity,

our direct appeals have just recently been concluded and PET. Jesus Martinez rights were violated in both the original trial and the appeal. Mr. Martinez received incompetence of the original defense attorney resulting in a prejudice against the defendant, and prosecutorial misconduct, withholding evidence that would have surely proven the defendant's innocence. Mr. Fletcher Smith the original attorney had possession of the tape recorders that would have proven Mr. Mills testimony's to be false and fraudulent, and openly admitted during trial to never once hearing them (tape recorder), he also had possession of vital documents both emails and insurance documentation that would have proved for a successful trial. Further incompetence being that the attorney Fletcher Smith could not even remember the clients name during trial, repeatedly calling him "Jose" (Transcript page 22). These tape recordings prove that Mr. Mills testimony's have been lies and should be impeached and he sentenced to prison.

Alongside Mr. Mills false testimony's were also very inconsistent statements about the alleged altercation, none of it makes sense, he often forgets his own story and shuffles the scene with different hand choices or different body locations at a table and its consistently a different order of events which take place first, I petition for an Impeachment of a Witness Through Prior Inconsistent Statements. Mr. Mills testimony is completely fictional, inconsistent and physically impossible.

Mr. Mills stated that both himself and Mr. Martinez had already taken a seat, "we sat down at the head of the table, him to my right" (transcripts page 33) But later claims Mr. Martinez "hit him as he was sitting down at the conference table" (Transcript Page 34). Later Mr. Mills stated he "was still seated" when Mr. Martinez "eventually took his left hand and just punched me in the back of the head" (Transcript Page 35). Let alone the two inconsistent scenarios, the laws of physics would still prohibit such actions. In one scenario Mr. Mills stated they had "sat down at the head of the table, him to my right" (Transcript page 33) when Mr. Martinez "took his left hand and just punched me in the back of the head." Now if Mr. Mills was at the head of the table and Mr. Martinez was sitting at his right how could Mr. Martinez take his left hand and punch the back of Mr. Mills head? Sitting on his right side, it would be physically impossible for Mr. Martinez to take his left fist and strike the back of Mr. Mills head. Mr. Mills can't keep his story straight, with multiple scenarios none of them are consistent, claiming he

was struck while being seated upon entering and then changing his story that they had both already sat down and discussed the paperwork when then being struck. On page 35 Mr. Mills also claims to have "just got punched in the back of the head with a gun" and then he "stood up" where he received 2 more blows "with the butt of the gun" one to the "back of the head and the back of my right shoulder." Miraculously that would make 3 very lethal blows to the back of Mr. Mills head, 1 strike with a fist and 2 strikes with the butt of a gun, plus the forth blow to Mr. Mills right shoulder. Being pistol whipped not once but twice and struck with a fist to the back of the head and yet miraculously Mr. Mills suffered no injuries or trauma, he didn't require a doctor or physician or any treatment at all, in fact even the on scene police officers noted no physical damage or bruising. While on page 34 Mr. Mills portrays a completely different scenario, claiming he was struck and stood up "right to right" shoulder and "pushed" Mr. Martinez "that way and stood up" not only is this inconsistent to the testimony he gave on page 35 but Mr. Mills standing at a whopping 6'-2" healthy and weighing over 200lbs allegedly "pushed" Mr. Martinez a 5'-4" disabled diabetic 51 year old man suffering from peripheral vascular disease, bilateral hip degenerative joint disease, neuropathy, and lumbar spine disorders (20 CFR 404.1520(c)) and yet somehow this small man still managed to reach the top of his head, false. (Jesus Martinez 250-73-5743 based on the application for a period of disability and disability insurance benefits protectively filed on September 25, 2014, claimant has been disabled under sections 216(i) and 223(d) of the Social Security Act beginning on April 1, 2013.) This is impossible, Mr. Martinez could never reach such an altitude, not to mention his medical conditions and body movement in-capabilities and even more so while being pushed away from a man nearly two times his body weight. This evidence further proves Mr. Floyd Mills is lying under oath and testifying fraudulent evidence, leaving an innocent man behind bars for a crime not possible. Mr. Floyd Mills has committed many offenses both criminal, state and federal. Mr. Mills should be prosecuted to the fullest extent of the law.

Lastly the two so claimed "witnesses" Lisa Hunt and Ashley Reese's testimony's cannot morally or ethically be allowed as evidence in the court of law due to their severe bias and personal interest. Ms. Ashley has worked fourteen years for Trammel and Mills Law Firm, She's worked for Trey Mills over ten years, and this so called "witness" was in her office throughout the entire visit of PET. Mr. Martinez.

In Fact BOTH witnesses Ashley Reese and Lisa were in their private offices throughout Mr. Martinez visit. Ms. Ashley Reese's testimony is not only extremely biased and of personal interest but it also has inconsistent statements that are very contrary to Mr. Mills statement. Ms. Reese claims to have seen "the tables pushed – a paper and pen on the conference room table. It just – it looked scattered" (Transcript page 70). This is very odd because there is only one table and nowhere in Mr. Mills statement does he state any movement of the table. Furthermore Mr. Mills vividly recalls "he grabbed everything off the table, all the paperwork – yes including the checks, including the index card grabbed everything" (Transcript page 36). Ms. Reese's testimony is inconsistent and should be impeached. Both "witnesses" are extremely biased and will say or believe anything they're over decade old employer tells them. These employees have bills, debt, a mortgage, a livelihood and children to support of course they're going to believe their employer and of course they will testify in court because doing so otherwise would put their careers in jeopardy.

## Conclusion

For the reasons stated above, Plaintiffs-Appellees respectfully requests that this Court grant a petition for rehearing.

Respectfully submitted,

## STATEMENT OF THE CASE

1. The Petitioner has submitted a valid request to the defendants seeking relevant and admissible information by way of production of documents which contain this information.
2. No valid reason exist legal or otherwise for defense to refuse to provide said documents and information.
3. It is standard reactions for defendants to object to providing documents which clearly shows that they are guilty of the claims and wrongs, violation, abuses and crimes put forth against them: The documents seeked establish a axomatic open and shut case which cannot be denied or disputed in anyway by the defendants.
4. If the defendants did not have anything to hide, they would not have any objections to these documents being revealed; especially if they could prove their innocence.
5. The documents in question are in the possession of the defendants; they are not confidential and these documents prove all claims and violations against the defendants.

It leave no doubt as to their guilt and not require any further review or time of this honorable Court except to issue order for final judgement or order mediation to perfect a fair good faith settlement of this case.

6. Before I leave this area, I need to make a point. The element test applies in the criminal court process as well. Thomas vs. Leeks 725 F.2d. 246 (1984), "State must prove all elements of a crime charged." This is a major requirement of both State and Federal law.

