

The Bullet Proved the Cold Cell Torture

By David Andrew Bardes

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12/21/2022

This is the chronological story of my cold cell torture, gunshot, and subsequent discovery of the bullet five years later, that proved my cold cell torture was even worse than I had even testified.

1999 - Maple Glen, Pennsylvania

While living in Maple Glen, Pennsylvania commuting five hours day to the world trade center, Betsy, my wife, had an affair with the nanny's husband. Betsy filed for divorce, and moved to Charleston, South Carolina to start her new life with the nanny's husband and my children. After three years she threw out the nanny's husband and married her yard man.

In what Betsy will describe today as having a mid-life crisis, she set up what would become six years of war in the family courts. (After the wars in family court we made peace and did shared parenting successfully raising our children in complete agreement.)

But it caused me to become depressed. I had what is known as "situational" depression. A crappy "situation" caused the depression. Not genetic, not bi-polar in any fashion. I was judicious in the care of my depression, and sought the services of both a talking doctor (PhD) and a medicine man (MD). I took general anti-depressants. I tried five different anti-depressants until I found one that helped, which is about the average. Anti-depressants do not cure depression, they only make you feel better, until the passage of time when depression finally lifts. It is the talking doctor that does more to lift one out of depression, than the medicine.

But by 2004, my depression had lifted. Until I received in the mail a package from the South Carolina Department of Social Services (DSS) declaring me guilty of being \$13,596 in debt for child support arrears. Enclosed was a five-page affidavit

signed by Betsy with randomly filled in blank months over five years totaling to \$13,596 in child support arrears. (See Betsy's fake arrears affidavit, next page.)

My child support payments, along with health insurance premiums, deductibles, co-pays, dentists, private school tuition, cash to the kids, and all expenses, was about \$50,000 a year. Betsy had previously asked me for more money because she did not want to get a job, and I said no. So, Betsy decided to shake me down for more money, using lies.

The package from DSS gave me mere days to meet in person with a state lawyer to prove myself innocent. I kept excellent records and compiled every canceled check and each monthly bank statement for each of sixty monthly payments over five years.

I met with State Attorney John Magera in a non-descript high security building with an armed guard at the door. Who cracked open the door an inch and said to me "What's a want?" I replied "I am here to see John Magera."

Sitting in John Magera's tiny eight by eight windowless office, I set my stack of checks and statements on his desk, and handed him an Excel spreadsheet with all sixty of my child support payments. After about two hours of going through about twenty payments, examining each canceled check with Betsy's signature, and the bank statement proving the date the check cleared, Magera started skipping a few months, looking at random months, until the entire stack of sixty payments was exhausted. Magera made highly detailed notes on his copy of the spreadsheet.

(See Spreadsheet on next page, followed by Betsy's falsified affidavit of arrears.)

SCDSS v. David A. Bardes
Docket: 04-DR-10-193

Correction to False Affidavit of child support payments by ex-wife, Betsy Whitten (Bardes?).

Correction
 Agreement
 Tuition Payment

FUNB = First Union (Accounts moved from PA, NC, to SC), hence new check numbers
 PNC = PNC Bank, Consohocken, PA
 BCI = First Citizens or Soutcoast Business Checking (Charleston, SC)
 FC = First Citizens, Folly Rd. Charles, SC
 SC = SouthCoast Community Bank, Johns Island, SC

