

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.

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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.

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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.

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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.

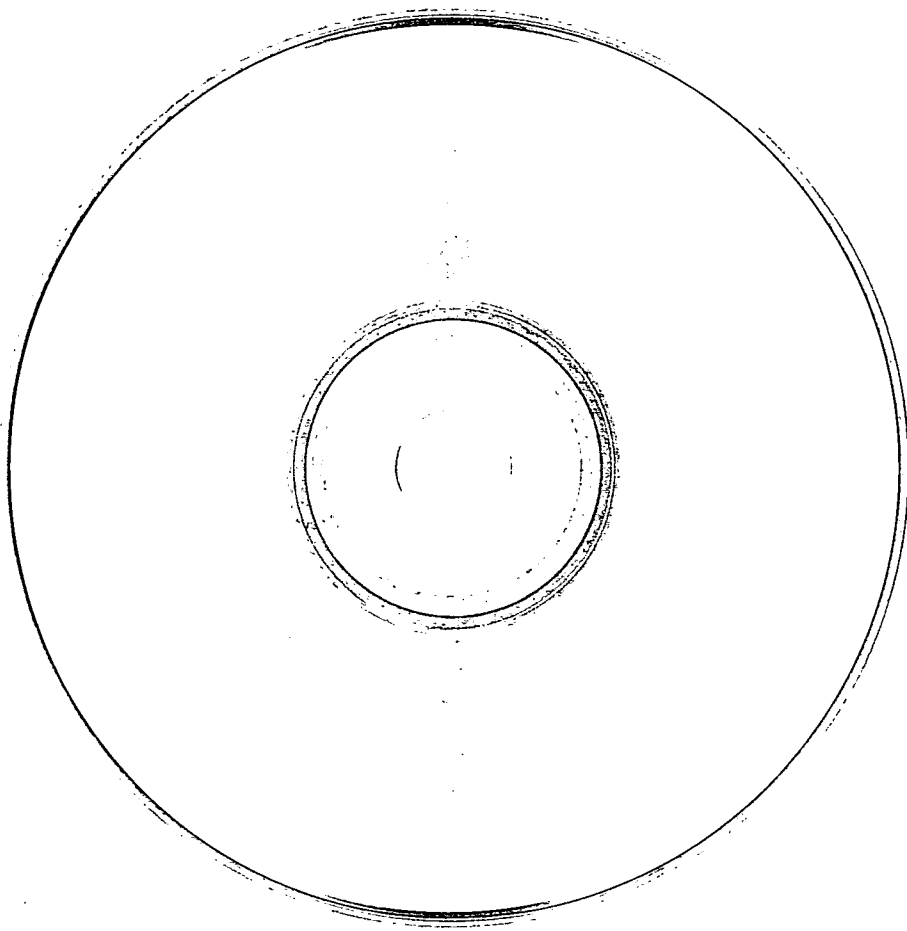
The attorney keeps lying the victim Floyd Mills testified on the motion restraining order on the court 3-25-2015 at 2:00 pm. The petitioner struck the victim with the butt of a gun and put the gun to victims head stating he would kill the victim and everybody in the office. However that false statement 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"/> Refig. Orgn. <input checked="" type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.												
3. INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)										<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/> NO														
1650 E. GREENVILLE ST, ANDERSON SC										ZIP CODE		29621		WEAPON TYPE		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		02/12/2015 1356		1405		1630		2											
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																											
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.																											
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																	
SUSPECT SUBJECT NAME (LAST, FIRST, MIDDLE)										RACE		SEX		AGE		ETH.		DATE OF BIRTH		HEIGHT		WEIGHT		HAIR		EYES	
MARTINEZ, JESUS										W		M		48		H				5-4		140		BRO BRO			
FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.																											
ADDRESS										CITY		STATE		ZIP CODE		LOCATION NO.											
508 HOWARD MCGEE RD										ANDERSON		SC		29621		2											
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		02/12/2015 1345		02/12/2015 1428													

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

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 KG1623. 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				
M 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												
R REPORTING OFFICER(S)			DATE		UNIT NUMBER		APPROVING OFFICER			DATE		UNIT NUMBER
CHRISTOPHER BLAKE VAUGHN			02/12/2015		D11		FOLLOW-UP INVESTIGATION OFFICER			02/13/2015		
<input type="checkbox"/> YES <input type="checkbox"/> NO. SGT CARLA GAIL ROBERSON												

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 1st or 2nd 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.

Tv. 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

6-1

-85-

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

6-2

- 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

- 6-5
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 **?
- 6-8

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

21

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

~~7-8~~

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

#31

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

~~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 ~~7-77~~

~~2-4~~ 2-4

51

V R

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

7-4

~~scribble~~

~~scribble~~

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

8
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
TOTAL COSTS ADVANCED-----	\$ 1,200.42

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-----	\$
TOTAL MEDICAL LIENS OUTSTANDING-----	\$

victim Lying to trial

Tr. Page 49 Lines 14

I told him I'd take twenty five percent

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS

JESUS MARTINEZ,

PLAINTIFF,

DISBURSEMENT OF PROCEEDS

vs.

(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
TOTAL COSTS ADVANCED-----	\$	415.55

*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 Mr. 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:

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,

vs.

(130182-1)

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

SAIN & HEAVNER TRUCKING CO.