## STATEMENT OF THE CASE

The Petitioners complaint alleged that he was charged with two criminal charges: Assault and battery of a high and aggravated nature and pointing and presenting a firearm.

It further alleged that those charges were false and that in reality the petitioner had been assaulted and was pointed at with a gun.

7. Transcript page(s) (Tr.) 45 line 12, 13, and 14 the attorney Floyd Mills, the alleged victim at the trial testified that the Petitioner was standing to his right and had pushed him that way.
8. The attorney Floyd Mills the alleged victim at the trial testified, "I asked Roy Trammel, who's an associate there. To go get his concealed weapon and put it in his office. And I left the conference room door open." (Tr. Page 48 Lines 2, 3, 4).
9. At the trial in opening statement by Mr. Smith: "weeks before they had a gun and were prepared to shoot Mr. Vargas Petitioner" (Tr. Page 23, lines 24, 25 & page 48, lines 5, 6). A few weeks prior to the arrest, The Petitioner had fired the accuser Mr. Mills and told him he was going to sue and get his legal practice license revoked for legal malpractice, insurance fraud, Medicare fraud, negligence, and breach of contract.
10. The attorney Floyd Simpson "Trey" Mills III, the alleged victim repeatedly lied under oath at the trial to cover his own criminal acts. At the trial, the alleged victim testified that the Petitioner "came into the office and he wanted his money and wanted to fire me" (Tr. Page 29, lines 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25). Fortunately PET. Mr. Martinez recorded nearly every single visit with the attorney Mr. Mills including this one visit in particular and not once did Mr. Martinez mention or demand his money in anyway shape or form. On this particular day the recording shows Mr. Martinez asking the attorney about hospital fees that the attorney forgot to pay which was his duty as to their signed legal contract.

At the trial the Attorneys and State fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client; This evidence is included in both audio and translated in written format, see the truth in written format and audio file.

## STATEMENT OF THE CASE

11. At the trial the attorney Floyd Mills the alleged victim testified, "I signed the check, I did so though I'm very narcissistic about my signature." (Tr. Page 35, lines 9, 10) "Im just going to highlight your signature. Is that how you typically sign?" The alleged victim testified "NO" (Tr. Page 41, Lines 15, 16, 17). The attorney Floyd Mills the alleged victim keeps lying to cover his own criminal acts. There are emails to confirm all of this, listed in the table of contents. The alleged victim said "reminder that forgery is considered to be a felony especially given the amount of \$35,000.00 dated 01-26-2015."

12. At the trial the attorney Floyd Mills the alleged victim testified they had sent the disbursement checks directly to Petitioner Jesus (Tr. Page 42, Lines 21, 22).

The alleged victim testified "once he had fired, the insurance company, they don't really care."

The attorney Floyd Mills the alleged victim keeps lying to cover his own criminal acts. Direct General was subsequently notified in writing that all parties agreed to have a two-party check issued so that the attorney fee lien could be resolved without Direct Generals involvement.

## STATEMENT OF THE CASE

13. At the trial the attorney Floyd Mills the alleged victim testified that he wasn't mad at all. (Tr. Page 49, lines 12, 20). Attorney Floyd Mills the alleged victim keeps lying to cover his own criminal acts. At the trial the witnesses, Ashley Reese testified that "the tables were pushed, chairs were pushed away from the table and theirs a paper and pen on the conference room table" (Tr. Page 70, lines 6, 7, 8). However, attorney Floyd Mills testified at the trial that the Petitioner "grabbed everything off the table, all the paperwork including the checks and including the index card" (Tr. Page 36, lines 17, 18, 19, 20). Furthermore, the attorney Floyd Mills the alleged victim testified at the trial once the Petitioner left, the victim Mr. Mills followed right behind him (Tr. Page 36, Lines 23, 24) and yet he portrays a completely different scenario on the following pages. At the trial the witnesses Ashley Reese testified the Petitioner "left the building and next thing Trey" Floyd mills the victim "came out of the conference room" (Tr. Page 68, lines 18, 19, 20, 21). Mr. Mills says in one statement he left to follow right behind the Petitioner but both witness Ashley Reese and Lisa Hunt say he was inside shouting at them. At the trial the witness Ashley Reese testified, "And I yelled at one of the other paralegals in our office to lock the door" (Tr. Page 69, lines 13, 14, 15).
- At the trial the witness Lisa Hunt testified Ashley Reese was screaming for Lisa to lock the doors because Jesus the Petitioner had a gun, and we had clients in the front office. And she just said, "Lock the doors and get the clients to the back of the office. Jesus just pulled a gun to "Trey's" (Floyd Mills) head" (Tr. Page 73, lines 3-7). The witnesses keep lying?

14. The attorney Floyd Mills the alleged victim testified at the trial that he told the Petitioner, "I told him I'd take twenty-five percent instead of a third. I told him I'd pay any lien he was concerned about, and I had it all in writing for him to sign." (Tr. Page 49, lines 14-17). The attorney Floyd Mills the alleged victim keeps lying to the court and making false statements, victim failed to disclose a material fact to tribunal. Mr. Martinez has recording showing Mr. Mills never intended to follow through with those lies that he said in court, in fact Mr. Mills in one of the recordings vividly told Mr. Martinez that he signed the contract and there was nothing left to be done. That Mr. Martinez should have read the contract.

15. At the trial 02-23-2016 – 02-24-2016 and Anderson Police Department incident report 02-12-2015 and motion for a restraining order 03-25-2015. The attorney Floyd Mills the alleged victim keeps lying at the trial and stating false testimony's of the Petitioner Jesus; "And what did he do with the gun at the time?" Victim, Mr. Mills testified, "At first, he put it under his arm, (2) and he had it tucked under his left armpit, (3) sign the checks, (4) he took his left hand and just punched me in the back of the head, (5) I tried to stand up and push my arm out to the right just as a reaction (Tr. Page 34, line 4, 5, 6, 11, 17, 19, 20, 23, 24). Next on page 35 the victim testified differently. "Reaction because I'd just got punched in the back of the head with a gun being held to me" (Tr. Pages 35, lines 1, 2).

Anderson Police Department Incident Report 02-12-2015. The Attorney Floyd Mills the alleged victim keeps lying, the alleged victim testified the petitioner then passed him a note that said, "Sign the check or I will kill you" the victim said he still refused, at which time the Petitioner Martinez hit him in the head with a closed fist.

On the motion for a restraining order 3-25-2015 Court. The attorney Floyd Mills the alleged victim keeps lying the alleged victim testified the Petitioner came to the victims office demanding the victim to sign the checks. When the victim refused the Petitioner struck the victim with his fist, struck the victim with the butt of a gun and put the gun to the victims head, stating he would kill victim and everybody in the office.