Date Prepared 3/16/04

Line Number	Paper Reference Number	Date/Month	Betsy Bardes Affidavit (states confirmed paid amounts)	David Bardes' Actual Payments to Betsy	Date	Account	Transaction Number	Amount Required Monthly	Running Sum of Monthly Amounts	Running Sum of Amount Paid	Advance/ - Arrears	Tuition Payments	Notes
1	A1	4/2000	1,866.00	933.00	4/4/00	FUNB	1002	1,866.00	1,866.00	933.00	-933.00		
2	A2	4/2000		966.00	4/20/00	FUNB	1021	1,866.00	1,866.00	1,899.00	33.00		
3	B1	5/2000	1,866.00	933.00	5/8/00	FUNB	1042	1,866.00	3,732.00	2,832.00	-900.00		
4	B2	5/2000		219.09	5/8/00	FUNB	1043	1,866.00	3,732.00	3,051.09	-680.91		
5	B3	5/2000		933.00	5/30/00	FUNB	1047	1,866.00	3,732.00	3,984.09	252.09		
6	C1	6/2000	1,866.00	1,866.00	6/13/00	FUNB	1056	1,866.00	5,598.00	5,850.09	252.09		
7	C2	6/2000		2,000.00	6/25/00	PNC	116	1,866.00	5,598.00	7,850.09	2,252.09		
8	C3	6/2000		400.00	7/7/00	PNC	131	1,866.00	5,598.00	8,250.09	2,652.09		
9	D1	7/2000	0.00	1,900.00	7/7/00	PNC	137	1,866.00	7,464.00	10,150.09	2,686.09		
10	D2	7/2000		2,200.00	7/18/00	FUNB	1076	1,866.00	7,464.00	12,350.09	4,886.09		
11	D3	7/2000		500.00	7/18/00	FUNB	1077	1,866.00	7,464.00	12,850.09	5,386.09		
12	D4	7/2000		3,458.00	7/25/00	FUNB	1078	1,866.00	7,464.00	16,308.09	8,844.09		
13	E1	8/2000	646.00	646.98	8/2/00	FUNB	1097	1,866.00	9,330.00	16,955.07	7,625.07		
14	E2	8/2000	0.00	1,219.02	7/16/00	Debit		1,866.00	9,330.00	18,174.09	8,844.09		Betsy used my debit card to buy essentials for kids, asked for advance on next month's support payment
15	F1	9/2000	1,846.00	660.00	9/5/00	FUNB	1109	1,866.00	11,196.00	18,834.09	7,638.09		
16	F2	9/2000		933.00	9/5/00	FUNB	1110	1,866.00	11,196.00	19,767.09	8,571.09		
17	F3	9/2000		500.00	9/8/00	FUNB	1111	1,866.00	11,196.00	20,267.09	9,071.09		
18	F4	9/2000		933.00	9/28/00	FUNB	1129	1,866.00	11,196.00	21,200.09	10,004.09		
19	G1	10/2000	1,846.00	933.00	10/12/00	FUNB	1132	1,866.00	13,062.00	22,133.09	9,071.09		
20	G2	10/2000		440.00	10/12/00	FUNB	1133	1,866.00	13,062.00	22,573.09	9,511.09		
21	G3	10/2000		933.00	10/19/00	FUNB	1139	1,866.00	13,062.00	23,506.09	10,444.09		
22	H1	11/2000	933.00	1,373.00	11/9/00	FUNB	1160	1,866.00	14,928.00	24,879.09	9,951.09		
23	H2	11/2000	0.00	933.00	11/29/00	FUNB	1165	1,866.00	14,928.00	25,812.09	10,884.09		
24	I1	12/2000	1,866.00	1,866.00	12/21/00	FUNB	1187	1,866.00	16,794.00	27,678.09	10,884.09		
25	J1	1/2001	1,866.00	1,866.00				1,866.00	18,660.00	29,544.09	10,884.09		
26	K1	2/2001	1,866.00	1,866.00	2/8/01	FUNB	1221	1,866.00	20,526.00	31,410.09	10,884.09		
27	L1	3/2001	1,866.00	1,866.00	3/20/01	FUNB	1001	1,866.00	22,392.00	33,276.09	10,884.09		
28	L2	3/2001		453.53	3/20/01	FUNB	1005	1,866.00	22,392.00	33,729.62	11,337.62		
29	L3	3/2001		225.00	3/01/01	FUNB	1222	1,866.00	22,392.00	33,954.62	11,562.62		
30	M1	4/2001	1,866.00	1,866.00	4/11/01	FUNB	1014	1,866.00	24,258.00	35,820.62	11,562.62		
31	N1	5/2001	1,366.00	1,366.00	5/3/01	FUNB	1038	1,866.00	26,124.00	37,186.62	11,062.62		
32	N2	5/2001							26,124.00	37,186.62	11,062.62	1,000.00 Tuition - per Betsy's request (FUNB #1029, 5/2/01)	