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

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

February 23, 2015

*Kerren
3034*

*034 039
10-20-2015*

*Kerren Clays 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.
Perz pager
of car. no.
Eclipse 2004*

*Ext.
Jasten 246204*

*Victor Able 10-20-15 9 AM
10-22-15 9 AM*

*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

*Tr. 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.

In The
SUPREME COURT OF
APPEALS

Decided December 13, 2017

THE STATE,

)
)
) Appellant-Respondent)
)
)

v.

JESUS V. MARTINEZ

)
)
) Appellant-Petitioner)
)
)

Case No. 2016-000527

Opinion No. 2017-UP-462

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

PETITION FOR REHEARING

Appellant respectfully petitions the Court for rehearing of 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 rehearing 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 Judgment 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.

B) IMPORTANCE OF THE QUESTION PRESENTED

The victim made false claims that are not supported by any evidence, see FRCP 11(b)(4).

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. It is the duty of the court to conduct the proceeding in a manner which allows the parties to put on their case. To put facts and evidence forth while they prove their allegations.

A defendant in a criminal case has a constitutional right to represent himself *Faretta v. California*, 412 U.S 806(1975). In *Indiana v. Edwards*, _U.S. _ , 128 s.c.t 2379 (2008), this court summarized the basis for the implied right found in *Faretta* as arisen from: (1) an early universal conviction, made manifest in State Law, that forcing a lawyer upon an unwilling defendant is contrary to his basis right to defend himself if he truly wants to do so, (2) sixth Amendment language granting rights to the accused. State must prove all elements of crime charged, *Thomas vs. Leeks* 725F. 2d. 246.(1984)

It is standard reactions for defendants to object to providing documents which clearly shows that they are guilty.

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



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 08, 2018

The Honorable Richard A. Shirley
PO Box 8002
Anderson SC 29622-8002

REMITTITUR

Re: The State v. Jesus Martinez
Lower Court Case No. 2015GS0400781, 2015GS0400782
Appellate Case No. 2016-000527

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

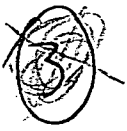
Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

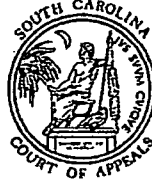
CLERK

Enclosure

cc: Jesus Vargas Martinez, 367256
Fletcher N. Smith, Jr., Esquire
Catherine Townsend Huey, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
David Rhys Wagner, Jr., Esquire



13



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 13, 2017

Mr. Fletcher N. Smith, Jr., Esquire
112 Wakefield Street
Greenville SC 29601

Ms. Jennifer Ellis Roberts, Esquire
1410 Boston Avenue
West Columbia SC 29170

Mr. John Benjamin Aplin, Esquire
PO Box 11549
Columbia SC 29211

Re: The State v. Jesus Martinez
Appellate Case No. 2016-000527

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Alan McCrory Wilson, Esquire
David Rhys Wagner, Jr., Esquire
The Honorable R. Scott Sprouse

13-1



a high and aggravated nature is void for vagueness. We affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to Martinez's first argument: *State v. Moore*, 374 S.C. 468, 474, 649 S.E.2d 84, 86 (Ct. App. 2007) ("On appeal, [this court is] limited to determining whether the trial [court] abused [its] discretion."); *State v. Odems*, 395 S.C. 582, 586, 720 S.E.2d 48, 50 (2011) ("On appeal from the denial of a directed verdict, this [c]ourt must view the evidence in the light most favorable to the State."); *State v. Zeigler*, 364 S.C. 94, 103, 610 S.E.2d 859, 863 (Ct. App. 2005) ("The appellate court may reverse the trial [court's] denial of a motion for a directed verdict only if there is no evidence to support the [court's] ruling."); *State v. McKnight*, 352 S.C. 635, 642, 576 S.E.2d 168, 171 (2003) ("A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged."); *Sellers v. State*, 362 S.C. 182, 188, 607 S.E.2d 82, 85 (2005) ("When ruling on a criminal defendant[']s motion for directed verdict, a trial court is concerned with the existence of evidence, not its weight.").

2. As to Martinez's second argument: *State v. Nichols*, 325 S.C. 111, 120, 481 S.E.2d 118, 123 (1997) ("An issue may not be raised for the first time on appeal, but must have been raised to the trial [court] to be preserved for appellate review."); *State v. Varvil*, 338 S.C. 335, 339, 526 S.E.2d 248, 250 (Ct. App. 2000) ("Constitutional arguments are no exception to the [error preservation] rule, and if not raised to the trial court are deemed waived on appeal."); *State v. McWee*, 322 S.C. 387, 391-92, 472 S.E.2d 235, 238 (1996) (holding that a constitutional argument is not preserved where appellant failed to raise the argument at trial).

AFFIRMED.

~~LOCKEMY, C.J., and HUFF and HILL, JJ., concur.~~

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

①

13-3

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Jesus Martinez, Appellant.

Appellate Case No. 2016-000527

Appeal From Anderson County
R. Scott Sprouse, Circuit Court Judge

Unpublished Opinion No. 2017-UP-462
Submitted November 1, 2017 – Filed December 13, 2017

AFFIRMED

Fletcher N. Smith, Jr., of Law Firm of Fletcher N. Smith, Jr., LLC, of Greenville, for Appellant.