16. However, The attorney Floyd Mills the alleged victim keeps lying, an Anderson Police Department Incident Report 02-12-2015 shows that the alleged victim testified differently on the scene Mr. Mills testified he had pushed the Petitioner Mr. Martinez back at which time Petitioner Mr. Martinez pulled a black hand gun from his waistband and hit him in the head with the butt of it. Mills the victim stated that Mr. Martinez Petitioner then put the gun to his head and told him to sign the check, at which time he did. Mr. Mills the victim said Mr. Martinez then left in a green Dodge Ram north on E. Greenville St. Officer Vaughn testified, "I did not observe any visible injuries on Mr. Mills." Mr. Mills was issued a victim's form and provided a written statement. Officer Vaughn testified to have located the checks that Mr. Mills the victim had signed. Officer Vaughn however did not find any weapon nor firearm and no threatening note was not located in the vehicle.

17. At the trial Mr. Mills keeps lying, 02-23-2016 – 02-24-2016 the attorney Floyd Mills the victim testified, “I stood up and when I did he (Pet.) tried to hit me with the butt of the gun. I’m six-two; he’s not. He hit me in the back of the head and the back of my right shoulder. When he did that, he also put the gun to my temple and said, “Sign the fucking check or I’ll kill you and everybody in the office.” (Tr. Page 35, lines 3-8). Next Mr. Mills testified, “After I began to react I stood up and pushed him away with my right hand, he (PET.) came down with his right hand and the gun in his right hand to the back of my head and to the right shoulder (Tr. Page 35, lines 19-22). On the Anderson Police Department Incident Report 02-12-2015 The attorney Mr. Mills keeps lying, the victim Floyd Mills testified the Petitioner Mr. Martinez then put the gun to his head and told him to sign the check.

The attorney keeps lying the victim Floyd Mills testified on the motion restraining order on the court 3-25-2015 at 2:00 pm. The petitioner struck the victim with the butt of a gun and put the gun to victims head stating he would kill the victim and everybody in the office. However that false statement does no match the statement Mr. Mills gave to the officer on scene.

The attorney keeps lying the alleged victim Floyd Mills the Petitioner is a 51 year old 5’4” tall man and disabled from April of 2013. Mr. Mills is 6’2” tall and 36 years old, weighing over 180 pounds. The Petitioner Mr. Martinez could never reach the back of the head and the back of the right shoulder with his right hand and the gun in the right hand as well. Please view the pictures for further visualization.

## REASONS FOR GRANTING THE WRIT

### A. CONFLICTS WITH DECISION OF OTHER COURTS

The crimes committed by these state employees are many including but not limited to (1) obstruction of justice, (2) professional misconduct, (3) official misconduct, (4) abuse of authority (5) abuse of office, (6) lying on official documents, (7) making false official reports, (8) bribery, (9) racial discrimination, (10) class discrimination, (11) violation of my civil rights, (12) violation of my Constitutional Rights, (13) acting under color of their office, position and authority to commit all listed crimes hereto. (14) Criminal conspiracy to commit all listed crimes. (15) Civil conspiracy and others, (16) an attorney must disclose all material facts, "Whether or not the facts are adverse. (17) Rule 3.3 Candor toward the tribunal; all lawyers shall not knowingly: 1. Make a false statement to a tribunal, fail to disclose a material fact to a tribunal, (18) The Court of appeals should disbar a lawyer for a breach of the rules, the same breach should be prima facie evidence, these rules have the dignity and status of any rule adopted by the Supreme Court.

2. 520 - POINTING AND PRESENTING A FIREARM										<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	05			<input type="checkbox"/> Relig. Orgn. <input checked="" type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.																
3.										<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO																				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)										ZIP CODE		WEAPON TYPE																			
1650 E. GREENVILLE ST, ANDERSON SC										29621		12 12																			
INCIDENT DATE		24 HR. CLOCK		TO		DATE		24 HR. CLOCK		DISPATCH DATE/TIME 24 HR. CLOCK				LOCATION NO.																	
02/12/2015		1345				02/12/2015		1355		DISP. DATE		DISP. TIME		TIME ARRIVED		DEPART. TIME															
										02/12/2015		1356		1405		1630															
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)										RELATIONSHIP TO SUBJECT		RESIDENT		RACE		SEX		AGE		ETH		DAYTIME PHONE		EVENING PHONE							
MILLS, FLOYD SIMPSON III										AQ		J		S		O		U		W		M		36		N		934-9091			
ADDRESS										CITY		STATE		ZIP CODE		LOCATION NO.															
161 PINNACLE POINTE DR										SENECA		SC		29672		2															
VICTIM'S NAME (LAST, FIRST, MIDDLE)										RELATIONSHIP TO SUBJECT		RESIDENT		RACE		SEX		AGE		ETH		DAYTIME PHONE		EVENING PHONE							
MILLS, FLOYD SIMPSON III										AQ		J		S		O		U		W		M		36		N		934-9091			
HEIGHT										WEIGHT		HAIR		EYES		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.															
6-2										180		BRO		BLU																	
ADDRESS										CITY		STATE		ZIP CODE		LOCATION NO.															
161 PINNACLE POINTE DR										SENECA		SC		29672		2															
VISIBLE INJURY (VICT. 1) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO EXPLAIN - Apparent Minor Injur																															
#1 VICTIM (NO. 1) USING: ALCOHOL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK. DRUGS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK.																															
<input type="checkbox"/> TWO-MAN VEH. <input type="checkbox"/> ONE-MAN VEH. <input type="checkbox"/> DETECTIVE/SPLASMT. <input type="checkbox"/> OTHER <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED										J - This Jurisdiction S - State O - Out of State U - Unknown																					
<input checked="" type="checkbox"/> SUSPECT										SUBJECT NAME (LAST, FIRST, MIDDLE)																					
<input type="checkbox"/> RUNAWAY										MARTINEZ, JESUS																					
<input type="checkbox"/> WANTED										RACE SEX AGE ETH DATE OF BIRTH HEIGHT WEIGHT HAIR EYES																					
<input type="checkbox"/> WARRANT										W M 48 H 5-4 140 BRO BRO																					
<input checked="" type="checkbox"/> ARREST										FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.																					
<input checked="" type="checkbox"/> JAIL										ADDRESS																					
<input type="checkbox"/> SUMMONS										508 HOWARD MCGEE RD																					
										CITY		STATE		ZIP CODE		LOCATION NO.															
										ANDERSON		SC		29621																	
#1 <input type="checkbox"/> SUMMONS										SUBJECT (NO. 1) USING: ALCOHOL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK.		ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST															
										DRUGS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK. TYPE:		TOTAL # ARRESTED 1		02/12/2015 1345		02/12/2015 1428															