33	O1	6/2001	1,866.00	1,866.00	6/14/01	FUNB	1055	1,866.00	27,990.00	39,052.62	11,062.62		
34	P1	7/2001	1,200.00	1,200.00	7/10/01	FUNB	1074	1,866.00	29,856.00	40,252.62	10,396.62		
35	P2	7/2001							29,856.00	40,252.62	10,396.62	421.50 Tuition, per Betsy's request (FUNB #1066, 7/9/01)	
36	Q1	8/2001	1,200.00	1,200.00	8/8/01	FUNB	1201	1,866.00	31,722.00	41,452.62	9,730.62		
37	Q2	8/2001							31,722.00	41,452.62	9,730.62	843.00 Tuition, per Betsy's request (FUNB #1207, 8/22/01)	
38	R1	9/2001	1,200.00	1,200.00	9/11/01	FUNB	1216	1,866.00	33,588.00	42,652.62	9,064.62		
39	S1	10/2001	1,200.00	1,200.00	10/4/01	FUNB	1237	1,866.00	35,454.00	43,852.62	8,398.62		
40	T1	11/2001	1,200.00	1,200.00	11/2/01	FUNB	1260	1,866.00	37,320.00	45,052.62	7,732.62		
41	T2	11/2001							37,320.00	45,052.62	7,732.62	893.00 Tuition, FUNB #1252, 11/2/01)	
42	U1	12/2001	1,200.00	1,200.00	12/10/01	FUNB	1275	1,866.00	39,186.00	46,252.62	7,066.62		
43	U2	12/2001		100.00	12/28/01	FUNB	1299	1,866.00	39,186.00	46,352.62	7,166.62		Request on advance of child support per Betsy
44	U3	12/2001		400.00	12/29/01	FUNB	1302	1,866.00	39,186.00	46,752.62	7,566.62		Request on advance of child support per Betsy
45	V1	1/2002	1,200.00	1,200.00				1,866.00	41,052.00	47,952.62	6,900.62		
46	V2	1/2002		250.00	1/16/04	FUNB	25	1,866.00	41,052.00	48,202.62	7,150.62		School Meal Program, per Betsy's request to pay directly
47	V3	1/2002							41,052.00	48,202.62	7,150.62	1,264.50 Tuition, per Betsy's request (FUNB #17, 1/14/02)	
48	W1	2/2002	1,200.00	1,200.00	2/1/02	FUNB	1331	1,866.00	42,918.00	49,402.62	6,484.62		
49	X1	3/2002	1,866.00	1,866.00	3/1/02	FUNB	1345	1,866.00	44,784.00	51,268.62	6,484.62		
50	X2	3/2002							44,784.00	51,268.62	6,484.62	843.00 Tuition, per Betsy's request (FUNB #1346, 3/14/02)	
51	Y1	4/2002	1,865.00	1,865.00	3/27/02	BCI	1050	1,866.00	46,650.00	53,133.62	6,483.62		
52	Y2	4/2002		52.29	4/25/02	FUNB	1372	1,866.00	46,650.00	53,185.91	6,535.91		School Meal Program, per Betsy's request to pay directly
53	Y3	4/2002							46,650.00	53,185.91	6,535.91	500.00 School Deposit per Betsy	
54	Z1	5/2002	1,865.00	1,865.00	5/1/02	FUNB	1374	1,866.00	48,516.00	55,050.91	6,534.91		
55	AA1	6/2002	1,866.00	933.00	6/4/02	FUNB	1391	1,866.00	50,382.00	55,983.91	5,601.91		
56	AA2	6/2002	0.00	933.00	6/15/02	FUNB	1393	1,866.00	50,382.00	56,916.91	6,534.91		
57	BB1	7/2002	0.00	1,000.00	7/1/02	FUNB	96	1,866.00	52,248.00	57,916.91	5,668.91		
58	BB2	7/2002	0.00	1,000.00	7/16/02	FUNB	97	1,866.00	52,248.00	58,916.91	6,668.91		
59	CC1	8/2002	933.00	933.00	7/31/02	FUNB	1	1,866.00	54,114.00	59,849.91	5,735.91		
60	DD1	9/2002	1,866.00	2,799.00	8/28/02	BCI	1135	1,866.00	55,980.00	62,648.91	6,668.91		
61	DD2	9/2002		50.00	9/26/02	FUNB		1,866.00	55,980.00	62,698.91	6,718.91		School Meal Program, per Betsy's request to pay directly
62	EE1	10/2002	1,866.00	933.00	9/30/02	FC	6010	1,866.00	57,846.00	63,631.91	5,785.91		
63	EE2	10/2002		933.00	10/15/02	FC	6017	1,866.00	57,846.00	64,564.91	6,718.91		
64	FF1	11/2002	1,866.00	608.17	11/1/02	FC	6024	1,866.00	59,712.00	65,173.08	5,461.08		