Attorney General Alan McCrory Wilson and Assistant Attorney General Jennifer Ellis Roberts, both of Columbia; and Solicitor David Rhys Wagner, Jr., of Anderson, all for Respondent.

PER CURIAM: Jesus Martinez appeals his conviction of assault and battery of a high and aggravated nature, arguing (1) the trial court erred by not directing a verdict of acquittal or granting a new trial and (2) the law of assault and battery of



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 04, 2018

Jesus Vargas Martinez, 367256
Ridgeland Correctional Institution
P.O. Box 2039
Ridgeland SC 29936

Re: The State v. Jesus Martinez
Appellate Case No. 2016-000527

Dear Mr. Martinez:

This responds to your recent correspondence titled, "Petition for Rehearing". Since you are represented by counsel in this matter, no action will be taken on this *pro se* filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

We are returning your correspondence along with this letter.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Fletcher N. Smith, Jr., Esquire
Catherine Townsend Huey, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
David Rhys Wagner, Jr., Esquire

WITNESSES

Anderson Police Dept.
Blake Vaughn

ARREST WARRANT NUMBER

2015A0420700129

TRUE BILL
 ACTION OF GRAND JURY
 MAY 12 2015
[Signature]
 Foreperson of Grand Jury
 Date:

VERDICT

Guilty-

Kimberly A Edwards
 Foreperson of Grand Jury
 Date: *2/24/14*

DOCKET NO. 2015-GS-04- 00781

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

MAY 12 2015, TERM

THE STATE

VS.

JESUS V MARTINEZ

INDICTMENT FOR

ASSAULT & BATTERY OF A HIGH AND
AGGRAVATED NATURE

SC Code: § 16-03-0600(B)(1)
CDR Code: 3411

A TRUE COPY
 FEB 26 2016
[Signature]
 ANDERSON CLERK OF COURT

51

15-1

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

INDICTMENT

At a Court of General Sessions, convened on MAY 12 2015, the
Grand Jurors of Anderson County present upon their oath:

ASSAULT & BATTERY OF A HIGH AND AGGRAVATED NATURE

The defendant, Jesus V. Martinez, did on or about February 12, 2015 in Anderson County, injure Floyd Mills and did accomplish that injury by means likely to produce death or great bodily injury. All in violation of 16-03-0600(B)(1), Code of Laws of South Carolina, (1976), as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Catherine T. Huey

CATHERINE T. HUEY
SR. CAREER PROSECUTOR

15-1

COUNTY OF ANDERSON
STATE VS.

JESUS V MARTINEZ

INDICTMENT/CASE#: 2015-65-04-0078

A/W: 2015A0420700129

Date of Offense: 02/12/2015

S.C. Code §: 16-03-0600(B)(1)

CDR Code #: 3411

AKA: Jesus Martinez

Race: Unknown

Sex: M

Age: 48

DOB: _____

SS#: _____

Address: _____

City, State, Zip: Anderson, SC 29621-7825

DL# _____

SID# SC01290208

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or

PLEADS

855

TO: Assault & Battery Of A High And Aggravated Nature (20)

In violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

SENTENCE SHEET



NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Catherine T. Huey, Sr. Career Prosecutor SC Bar # 68416

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years. and/or to pay a fine of \$ _____; provided that upon the service of 3 days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2015-65-04-0078

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment

Total \$ _____ plus 20% fee \$ _____ Obtain GED

Set by \$ _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ _____ Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____ pmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ _____ Other: No contact with victims

Proviso 47.9 (Public Def/Prob) \$500 \$ _____ including all members of

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00 Trounwell and Wells Law Firm.

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ _____

TOTAL \$ 130.00

Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk: Richard A. Hunter

Court Reporter: R. Johnson

SCCA/217 (03/2011)

Presiding Judge: [Signature]

Judge Bar ID: _____

Sentence Date: 2/24/16

Judge Code: #2758

WITNESSES

Anderson Police Dept.
Blake Vaughn

ARREST WARRANT NUMBER

2015A0420700130

TRUE BILL
ACTION OF GRAND JURY
MAY 12 2015
[Signature]

Foreperson of Grand Jury
Date:

VERDICT

Guilty -

1

Kimberly Edwards
Foreperson of Grand Jury
Date: 2/24/16

DOCKET NO. 2015-GS-04-00782

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

MAY 12 2015, TERM

THE STATE

VS.

JESUS V MARTINEZ

INDICTMENT FOR

POINTING/PRESENTING A FIREARM

SC Code: § 16-23-0410
CDR Code: 0122

A TRUE COPY
FEB 26 2016
[Signature]
ANDERSON CLERK OF COURT

15-3

COUNTY OF **ANDERSON**

STATE VS.