**Offenses:**  
**ASSAULT AND BATTERY HIGH AND AGGRAVATED NATURE**  
**POINTING AND PRESENTING A FIREARM**

**NARRATIVE**  
 I, Officer Vaughn, responded to the incident location, the Trammell and Mills Law Firm, in reference to an assault. Dispatch advised that the complainant, Floyd Mills, was assaulted by a client, Jesus Martinez, who held a gun to his head and forced him to sign a check. Dispatch said the suspect left in a green Dodge Ram displaying SC tag number KGI623. I, along with several other units, checked the area for the vehicle prior to arrival, with negative results. Upon arrival, I made contact with Mills. Mills advised me that Martinez came to his office to discuss a settlement check from an insurance company. Mills stated the check was made out to Martinez and the law firm, therefor, it had to be endorsed by both parties in order to be cashed. Mills advised that Martinez came to the office in order to have Mills sign the check, but Mills advised he would not because he knew Martinez would not pay the attorney fees. Mills said the check was suppose to be deposited into a trust account and dispersed accordingly. Mills advised Martinez then passed him a note that said "sign the check or I will kill you". Mills said he still refused, at which time Martinez hit him in the head with a closed fist. Mills said he pushed Martinez back, at which time Martinez pulled a black hand gun from his waistband and hit him in the head with the butt of it. Mills stated Martinez then put the gun to his head and told him to sign the check, at which time he did. Mills said Martinez then left in a green Dodge Ram north on E. Greenville St. I did not observe any visible injuries on Mills. Mills was issued a victim's form and provided a written statement.

While on scene, Anderson County Sheriff's Office had a deputy respond to Martinez' address on Howard McGee Rd. Deputy Purdy responded and was on scene when Martinez returned home in the Dodge Ram. Deputy Purdy detained Martinez until I was able to respond. Deputy Purdy confirmed that the SC

				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY?				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
P TYPE (GROUP)		22-Nonnegotiable								TOTAL VALUE	
R Burned											
O Count/Forged											
P Dest./Damaged											
E Recovered											
R Seized											
T Stolen											
Y Unknown											
A SUBJECT IDENTIFIED		SUBJECT LOCATED		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED		<input type="checkbox"/> ARRESTED UNDER 18		<input type="checkbox"/> EX-CLEAR UNDER 18			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR 18 AND OVER			
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY											
REPORTING OFFICER(S)			DATE		UNIT NUMBER		APPROVING OFFICER			DATE	
CHRISTOPHER BLAKE VAUGHN			02/12/2015		D11		FOLLOW-UP INVESTIGATION OFFICER				
							<input type="checkbox"/> YES <input type="checkbox"/> NO SGT CARLA GAIL ROBERSON			02/13/2015	

(4)

Only the Court can change this order.

**For Additional Information Call:**

260-4060  
Sheriff Phone Number

260-4156  
Clerk of Court Phone Number

After the filing of a complaint and motion for a Restraining Order on February 12, 2015 the Court held a hearing on March 25, 2015 at 2:00 PM. After hearing the evidence, and examining the affidavits and verified pleadings, the Court has determined that the plaintiff  has/  has not proved by a preponderance of evidence the need for issuance of a Restraining Order.

**The Court makes the following findings of fact: (Check all that apply)**

- 1. The Plaintiff lives in Anderson County, SC (State).
- 2. The Defendant lives at 508 Howard Mcgee Rd (Street Address) which is in Anderson County, SC (State).
- 3. The Defendant is employed at (unknown) which is located at \_\_\_\_\_
- 4. The Defendant :
  - is a current or former spouse of the victim
  - is a current or former intimate partner of the minor child's parent (minor child is protected person)
  - is a parent of the victim
  - cohabits or previously cohabited with the victim
  - has a child/children in common with the victim
  - is a person similarly situated to a spouse of the victim.
  - other: Attorney's ex-client
- 5. The Defendant is a nonresident of this state or cannot be found.
- 6. The Harassment or Stalking, as described herein, occurred in Anderson (County), South Carolina.
- 7. The Defendant has committed the following acts which constitute Harassment in the 1<sup>st</sup> or 2<sup>nd</sup> degree or Stalking. Defendant sent to plaintiff several threatening emails demanding the plaintiff to sign an insurance check without deducting fees and costs. Defendant then came to plaintiff's office demanding the plaintiff to sign the check. When plaintiff refused, defendant struck plaintiff with his fist, struck plaintiff with the butt of a gun, and put the gun to plaintiff's head stating he would kill plaintiff and everybody in the office.

**IT IS THEREFORE ORDERED THAT (Check all that apply):**

- A. The Defendant is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the Plaintiff or members of Plaintiff's family.
- B. The Defendant is restrained, prohibited and forbidden from entering or attempting to enter the Plaintiff's place of residence, employment, education, or the following locations:

5 5

CRIMINAL EVIDENCE

Mr. Floyd's Testimony-

10. A: July and October, Mr. Martinez came into the office and

11. A: Wanted to fire me.

This is Libel / Slander and Fraud and Lying under oath, PET. Mr. Martinez sought legal advice and received illegal fraudulent advice feeling disgusted he had no choice but to release him as counsel.