SCDSS v. David A. Bardes
Docket: 04-DR-10-193

Correction to False Affidavit of child support payments by ex-wife, Betsy Whitten (Bardes?).

= Correction
 = Agreement
 = Tuition Payment

FUNB = First Union (Accounts moved from PA, NC, to SC), hence new check numbers
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 SC = SouthCoast Community Bank, Johns Island, SC

Date Prepared 3/16/04

Line Number	Paper Reference Number	Date/Month	Betsy Bardes Affidavit (states confirmed paid amounts)	David Bardes Actual Payments to Betsy	Date	Account	Transaction Number	Amount Required Monthly	Running Sum of Monthly Amounts	Running Sum of Amount Paid	Advance/ - Arrears	Tuition Payments	Notes
65	FF2	11/2002		324.83	10/7/02				59,712.00	65,497.91	5,785.91		
66	FF3	11/2002		933.00	11/15/02	FC	6026		59,712.00	66,430.91	6,718.91		
67	GG1	12/2002	1,866.00	933.00	12/1/02	FC	6034	1,866.00	61,578.00	67,363.91	5,785.91		
68	GG2	12/2002		933.00	12/15/02	FC	6038		61,578.00	68,296.91	6,718.91		
69	HH1	1/2003	1,866.00	6,515.00	1/8/03	FUNB	6042	1,866.00	63,444.00	74,811.91	11,367.91		
70	II1	2/2003	1,866.00	50.00	2/13/03	FC	6056	1,866.00	65,310.00	74,861.91	9,551.91		
71	JJ1	3/2003	1,866.00	0.00				1,866.00	67,176.00	74,861.91	7,685.91		
72	KK1	4/2003	917.00	100.00	3/17/03	FC	6063	1,866.00	69,042.00	74,961.91	5,919.91		
73	KK2	4/2003		949.00	4/18/03	BCI	6138		69,042.00	75,910.91	6,868.91		School Meal Program, per Betsy's request to pay directly
74	LL1	5/2003	0.00	933.00	5/1/03	BCI	5159	1,866.00	70,908.00	76,843.91	5,935.91		
75	LL2	5/2003		933.00	5/15/03	FC	6072		70,908.00	77,776.91	6,868.91		
76	MM1	6/2003	0.00	933.00	6/1/03	BCI	5180	1,866.00	72,774.00	78,709.91	5,935.91		
77	MM2	6/2003		933.00	6/15/03	BCI	5182		72,774.00	79,642.91	6,868.91		
78	NN1	7/2003	0.00	933.00	7/7/03	FC	6078	1,866.00	74,640.00	80,575.91	5,935.91		
79	NN2	7/2003		933.00	7/22/03	FC	6093		74,640.00	81,508.91	6,868.91		
80	OO1	8/2003	0.00	933.00	8/7/03	FC	6098	1,866.00	76,506.00	82,441.91	5,935.91		
81	OO2	8/2003		933.00	8/15/03	FC	6099		76,506.00	83,374.91	6,868.91		
82	PP1	9/2003	0.00	1,866.00	8/26/03	FC	6105	1,866.00	78,372.00	85,240.91	6,868.91		
83	PP2	9/2003		933.00	9/15/03	SC	4002		78,372.00	86,173.91	7,801.91		
84	PP3	9/2003		-933.00	9/1/03	Book	Credit		78,372.00	85,240.91	6,868.91		Check 6099 did not make it. Betsy did not change her name.
85	QQ1	10/2003	0.00	933.00	10/3/03	SC	4010	1,866.00	80,238.00	86,173.91	5,935.91		
86				933.00	10/15/03	SC	8727		80,238.00	87,106.91	6,868.91		
87	RR1	11/2003	0.00	1,866.00	11/1/03	SC	8730	1,866.00	82,104.00	88,972.91	6,868.91		
88	SS1	12/2003	0.00	1,866.00	12/1/03	SC	8735	1,866.00	83,970.00	90,838.91	6,868.91		
89	TT1	1/2004	0.00	1,866.00	1/28/04	SC	8756	1,866.00	85,836.00	92,704.91	6,868.91		
90	UU1	2/2004	0.00	1,866.00	2/6/04	SC	8757	1,866.00	87,702.00	94,570.91	6,868.91		
91	VV1	3/2004	0.00	933.00	3/1/04	SC	8772	933.00	88,635.00	95,503.91	6,868.91	5,765.00	