JESUS V MARTINEZ

AKA: Jesus Martinez

Race: Unknown Sex: M Age: 48

DOB: _____ SS#: _____

Address: _____

City, State, Zip: Anderson SC 29621-7825

DL# _____ SID# SC01290208

*CDL Yes No CMV Yes No Hazmat Yes No

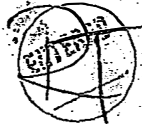
In disposition of the said indictment comes now the Defendant who was

TO: Pointing/Presenting a Firearm (5)

In violation of § 16-23-0410 of the S.C. Code of Laws, bearing CDR Code # 0122

INDICTMENT/CASE#: 2015-65-04-00782
A/W: 2015A0420700130
Date of Offense: 02/12/2015
S.C. Code §: 16-23-0410
CDR Code #: 0122

SENTENCE SHEET



CONVICTED OF or PLEADS

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Catherine T. Huey 68416
Catherine T. Huey, Sr. Career Prosecutor SC Bar # _____

Defendant

Attorney for Defendant

SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of 3 days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2015 GS04781

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____

Payment terms: _____ Obtain GED

Set by SCDC: _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning: _____

*Fine: ANDERSON CLERK OF COURT _____ Substance Abuse Counseling

_____ Random Drug/Alcohol Testing

_____ Fine may be pd. in equal consecutive weekly/monthly

_____ pmts. of \$ _____ Beginning _____

_____ \$ _____ Paid to Public Defender Fund

_____ Other: No contact with victims

_____ including all members

_____ of Trammell and Smith's Law Firm

_____ Appointed PD or appointed other counsel,

_____ §47.12 requires \$500 be paid to Clerk

_____ during probation.

TOTAL _____

Clerk of Court/Deputy Clerk: Richard S. Hixley

Court Reporter: R. Tolison

SCCA/217 (03/2011) 15-4

Presiding Judge: _____

Judge Bar ID: _____ Judge Code: #2750

Sentence Date: 2/24/16

15-4

Time Limit To File An Appeal

You must file your written appeal **within 60 days** of the date you get this notice. The Appeals Council assumes you got this notice 5 days after the date of the notice unless you show you did not get it within the 5-day period.

The Appeals Council will dismiss a late request unless you show you had a good reason for not filing it on time.

What Else You May Send Us

You may send us a written statement about your case. You may also send us new evidence. You should send your written statement and any new evidence **with your appeal**. Sending your written statement and any new evidence with your appeal may help us review your case sooner.

How An Appeal Works

The Appeals Council will consider your entire case. It will consider all of my decision, even the parts with which you agree. Review can make any part of my decision more or less favorable or unfavorable to you. The rules the Appeals Council uses are in the Code of Federal Regulations, Title 20, Chapter III, Part 404 (Subpart J).

The Appeals Council may:

- Deny your appeal,
- Return your case to me or another administrative law judge for a new decision,
- Issue its own decision, or
- Dismiss your case.

The Appeals Council will send you a notice telling you what it decides to do. If the Appeals Council denies your appeal, my decision will become the final decision.

The Appeals Council May Review My Decision On Its Own

The Appeals Council may review my decision even if you do not appeal. They may decide to review my decision within 60 days after the date of the decision. The Appeals Council will mail you a notice of review if they decide to review my decision.

When There Is No Appeals Council Review

If you do not appeal and the Appeals Council does not review my decision on its own, my decision will become final. A final decision can be changed only under special circumstances. You will not have the right to Federal court review.

Your Right To Representation In An Appeal

If you appeal, you may choose to have an attorney or other person help you. Many representatives do not charge a fee unless you win your appeal. Groups are available to help you find a representative or, if you qualify, to give you free legal services. Your local Social Security office has a list of groups that can help you in this process.

If you get someone to help you with your appeal, you or that person must let the Appeals Council know. If you hire someone, we must approve the fee before he or she is allowed to collect it.

New Application

You have the right to file a new application at any time, but filing a new application is not the same as appealing this decision. If you disagree with my decision and you file a new application instead of appealing, you might lose some benefits or not qualify for benefits at all. My decision could also be used to deny a new application for benefits if the facts and issues are the same. If you disagree with my decision, you should file an appeal within 60 days.

If You Have Any Questions

We invite you to visit our website located at www.socialsecurity.gov to find answers to general questions about social security. You may also call (800) 772-1213 with questions. If you are deaf or hard of hearing, please use our TTY number (800) 325-0778.

If you have any other questions, please call, write, or visit any Social Security office. Please have this notice and decision with you. The telephone number of the local office that serves your area is (866)526-9854. Its address is:

Social Security
292 Professional Park
Clinton, SC 29325-7624

Ann G. Paschall
Administrative Law Judge

Enclosures:
Decision Rationale
Form HA-L39 (Exhibit List)

2.356 02 126528-003-073239003 0002974 0079353 1=0000

APPLICABLE LAW

Under the authority of the Social Security Act, the Social Security Administration has established a five-step sequential evaluation process for determining whether an individual is disabled (20 CFR 404.1520(a)). The steps are followed in order. If it is determined that claimant is or is not disabled at a step of the evaluation process, the evaluation will not go on to the next step.

At step one, I must determine whether claimant is engaging in substantial gainful activity (20 CFR 404.1520(b)). Substantial gainful activity (SGA) is defined as work activity that is both substantial and gainful. "Substantial work activity" is work activity that involves doing significant physical or mental activities (20 CFR 404.1572(a)). "Gainful work activity" is work that is usually done for pay or profit, whether or not a profit is realized (20 CFR 404.1572(b)). Generally, if an individual has earnings from employment or self-employment above a specific level set out in the regulations, it is presumed that he has demonstrated the ability to engage in SGA (20 CFR 404.1574 and 404.1575). If an individual engages in SGA, he is not disabled regardless of how severe his physical or mental impairments are and regardless of his age, education, and work experience. If the individual is not engaging in SGA, the analysis proceeds to the second step.