*Tr. Page 29*

From Mr. Floyd: MALPRACTICE ACTION

12. Q: So he wasn't happy with your representation?

13. A: He wanted his money.

14. Q: What do you mean by that?

15. A: He wanted his money now. He didn't want to wait for

16. the litigation to be over. He wanted – he was in need

17. of money then and now. I told him that's not how it

18. works. We've lost leverage if I do that. I can

19. certainly settle it but it's even then going to take

77. FLOYD- OK WE AINT GOT NO LIEN FROM \*\* WHICH WAS MEDICAID  
AND YOU WERE WITH MEDICAID WHERE THEY CAME FROM  
APPEARENTLY UH VILLAGE OF TOWN DIDN'T FILE ON MEDICAID UM AND  
WE DIDN'T PAY THEM THEY SHOULDN'T FILE ON MEDICAID REMEMBER  
WE SETTLED WITH APS AND THEY STARTED CHARGING US ELEVEN-  
HUNDRED DOLLARS THAT'S WHY I DIDN'T WANA FILE WITH MEDICAID  
CAUSE THEY'RE NOT GETTING THEY CHARGE ELEVEN-FOURTY-FOUR  
THEY ONLY GET FOUR-FOURTY-SIX SO YEAH THEY'RE SUPPOSE TO FILE  
ON MEDICAID AND THEY HAVE THE OPPORTUNITY TO \*\* MEDICAID
78. JESUS- ONLY I SAY WHAT THEY SAY
79. FLOYD- I UNDERSTAND THAT
80. JESUS- AND TRANSFER THE NEWS TO THE BIG MAN THE BIG MAN IS  
YOU NOW YOU TELL ME MY ATTORNEY WHAT WE GONE DO
81. FLOYD- DON'T PAY
82. JESUS- AND THAT GONE BE THAT'S GONA BE ON THE LIKE WHEN I  
WANT TO GET CREDIT FOR SOMETHING
83. FLOYD- MHM
84. JESUS- ITS GONE COME IN MY RECORD AND BEFORE I GET THE LOAN  
OR ANY LOAN THEY GONE SAY PAY THIS AND THEN WE GIVE YOU
85. FLOYD- OFFER TO PAY THEM FIVE-HUNDRED DOLLARS
86. JESUS- BUT WHAT YOU TRYING TO TELL ME THAT MEANS WHAT DON'T  
PAY OR PAY
87. FLOYD- RIGHT WELL WERE SUPPOSE TO UM FILL THAT OUT BUT THESE  
ARE ALL THE MEDICAL BILLS THAT ARE WAITING TO BE PAID
88. JESUS- BUT YALL SUPPOSE TO COVER AND ESPECIALLY THAT ONE THE  
FIRST
89. FLOYD- YEAH BULLS EYE
90. JESUS- THE FIRST INVOICES WERE THE HAPPEN THE ACCIDENT  
WHERE WE BRING THE PAPERS TO YALL
91. FLOYD- WELL YEAH WE WE SENT THEM OFF

6-5

92. JESUS- WE SUPPOSE TO PAY THAT ONES IN THE IN THE FRONT FOR  
THAT BECAUSE
93. FLOYD- I KNOW WHAT YOU TALKING ABOUT \*\*\*
94. JESUS- \*\*\* AND THEY SAY NOPE YOU ATTORNEY THEY DON'T GOT  
NOTHING TO DO AND I THINK THEY ALREADY CALL BECAUSE I THINK  
DON'T GET ME WRONG BUT I THINK SHE SAY WE ALREADY CALL AND  
THEY SAY THEY NOT GOING TO PAY
95. FLOYD- TELL THEM I CAN HELP YOU
96. JESUS- I THINK
97. FLOYD- TELL THEM TO GIVE THEM MY CARD TELL THEM TO CALL ME  
IF I \*\*\*
98. JESUS- AND THEN
99. FLOYD- ILL SEE IF I CAN WORK OUT A DEAL ILL SWITCH \*\*\* WITH  
YOU BUT
100. JESUS- WITH ME
101. FLOYD- \*\*\* READ THAT FOR ME I DON'T WANNA GO TO \*\*\* YOU  
CANT FOOL ME
102. JESUS- I DON'T
103. FLOYD- READ IT FOR ME THOUGH
104. JESUS- AHH
105. FLOYD- READ IT
106. JESUS- I THINK
107. FLOYD- YOU WANT ME TO READ IT TO YOU IT SAYS I  
UNDERSTAND AND ACKNOWLEDGE THAT I AM RESPONSIBLE FOR ANY  
AND ALL OUTSTANDING MEDICAL BILLS AND THAT I HAVE RECOGNIZED  
MY ATTORNEY TO PAY ON MY BEHALF ONLY THE MEDICAL BILLS SET  
FORTH ABOVE WHICH WAS THE MEDICAID MONEY
108. JESUS- MMM AND THAT'S THE TOTAL BILLS YOU PAY THE  
ONES THAT'S ABOVE HERE BUT REALLY BUT REALLY YOU DON'T PAY  
ALL THE BILLS CAUSE ITS ALREADY BILLS COMING TO MY HOUSE
109. FLOYD- WHICH BILLS DIDN'T I PAY

110. JESUS- THE BILLS FROM THE ACCIDENT AND WE HIRE YOU TO TO COVER US ON THE ACCIDENT AND YALL DON'T COVER EVERYTHING ON THE ACCIDENT AND THE OTHER BILLS COME HOW MANY MORE BILLS WE GONA HAVE AFTER THESE TWO

111. FLOYD- YOU SHOULDN'T HAVE ANY MORE AFTER

112. JESUS- WELL ITS COMING TO TWO I DON'T KNOW HOW MANY MORE YOU KNOW WHAT I MEAN

113. FLOYD- I KNOW \*?\*

114. JESUS- AND YOU SAY DON'T PAY OR SECOND YOU SAY PAY TO THE HALF AND NOW YOU TELL ME LEAVE AND YOU REALLY DON'T MEAN YOU THOUGHT EVERYTHING IS ABOUT HOPE AND I HIRE YOU FOR THE CASE I DON'T CURSE ARGUE FOR SERVE HEADACHE TO ME NOTHING LIKE THAT