At step two, I must determine whether claimant has a medically determinable impairment that is "severe" or a combination of impairments that is "severe" (20 CFR 404.1520(c)). An impairment or combination of impairments is "severe" within the meaning of the regulations if it significantly limits an individual's ability to perform basic work activities. An impairment or combination of impairments is "not severe" when medical and other evidence establish only a slight abnormality or a combination of slight abnormalities that would have no more than a minimal effect on an individual's ability to work (20 CFR 404.1522; Social Security Rulings (SSRs) 85-28, 96-3p, and 96-4p). If claimant does not have a severe medically determinable impairment or combination of impairments, he is not disabled. If claimant has a severe impairment or combination of impairments, the analysis proceeds to the third step.

At step three, I must determine whether claimant's impairment or combination of impairments is of a severity to meet or medically equal the criteria of an impairment listed in 20 CFR Part 404, Subpart P, Appendix 1 (20 CFR 404.1520(d), 404.1525, and 404.1526). If claimant's impairment or combination of impairments is of a severity to meet or medically equal the criteria of a listing and meets the duration requirement (20 CFR 404.1509), claimant is disabled. If it does not, the analysis proceeds to the next step.

Before considering step four of the sequential evaluation process, I must first determine claimant's residual functional capacity (20 CFR 404.1520(e)). An individual's residual functional capacity is his ability to do physical and mental work activities on a sustained basis despite limitations from his impairments. In making this finding, I must consider all of claimant's impairments, including impairments that are not severe (20 CFR 404.1520(e) and 404.1545; SSR 96-8p).

Next, I must determine at step four whether claimant has the residual functional capacity to perform the requirements of his past relevant work (20 CFR 404.1520(f)). The term past relevant work means work performed (either as claimant actually performed it or as it is generally performed in the national economy) within the last 15 years or 15 years prior to the date that disability must be established. In addition, the work must have lasted long enough for claimant to learn to do the job and have been SGA (20 CFR 404.1560(b) and 404.1565). If claimant has the residual functional capacity to do his past relevant work, claimant is not disabled. If claimant is unable to do any past relevant work or does not have any past relevant work, the analysis proceeds to the fifth and last step.

At the last step of the sequential evaluation process (20 CFR 404.1520(g)), I must determine whether claimant is able to do any other work considering his residual functional capacity, age, education, and work experience. If claimant is able to do other work, he is not disabled. If claimant is not able to do other work and meets the duration requirement, he is disabled. Although claimant generally continues to have the burden of proving disability at this step, a limited burden of going forward with the evidence shifts to the Social Security Administration. In order to support a finding that an individual is not disabled at this step, the Social Security Administration is responsible for providing evidence that demonstrates that other work exists in significant numbers in the national economy that claimant can do, given the residual functional capacity, age, education, and work experience (20 CFR 404.1512(g) and 404.1560(c)).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After careful consideration of the entire record, I make the following findings:

- 1. Claimant meets the insured status requirements of the Social Security Act through December 31, 2013.**
- 2. Claimant has not engaged in substantial gainful activity since May 15, 2012, the alleged onset date (20 CFR 404.1571 *et seq.*).**
- 3. Since the alleged onset date of disability, May 15, 2012, claimant has had the following severe impairments: bilateral hip degenerative joint disease, type 2 diabetes with neuropathy, and lumbar spine disorders (20 CFR 404.1520(c)).**

The impairments listed in the above finding have caused significant limitations in claimant's ability to perform basic work activities, as described under Findings 6 and 7, and have therefore been severe.

Medical treatment records also report diabetic macular edema, diabetic retinopathy, nuclear sclerosis, and peripheral pterygium (Exhibit 16F). However, treatment notes indicate claimant's visual acuity was normal with correction and claimant's visual fields were full (Exhibit 16F/3, 12, 29, 32, 40, and 44; Exhibit 48F/2). In addition, Ted Roper, M.D., and Joseph Geer, M.D., reviewed claimant's records and concluded claimant's visual disorders were nonsevere (Exhibit 1A/8; Exhibit 4A/8). Therefore, I conclude claimant's visual disorders are nonsevere.



2025 RELEASE UNDER E.O. 14176

Claimant also described recurrent headaches in his testimony. However, the record reveals no specialized neurological treatment for headaches nor does it show any related abnormalities demonstrated by diagnostic imaging of the head or brain. Further, claimant did not report taking any particular medications for headaches in his medications forms (Exhibits 15E and 21E). Therefore, I conclude that, while claimant may experience some periodic headaches related to his severe impairments, such do not warrant any work-related restrictions.

While records indicate some depression (Exhibit 19F/4), the record reveals no specialized mental health treatment as would be expected if claimant's depression was significantly limiting. Also, treatment notes do not document persistent depressive or psychiatric complaints. Therefore, I conclude the depression causes no more than mild limitations in understanding, remembering, or applying information, interacting with others, concentrating, persisting, and maintaining pace, or adaptation and managing oneself. Thus, claimant's depression is nonsevere.

Claimant additionally testified he experiences hand, shoulder, and neck pain. However, the record reveals no objective evidence from an acceptable medical source demonstrating the presence of hand, shoulder, or neck abnormalities. Thus, I conclude claimant has no medically determinable head, shoulder, or neck impairment. I further note that treatment notes do not document any consistent neck, shoulder, or hand complaints.

4. Beginning on April 1, 2013, claimant has had the following severe impairment: peripheral vascular disease.

As described under Finding 7, claimant underwent stenting in April 2013 due to iliac stenosis and I conclude such has caused significant work-related limitations since April 2013.

Records from prior to April 2013 document lower extremity symptoms, but reveal no diagnosis of iliac stenosis or peripheral vascular disease, nor do they reveal testing showing iliac stenosis or peripheral vascular disease. Therefore, I conclude the iliac stenosis or peripheral vascular disease were not medically determinable prior to April 2013. I note, however, that, regardless of whether this impairment was medically determinable prior to April 2013, I conclude claimant had the residual functional capacities described in Findings 6 and 7 based largely on the medical signs and symptoms documented during the corresponding time periods.

5. Since the alleged onset date of disability, May 15, 2012, claimant has not had an impairment or combination of impairments that meets or medically equals the severity of one of the listed impairments in 20 CFR Part 404, Subpart P, Appendix 1 (20 CFR 404.1520(d), 404.1525 and 404.1526).

I note initially that Drs. Geer and Roper reviewed claimant's records and concluded claimant's physical impairments did not meet or equal any listing (Exhibits 1A and 4A).

As to the spinal disorders, spinal imaging described under Findings 6 and 7 did not show nerve root or spinal cord compromise as required by listing 1.04.

As to the hip impairments, records do not demonstrate an inability to ambulate effectively as required by listing 1.02A. While exams cited under Findings 6 and 7 showed some antalgic gait, claimant did not require an assistive device for ambulation. Also, Carol Burnette, M.D., indicated claimant could stand or walk between 2 and 3 hours a day (Exhibit 38F/9).

As to the peripheral vascular disease, testing did not yield the values required to meet listing 4.12 (See, for example, Exhibit 30F/6).

As to the neuropathy, records do not show such caused an inability to stand from a seated position or balance while standing, nor do records indicate the neuropathy had a substantial effect on claimant's ability to understand, remember, or apply information, interact with others, concentrate, persist, or maintain pace, or adapt and manage himself. I note that electromyography only showed a "moderate" right lower extremity neuropathy (Exhibit 11F/7).

6. After careful consideration of the entire record, I find that prior to April 1, 2013, the date claimant became disabled, claimant had the residual functional capacity to perform the full range of sedentary work as defined in 20 CFR 404.1567(a).

In making this finding, I have considered all symptoms and the extent to which these symptoms can reasonably be accepted as consistent with the objective medical evidence and other evidence, based on the requirements of 20 CFR 404.1529 and SSR 96-4p. I have also considered opinion evidence in accordance with the requirements of 20 CFR 404.1529.

In considering claimant's symptoms, I must follow a two-step process in which it must first be determined whether there is an underlying medically determinable physical or mental impairment(s)--i.e., an impairment(s) that can be shown by shown by medically acceptable clinical or laboratory diagnostic techniques--that could reasonably be expected to produce claimant's pain or other symptoms.

Second, once an underlying physical or mental impairment(s) that could reasonably be expected to produce claimant's pain or other symptoms has been shown, I must evaluate the intensity, persistence, and limiting effects of claimant's symptoms to determine the extent to which they limit claimant's work-related activities. For this purpose, whenever statements about the intensity, persistence, or functionally limiting effects of pain or other symptoms are not substantiated by objective medical evidence, I considered other evidence in the record to determine if claimant's symptoms limited the ability to do work-related activities.

At the hearing on July 27, 2017, claimant testified he experiences back, leg, foot, hand, shoulder, and neck pain, as well as headaches. Claimant also testified he lies down much of the time. Claimant additionally stated he can stand for about 3 minutes before experiencing foot pain, cannot lift or carry much due to back problems, had a right leg surgery in 2013, and has diabetes.

Medical evidence from prior to April 2013 partially supports claimant's allegations. Treatment notes from 2012 document some back and right hip complaints (Exhibits 1F and 2F), exam in October 2012 showed right hip tenderness (Exhibit 4F/1), and MRI in November 2012 revealed bilateral hip osteoarthritis (Exhibit 4F/4). Records from 2012 also document diabetes (Exhibit

1 0001 01 110 000 111 112 001 113 001 114 001 115 001 116 001 117 001 118 001 119 001 120 001 121 001 122 001 123 001 124 001 125 001 126 001 127 001 128 001 129 001 130 001 131 001 132 001 133 001 134 001 135 001 136 001 137 001 138 001 139 001 140 001 141 001 142 001 143 001 144 001 145 001 146 001 147 001 148 001 149 001 150 001 151 001 152 001 153 001 154 001 155 001 156 001 157 001 158 001 159 001 160 001 161 001 162 001 163 001 164 001 165 001 166 001 167 001 168 001 169 001 170 001 171 001 172 001 173 001 174 001 175 001 176 001 177 001 178 001 179 001 180 001 181 001 182 001 183 001 184 001 185 001 186 001 187 001 188 001 189 001 190 001 191 001 192 001 193 001 194 001 195 001 196 001 197 001 198 001 199 001 200 001

2.356 oz 1246528-003-03239003 0002974 0079359 I-0000



2F/2), and treatment notes from November 2012 report peripheral neuropathy in the feet (Exhibit 8F/72). In addition, notes from January 2013 report ongoing right hip complaints (Exhibit 4F/15), and records from March 2013 report sciatica (Exhibit 8F/47).