115. FLOYD- AHUH

116. JESUS- YOU GOT ME

117. FLOYD- BRING ME THE BILLS BRING ME THE COPIES OF THEM OR FAX THEM

118. JESUS- AND AND AFTER I GIVE YOU THE BILLS HOW LONG YOU THINK YOU GONA FIX THAT THING FOR I CAN CALL THEM

119. FLOYD- UHH THIRTY DAYS

120. JESUS- I GIVE YOU THIRTY DAYS AND IF OTHER BILLS COMING THROUGH IN MY MAIL WHAT I DO

121. FLOYD- BRING THEM TO ME

122. JESUS- BRING THEM TO YOU

123. FLOYD- MHM

124. JESUS- ALRIGHT AND THIS IS YOUR NUMBER THEY WHERE THEY CAN REACH YOU RIGHT HERE THE

125. FLOYD- AND MY EMAIL ADDRESS

126. JESUS- AND YOU EMAIL ADDRESS

127. FLOYD- AND MY FAX NUMBER

128. JESUS- OK THAT'S GOOD GIVE ME THIS

129. FLOYD- ILL MAKE YOU COPY
130. JESUS- ALRIGHT ALRIGHT THE OTHER THING I COME HERE TO  
THE OTHER CASE ABOUT THE OTHER ACCIDENT I THINK I DON'T NEED  
YOU NO MORE
131. FLOYD- OK
132. JESUS- AND I DO WANT THE PAPERS TO PICK IT UP
133. FLOYD- ILL CALL THEM UGH AND ILL GIVE YOU ILL GIVE YOU  
THE BILL
134. JESUS- SEND ME THE BILL AND I DON'T HAVE TO PAY YOU  
NOTHING BECAUSE
135. FLOYD- YEAH YOU DO
136. JESUS- WELL JUST SEND THE BILL THANK YOU SO MUCH AND  
WE SEE WHAT WE CAN DO WITH THAT THINGS
137. FLOYD- OK
138. JESUS- ALRIGHT BUT I WILL NEED THE FILES FOR TRADE WITH  
SOMEBODY ELTS
139. FLOYD- OH IM SURE \*\*
140. JESUS- OH WHEN I PAY YOU
141. FLOYD- AHUH
142. JESUS- THAT MEANS I DON'T GET THE FILE IF I DONT PAY YOU
143. FLOYD- RIGHT I WILL NOT GIVE YOU COPIES OF THE FILE \*\*
144. JESUS- DON'T YOU SAY YOU READ THE CONTRACT DO YOU  
GIVE ME CONTRACT
145. FLOYD- YEAH YOU SIGNED A CONTRACT
146. JESUS- I SIGNED A CONTRACT DO YOU GIVE ME CONTRACT
147. FLOYD- I ALREADY DID I WILL NOT GIVE YOU YOUR FILES I AM NOT  
GOING TO PLAY YOUR GAMES YOU PLAYED THIS WITH ERNIE I AM NOT  
GOING TO PUT UP WITH YOU'RE YOUR LITTLE GAME
148. JESUS- NO YOU DON'T GIVE ME ANSWER
149. FLOYD- GIVE ME THIRTY DAYS COME BY AND PICK UP YOUR  
FILES ONCE YOU PAY THE BILL AND ILL SEND YOU YOUR BILL AFTER \*\*

- 150. JESUS- OK
- 151. FLOYD- YOU KNOW THE WAY OUT
- 152. JESUS- OF COURSE I DO HAVE A NICE DAY
- 153. FLOYD- YES SIR

Mr. Floyd Simpson "Trey" Mills III – Redirect Examination

By Ms. Huey

Page 50-51

25.Q: Mr. Mills, Mr. Smith addressed some emails that Mr.

1. Martinez sent to you. What were the nature of those

2. emails?

Mr. Floyd Mills Response

3.A: They were very aggressive. Pretty much he was very,

4. threatening. Saying I'd better sign the checks. That

5. he'll bring them, and I'll sign them when he brings them.

Mr. Floyd Mills is **lying** under oath again, please see the evidence on all 46 email between Mr. Floyd Mills and Jesus Martinez. Mr. Martinez never, not once forcibly threatened Mr. Mills to sign the checks. Pages 28-53. NOT CONSISTENT WITH EACH OTHER.

7-1

SET PET. UP THROUGH EMAILS

Mr. Floyd Mills said this to PET. 9 TIMES ON EMAILS

"To come to the office and meet face to face to discuss the case" on 1-26-2015 and 1-27-2015

PET. Jesus Martinez replied six times to Mr. Floyd Mills on 1-26-2015

"Go home tomorrow you can argue right now go home" From 10 a.m. to 7 p.m.

Mr. Floyd Mills EVIDENCE HAS NO CONSISTENCY WITH EACH OTHER.

~~Please read the emails, pages 28-51.~~

PET. Jesus Martinez sent the first email to Mr. Floyd Mills only in regards to the liens for the case 13-01774700 on 10-20-2013. Look on page 28 for the first email.

Mr. Mills immediately lost control and went crazy with the emails, sending 20 emails within 2 days, on 1-26-2015 and 1-27-2015 and 1 more email on 2-3-2015, 9 days before putting Mr. Martinez in jail Mr. Mills had threatened PET. Jesus Martinez.

~~Please refer to the email on page 35-#15.~~

7-1

7-1

~~7-1~~  
✓

Jesus VS Floyd S. Mills 111 iMAILS

-Henry David Thoreau

From: Jesus Martinez [mailto:victor10151966@gmail.com]  
Sent: Monday, January 26, 2015 3:53 PM

Jesus Martinez <victor10151966@gmail.com>  
Jan 26

Jesus 7

#14

to Trey  
Already tell I told you when I get the check I give you one email we can fix this issue are you don't understand you are worse than a woman stop ok

Trey Mills <trey@trammellandmills.com>  
AttachmentsJan 26

Floyd 7

#15

to me  
We can not fix the check issue with an email.

We can file a law suit to stop payment until we can work out but we are not letting you try and not pay us like you did Ernie on the WC claim because you think you can outsmart the system. Laws are in place for a reason.

If you are thinking about forging our names on the check we will prosecute for criminal offense. Please be reminded that forgery is considered to be a felony, especially given the amount of \$35,000.00.

I hate you have to resort to name calling and sexiest comments. We are willing to work this out in a reasonable manner but not by you trying to take our hard earned fees.

Thanks,

trey signature


Floyd S. "Trey" Mills III

1650 East Greenville Street  
Anderson, South Carolina 29621  
Phone: 864-231-7171  
Fax: 864-231-7488  
Website: www.trammellandmills.com  
Blog: www.scinjurylawjournal.com

~~7-1~~

7-1

~~7-1~~

7-2 

Jesus VS Floyd S. Mills 111 iMAILS

Fax: 864-231-7488  
Website: www.trammellandmills.com  
Blog: www.scinjurylawjournal.com

"The price of anything is the amount of life you exchange for it."

-Henry David Thoreau

From: Jesus Martinez [mailto:victor10151966@gmail.com]  
Sent: Monday, January 26, 2015 6:14 PM

Jesus Martinez <victor10151966@gmail.com>  
Jan 27

#30

Jesus 14

to Trey  
you again already bother people  
Go back to the school I recommend you  
Malpractice Attorney Lawyers must meet the standards of conduct profesional Algunos  
examples of breach of duty of care include the violation of fiduciary duty, breach

Jesus Martinez <victor10151966@gmail.com>  
Jan 27

Jesus 15

to Trey  
Legal malpractice can happen when a lawyer fails to render legal services with the  
care, prudence, and diligence that an ordinary lawyer would use under similar  
circumstance. Lawyers are subject to strict standards of conduct, including a  
fiduciary duty, rules of confidentiality and other ethical regulations. When a  
lawyer's breach harms a client, the lawyer may be liable for the resulting damages.  
A client would have to show that the attorney's actions were not simply ill-advised  
strategy but that the strategy or mistake was something that no reasonable attorney  
would have pursued or made in a similar case. For example, a lawyer who misses the  
statute of limitations to file a particular claim could be deemed negligent because  
a reasonable attorney would likely be aware of the time frame in which the claim  
could be filed.

Trey Mills <trey@trammellandmills.com>  
Attachments Jan 27

#32

Floyd  
15

to me  
I understand and did not commit legal malpractice.  
Feel free to seek additional counsel if you must but what exactly is it that you

~~Page 15~~

~~scribble~~ 7-2 - 7-15

~~7-8~~ 7-3 ~~50~~

Jesus VS Floyd S. Mills 111 iMAILS

Preview attachment 0127151618.jpg

Image  
0127151618.jpg

Trey Mills <trey@trammellandmills.com>  
AttachmentsJan 27

Floyd 20

#43

to me

I think you should exercise and eat right. That will probably benefit your blood sugar levels more, however, I am not a doctor so please do not take that as medical advice.