Records described above demonstrate the presence of significant back, hip, and neuropathic symptoms, which would reasonably be expected to cause substantial problems lifting, carrying, standing, and walking. Therefore, I conclude claimant was only capable of performing sedentary work prior to April 1, 2013.

Nonetheless, I conclude no additional limitations were warranted prior to April 1, 2013. While claimant testified he can only stand for 3 minutes before experiencing foot pain and has to lie down most of the time, such allegations are inconsistent with medical evidence from prior to April 2013. First, right hip and lumbar spine x-rays in April 2012 were unremarkable (Exhibit 1F/13 and 15), and Christopher Clemow, M.D., reported a lumbar spine MRI in November 2012 was normal other than Schmorl's nodes (Exhibit 4F/14). Second, exams showed largely intact functional ability. Specifically, exam in April 2012 showed no back tenderness and normal hip, knee, and foot motion (Exhibit 1F/2), exam in October 2012 demonstrated normal gait, strength, muscle tone, back motion, and reflexes (Exhibit 2F/2), exam in January 2013 showed only "minimal" hip tenderness with "no rotational deficits" (Exhibit 4F/15), and exam in March 2013 revealed no back tenderness, normal straight leg raising, and normal back motion (Exhibit 8F/47). Third, treatment notes from prior to April 2013 also do not document persistent neuropathic signs or symptoms, indicating these neuropathic issues were periodic or modest.

As to the diabetes specifically, treatment notes from February 2013 report claimant's sugars were "better controlled" (Exhibit 25F/29), and treatment notes from March 2013 indicate claimant's hemoglobin A1c had improved to 8.5 from greater than 14% in November 2012 even without total compliance with medical directives (Exhibit 8F/50).

After careful consideration of the evidence, I find that, other than the alleged neck and shoulder problems, claimant's medically determinable impairments could reasonably be expected to cause the alleged symptoms; however, claimant's statements concerning the intensity, persistence, and limiting effects of these symptoms are not fully supported prior to April 1, 2013, for the reasons explained in this decision.

As for the opinion evidence, Dr. Clemow completed a statement concerning claimant in January 2013. Therein, Dr. Clemow reported claimant's back and hip pain was due to weakness and hip tendinopathy. Dr. Clemow also indicated claimant's back and hip problems probably would not "result in permanent impairment" (Exhibit 3F).

I accord Dr. Clemow's opinions significant weight for the period prior to April 2013 because Dr. Clemow is a treating physician and the unremarkable exam findings and diagnostic imaging described above lends some support to Dr. Clemow's opinions. However, I conclude claimant's back and hip issues, in combination with the neuropathic problems, warrant significant exertional limitations as described above.

Roper and Geer assessed some significant postural and environmental limitations, exams cited above showed generally intact musculoskeletal ranges of motion, and it is unclear why Drs. Roper and Geer concluded claimant should avoid concentrated exposure to hazards.

In sum, records from prior to April 2013 document persistent back and hip pain, diabetes with some control issues, and some neuropathy. However, diagnostic imaging of the hips and lumbar spine showed only modest abnormalities at most, physical examinations were mostly unremarkable, the diabetes came under better control with better compliance, Dr. Clemow's statements indicate the back and hip impairments were modest, and treatment notes do not document consistent neuropathic complaints.

7. After careful consideration of the entire record, I find that beginning on April 1, 2013, claimant has had the residual functional capacity to perform sedentary work as defined in 20 CFR 404.1567(a), except that claimant would miss work 4 days per month and be off-task 20% of the workday.

In reaching this conclusion, I find that beginning on April 1, 2013, claimant's allegations concerning his need to lie down during the day are more consistent with the evidence, in particular, the opinions of Carol Burnette, M.D., described below. Medical evidence described below otherwise shows claimant's condition worsened beginning in April 2013.

Exam on April 4, 2013, revealed no palpable right foot pedal pulses (Exhibit 14F/31), Doppler ultrasound on April 5, 2013, showed greater than 75% right iliac stenosis (Exhibit 17F/87), and treatment notes from several days later indicate claimant could only walk short distances (Exhibit 17F/80). Claimant then underwent angioplasty and stenting of iliac artery stenosis on April 16, 2013 (Exhibit 17F/76).

In addition, lumbar spine x-rays in April 2013 showed degenerative changes (Exhibit 8F/33), treatment notes from April 2013 report "worsening [back] pain and exam findings" (Exhibit 8F/28), and treatment notes from June 2013 report ongoing back pain (Exhibit 17F/56). Also, exams in May and July 2013 showed decreased foot sensation (Exhibit 8F/3; Exhibit 24F/5), exam in July 2013 revealed antalgic gait (Exhibit 7F/3), records from August 2013 report ongoing right leg pain with difficulty walking (Exhibit 11F/3), and electromyography in August 2013 revealed moderate right peroneal and tibial neuropathy (Exhibit 11F/7). In addition, exam in January 2014 showed right leg weakness, positive straight leg raising on the right, and decreased right reflexes (Exhibit 14F/106), notes from June 2014 report ongoing peripheral neuropathy (Exhibit 17F/24), exam in August 2014 showed decreased right leg sensation (Exhibit 19F/9), and labs in August 2014 revealed elevated sedimentation rate (Exhibit 19F/15). Records from August 2014 further report peripheral arterial disease and recurrent right iliac stent stenosis (Exhibit 20F/71), and claimant underwent angioplasty of right common iliac artery in-stent stenosis at that time (Exhibit 19F/23-24).