Sincerely,

trey signature

Floyd S. "Trey" Mills III

1650 East Greenville Street  
Anderson, South Carolina 29621  
Phone: 864-231-7171  
Fax: 864-231-7488  
Website: www.trammellandmills.com  
Blog: www.scinjurylawjournal.com

"The price of anything is the amount of life you exchange for it."

-Henry David Thoreau

From: Jesus Martinez [mailto:victor10151966@gmail.com]  
Sent: Tuesday, January 27, 2015 4:31 PM

Jesus Martinez <victor10151966@gmail.com>  
Jan 27

#44

to Trey  
You crazy man

Jesus 26

Jesus Martinez <victor10151966@gmail.com>  
AttachmentsFeb 3

#45

to Trey  
Thank you sir today that was a good meeting will you and you was very professional and thank you 4 you for you don't make me mad that helps a lot too much sugar in my

Jesus 27

~~7-8~~ 7-3 ~~7-7~~

~~2-4~~ 2-4

51

✓ F

Jesus VS Floyd S. Mills 111 iMAILS  
pressure and I think you looks better and silence thank you

Attachments area

Gmail virus scanners are temporarily unavailable - the attached files haven't been scanned for viruses. Please download these files at your own risk. Learn more

Preview attachment 10173493\_657501787666412\_339839682\_n.png

Image

10173493\_657501787666412\_339839682\_n.png

Trey Mills <trey@trammellandmills.com>  
AttachmentsFeb 3

#46  
to me  
Thank you. Glad we were able to work it out.

Floyd  
21

Sincerely,

trey signature

Floyd S. "Trey" Mills III

1650 East Greenville Street  
Anderson, South Carolina 29621  
Phone: 864-231-7171  
Fax: 864-231-7488  
Website: www.trammellandmills.com  
Blog: www.scinjurylawjournal.com

"The price of anything is the amount of life you exchange for it."

-Henry David Thoreau

From: Jesus Martinez [mailto:victor10151966@gmail.com]  
Sent: Tuesday, February 03, 2015 12:40 PM

Click here to Reply or Forward  
0.71 GB (4%) of 15 GB used  
Manage  
Terms - Privacy  
Last account activity: 30 minutes ago  
Details

~~Page 23~~

7-4

~~[Redacted]~~

~~[Redacted]~~

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS

JESUS MARTINEZ,

PLAINTIFF,

vs.

DISBURSEMENT OF PROCEEDS

THADDEUS JENKINS,

(130151-2)

DEFENDANT.

Attorney Fees-(40%)-----

\$14,000.00

IS NOT 25%

Costs Advanced:

SC Dept. of Motor Vehicles-----	\$ 6.00
Healthport-----	\$ 90.57
RecordQuest-----	\$ 23.48
Clerk of Court Filing Fee-----	\$ 150.00
Anderson County Sheriff-----	\$ 25.00
AnMed Health Family Medicine-----	\$ 70.50
Insurance Acct Management Service-----	\$ 21.87
W.G. Turner Process Server-----	\$ 55.00
Anderson Independent-----	\$ 733.00
Long distance, postage, mileage, conference room, & miscellaneous expenses-----	\$ 25.00
<b>TOTAL COSTS ADVANCED-----</b>	<b>\$ 1,200.42</b>

Mr. Floyd Mills  
he said  
To: PET  
On 2-12-15  
is FRAUD

Medical Liens Outstanding:

GreenLink Solutions, LLC-----	\$6,646.55
Xerox Recovery Services-----	\$
<b>TOTAL MEDICAL LIENS OUTSTANDING-----</b>	<b>\$</b>

victim Lying to trial  
Tr. Page 49 Lines 14  
I told him I'd take twenty five percent

8-1

6

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS

JESUS MARTINEZ,

PLAINTIFF,

vs.

DISBURSEMENT OF PROCEEDS

(130151-2)

THADDEOUS JENKINS,

DEFENDANT.

SETTLEMENT:-----\$35,000.00

LESS:

*IS NOT 25%*

Attorney Fees-----\$11,666.67

Costs Advanced:

SC Department of Motor Vehicles-----	\$	6.00
AnMed Health-----	\$	90.57
AnMed Neurology Consultants-----	\$	23.48
Belton EMS-----	\$	21.87
Anderson County Clerk of Court-----	\$	150.00
AnMed Health Family Medicine Center-----	\$	70.50
Long distance, postage, mileage, conference room & miscellaneous expenses-----	\$	75.00
<b>TOTAL COSTS ADVANCED-----</b>	<b>\$</b>	<b>415.55</b>

*Mr. Floyd  
Mills  
he said  
Sing to: Pet.  
on 2-12-15  
is FRAUD*

TOTAL COSTS ADVANCED AND ATTORNEY FEES-----\$12,082.22

*Difrent case This is Fraud FROM Ms. Floyd Mills*

XEROX RECOVERY SERVICES-(Jesse Martinez)-----\$ 697.52

PAID SEPARATELY BY CLIENT DIRECTLY to PROVIDER

GreenLink Solutions, Inc.-----\$ 7,000.00

GROSS PROCEEDS TO CLIENT-----\$15,220.26

I have read this Disbursement of Proceeds, understand the expenses and bills outstanding, agree and authorize disbursement as indicated above, approve the disbursement and acknowledge receipt of a check in the net amount paid to client. **I UNDERSTAND AND ACKNOWLEDGE THAT I AM RESPONSIBLE FOR ANY AND ALL OUTSTANDING MEDICAL BILLS, AND THAT I HAVE DIRECTED MY ATTORNEYS TO PAY ON MY BEHALF ONLY THOSE MEDICAL BILLS SET FORTH ABOVE.**

*LOOK*

This fee is also inclusive of the Village Hospital medical lien outstanding for son, Jesse Martinez from a prior case. That fee is being resolve by attorney for no additional charge or costs to me.

JESUS MARTINEZ

Disbursement figured and concluded by:

8-1

*LOOK*

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS

JESUS MARTINEZ, as Parent  
& Guardian of Jessie Martinez,

DISBURSEMENT OF PROCEEDS

PLAINTIFF,

(130182-1)

vs.

SAIN & HEAVNER TRUCKING CO.

*Tr. PRSE 41  
Lines 3,4,5*

DEFENDANT.