Going forward, claimant was hospitalized overnight in October 2014 due primarily to hyperglycemia (Exhibit 21F/1), and exam in December 2014 revealed antalgic gait and decreased lumbar spine motion (Exhibit 33F/2). Also, Dr. Burnette reported worsening back, hip, and leg pain in May 2015 (Exhibit 39F/35). In addition, treatment notes from December

In January 2014, Jared Richardson, M.D., reported claimant's hip issues "normally w[ould not] constitute a permanent impairment" (Exhibit 23F/22). I give Dr. Richardson's opinion little weight because it addresses generalities and not claimant's particular conditions, and, contrary to Dr. Richardson's opinion, other medical evidence described above convincingly demonstrates ongoing, significant hip problems warranting functional limitations.

As to Dr. Clemow's January 2013 opinions that claimant's back and hip problems probably would not "result in permanent impairment" (Exhibit 3F), I give such little weight for the period beginning in April 2013 for the same reasons I accord Dr. Richardson's opinions little weight.

As to the opinions of Drs. Geer and Roper for the period beginning April 2013, I conclude that medical evidence indicates claimant's impairments are substantially more limiting than Drs. Geer and Roper assessed. In particular, I note that Dr. Burnette's opinions indicate claimant's impairments are substantially more limiting than Drs. Geer and Roper assessed, and Dr. Burnette's opinions are mostly supported by other evidence as described above.

As to Dr. Thomas' April 2013 opinion that claimant had "disabling right hip pain" and May 2013 opinion that claimant likely could not work (Exhibit 17F/71; Exhibit 6F), I accord such greater weight for the period beginning in April 2013. While these opinions are vague, treatment records described above show claimant's condition worsened beginning in April 2013 and these opinions are generally consistent with those of Dr. Burnette.

In addition, in June 2015, Benson Hecker, Ph.D., reviewed claimant's medical records and opined that claimant was "unable to perform any substantial gainful activity" (Exhibit 9E/14). While these opinions are generally consistent with the opinions of Drs. Burnette and Thomas described above, Dr. Hecker has no medical expertise and did not indicate particular functional limitations. Therefore, I give such little weight.

In sum, records from April 2013 show claimant had to undergo iliac artery stenting due to stenosis and records from this time also show some worsening in claimant's back condition. In addition, electromyography in August 2013 demonstrated moderate neuropathy, claimant had to undergo restenting in August 2014, claimant was hospitalized due primarily to diabetic issues in October 2014, and evidence from April 2013 and thereafter otherwise documents ongoing, significant back and lower extremity symptoms. Further, Dr. Burnette indicated claimant's conditions would cause excessive breaks and work absences.

8. Since May 15, 2012, claimant has been unable to perform any past relevant work (20 CFR 404.1565).

Claimant reported performing past relevant work as a mason or the owner of a masonry company, and as a construction site supervisor (Exhibit 3E/3; Exhibit 1A/5; Exhibit 9E/13). These reports are generally consistent with claimant's Detailed Earnings Query, which shows claimant received substantially gainful earnings within the past 15 years from Construction Hardware Company and JMZ Masonry Inc. (Exhibit 6D). However, while claimant reported these past jobs required working 40 hours or more per week (Exhibit 3E/3), since April 2013, claimant has been unable to remain on task for more than 80% of an 8 hour workday day and

has solely nonexertional limitations, section 204.00 in the Medical-Vocational Guidelines provides a framework for decisionmaking (SSR 85-15).

Prior to April 1, 2013, based on a residual functional capacity for the full range of sedentary work, I conclude that, considering claimant's age, education, and work experience, a finding of "not disabled" is directed by Medical-Vocational Rule 201.21.

13. Beginning on April 1, 2013, considering claimant's age, education, work experience, and residual functional capacity, there are no jobs that exist in significant numbers in the national economy that claimant can perform (20 CFR 404.1560(c) and 404.1566).

Beginning on April 1, 2013, if claimant had the residual functional capacity to perform the full range of sedentary work, considering claimant's age, education, and work experience, a finding of "not disabled" would be directed by Medical-Vocational Rule 201.21. However, the additional limitations preclude the performance of full-time, competitive work activity. Therefore, a finding of "disabled" is appropriate. Further, as of October 14, 2016, when claimant attained age 50, Rule 201.14 directs a finding of "disabled."

14. Claimant was not disabled prior to April 1, 2013, but became disabled on that date and has continued to be disabled through the date of this decision (20 CFR 404.1520(g)).

DECISION

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.

Medical improvement is expected with appropriate treatment. Consequently, a continuing disability review is recommended in 36 months.

Claimant is presently incarcerated. Appropriate consideration should be given to the impact on his past due and present benefits.

1st Ann G. Paschall

Ann G. Paschall
Administrative Law Judge

September 25, 2017

Date

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.

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02-22-2018

Signed, Jesus Martinez