SETTLEMENT:-----\$25,000.00

LESS:

Attorney Fees-----\$8,333.33

Costs Advanced:

SC Department of Motor Vehicles-----	\$ 6.00
AnMed Health Family Medicine-----	\$ 39.00
AnMed Health Rehab Hospital-----	\$ 34.50
Healthport-----	\$ 45.39
Healthport-----	\$ 32.19
Long distance, postage, mileage, miscellaneous expenses-----	\$ 25.00

*Tr. page 49  
Lines 14  
Victim Lying  
To trial*

TOTAL COSTS ADVANCED-----\$ 182.08

TOTAL COSTS ADVANCED AND ATTORNEY FEES-----\$ 8,515.41

FIRST CHOICE BY SELECT HEALTH-----\$ 1,136.97

GROSS PROCEEDS TO CLIENT -----\$ 15,347.62

I have read this Disbursement of Proceeds, understand the expenses and bills outstanding, agree and authorize disbursement as indicated above, approve the disbursement and acknowledge receipt of a check in the net amount paid to client. **I UNDERSTAND AND ACKNOWLEDGE THAT I AM RESPONSIBLE FOR ANY AND ALL OUTSTANDING MEDICAL BILLS, AND THAT I HAVE DIRECTED MY ATTORNEYS TO PAY ON MY BEHALF ONLY THOSE MEDICAL BILLS SET FORTH ABOVE.**

\_\_\_\_\_  
JESUS MARTINEZ, as Parent and  
Guardian of Jesse Martinez

Disbursement figured and  
concluded by:

, 2013.

*This is FRAUD From Mr. Floyd  
Mr. Floyd Mills he said sign to: Pet.  
ON 2-12-2015 this is from a prior case.*

# Direct

10

~~3~~

PO Box 30210  
Tampa, FL 33630  
Phone: (800) 403-1077 x6372  
Fax: (813) 663-0244  
Email: Cindy.Blangeard@directgeneral.com

Renee  
5034

February 23, 2015

037 039  
10-20-2015

Kerren Claym Soyastor  
46372

Jesus Martinez  
Jesse B. Martinez  
508 Howard McGee Road  
Anderson, South Carolina 29621

~~Mago~~  
Montgomery

Floyd S. Mills, III  
Trammell & Mills Law Firm, LLC  
1650 East Greenville Street  
Anderson, South Carolina 29621

Jesus M.  
Per page  
of car. 2004  
Eclipse 2004

Ext.  
Jasten 246204

Victor Able 10-20-15 9am  
10-22-15 9am

Michael Montgomery  
803 231 7833

RE: Claim No: 13-01774700  
Insured: Jesus Martinez  
Claimant: Jesus Martinez and Jesse Martinez  
Date of Loss: October 20, 2013

To Page 42  
Lines 17, 18, 19, 20, 21, 22,  
23, 24, 25

Dear Sirs,

As you are aware, Direct General resolved Jesus Martinez's claim for \$35,000 and Jesse Martinez's claim for \$7,224. We had been notified that Mr. Mills was asserting a lien on the proceeds, and Direct General was subsequently notified in writing that all parties agreed to have a two-party check issued so that the attorney fee lien could be resolved without Direct General's involvement.

We were made aware of the incident that occurred on February 12, 2015, and as a result, a "stop pay" order was placed on the settlement checks. Given the current issues between the parties, we are holding the funds until the parties have notified us of an agreed-upon procedure to distribute the settlement proceeds and resolve the attorney fee lien.

Additionally, Direct General does not want to expend further costs and fees in the consummation of this settlement, and it takes no position for or against the parties with respect to disagreement over fees. Therefore, we would recommend that the parties submit their dispute to the Fee Disputes Program run by the South Carolina Bar. The South Carolina Bar's website provides details for the program, but we understand it is free and could provide a quick way to resolve your fee dispute.

We would ask that all parties consent to have the current disputes submitted to the Fee Disputes Program, which is operated by the Resolution of Fee Disputes Board at the South Carolina Bar. Once the parties have agreed upon the procedure (or resolution) and notified us in writing, we will distribute the check(s) accordingly.

10

CONCLUSION

For the foregoing reasons, certiorari should be granted in this case.

03-08-18

Respectfully submitted,

Jesus Vargas Martinez

#367256 – G-A-18

R.C.I

P.O. Box 2039

Ridgeland, S.C. 29936

CERTIFICATION OF SERVICE

Jesus Vargas Martinez declares under penalty of perjury pursuant to 28 U.S.C 1746 that he mailed a copy of the enclosed PETITION FOR WRIT OF CERTIORARI. Petitioner's Pro Se litigant to defendant's counsel.

United States Supreme Court

1 First Street, N.E.

Washington, D.C. 20543

Jenny Abbott Kitchings

Clerk of Court

1220 Senate Street

Columbia, South Carolina 29201

V. Claire Allen Deputy, Clerk

Catherine Townsend Huey, Esquire

Career Prosecutor Tenth Judicial Circuit Solicitors Office

100 South Main Street

Anderson, S.C. 29624

Allan Mccrory Wilson, Esquire Attorney General

John Benjamin Aplin, Esquire

**RECEIVED**  
MAR 16 2018  
SC Court of Appeals

David Rhys Wagner Jr., Esquire Solicitor

Tenth Judicial Circuit

P.O. Box 8002

Anderson, S.C. 29624

Jesse B. Martinez

Jesus Vargas Martinez #367256 – G-A-18

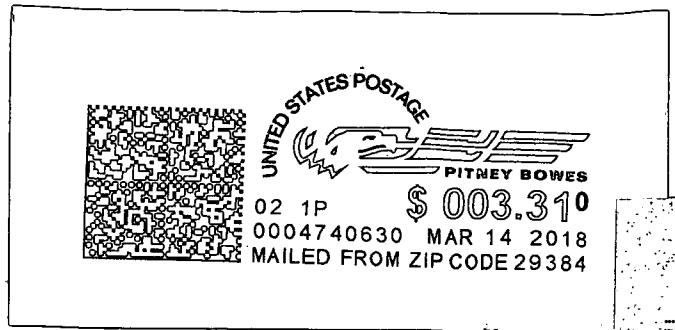
R.C.I

P.O Box 2039 Ridgeland, S.C. 29936

02-22-2018

Signed, Jesus Martinez

Jesse Martinez  
3736 Todd Quarter rd  
Waterloo, SC 29384



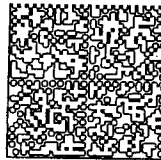
**RECEIVED**

MAR 16 2018

SC Court of Appeals

Jenny Abbott Kitching  
Clerk of Court  
1220 Senate street  
Columbia, SC. 29201

Jesse Martinez  
3736 Todd Quarter rd  
Waterloo, SC 29384



UNITED STATES POSTAGE

PITNEY BOWES

02 1P

\$ 003.310

0004740630 MAR 14 2018

MAILED FROM ZIP CODE 29384



**RECEIVED**

MAR 16 2018

SC Court of Appeals

Jenny Abbott Kitchings  
Clerk of Court  
1220 Senate street  
Columbia, SC. 29201