Amount Due to Betsy (as of 3/15/04) **88,635.00**
 Amount Paid to Betsy (as of 3/15/04) **95,503.91**

 Sub-Advanced Child Support Credit **6,868.91**

 Add Child school tuition payments? **5,765.00**

 Total-Advanced Child Support Credit **12,633.91**

STATE OF SOUTH CAROLINA

IN THE FAMILY COURT

COUNTY OF CHARLESTON

FILED NOTICE OF FILING AND REGISTRATION OF FOREIGN SUPPORT ORDER

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES,

JAN 21 AM 11:11

PLAINTIFF,

FAMILY COURT

-vs-

Docket No. 04-DR-10-193

DAVID A. BARDES,

DEFENDANT.



953-9700

TO THE DEFENDANT NAMED ABOVE AND THE COURT:

The above-captioned support Order has been filed and registered in the Registry of Foreign Support Orders of Charleston County under S.C. Code Ann., Section 20-7-960 et seq. (1976). The Order is enforceable as of the date of registration. Except as provided in Sections 20-7-1135 through 20-7-1200 (1976), the Family Court shall recognize and enforce and may not modify this registered Order.

The obligor has twenty (20) days after the mailing of the Notice of Registration to file a motion in the Family Court of Charleston County to contest the validity or enforcement of the registered Order and to serve the attorney for Plaintiff, to the attention of John M. Magera, Child Support Enforcement Legal Division, Post Office Box 150012, North Charleston, SC, 29415-0012. If the obligor does not file a motion with the Court, the support Order is confirmed by operation of law and the Order and arrears will be enforced and the obligor will be precluded from any further contest of the Order with respect to any matter that could have been asserted.

Pursuant to the terms of the above-captioned support Order, the obligor is in arrears \$ 13596 as of 4-30-03 plus.

Whatever amount that has accumulated from 7 until this case is set up by the Chas Cty Family Ct

The Child Support Enforcement Legal Division shall send by first class mail to the obligor at the address given above a Notice of Registration with a copy of the registered support Order.

Payments may be mailed in the form of Postal Money Orders, Certified Checks, or Cashier's Checks, made payable to the Family Court of the Ninth Judicial Circuit and mailed to ~~P.O. Box 934,~~
Charleston, SC, 29402. **100 Broad Street, Charleston, SC**



John M. Magera
Attorney for Plaintiff

North Charleston, S.C.

10/10, 2004

jmm:0589277

STATE OF SOUTH CAROLINA
 COUNTY OF CHARLESTON
 SOUTH CAROLINA DEPARTMENT
 OF SOCIAL SERVICES,
 PLAINTIFF,
 -VS-
 DAVID A. BARDES,
 DEFENDANT.

IN THE FAMILY COURT

AFFIDAVIT OF ARREARS

Docket No: 04-DR-10-193

Betsy F. Bardes, being first duly sworn, deposes and says that the following is a schedule of support payments received and balance due:

2000

	<u>AMOUNT DUE</u>	<u>AMOUNT PAID</u>	<u>ARREARS</u>
<u>JANUARY</u>			
<u>FEBRUARY</u>			
<u>MARCH</u>			
<u>APRIL</u>	1866	1866	-
<u>MAY</u>	1866	1866	-
<u>JUNE</u>	1866	1866	-
<u>JULY</u>	1866	-	1866
<u>AUGUST</u>	1866	646	1220
<u>SEPTEMBER</u>	1866	1866	-
<u>OCTOBER</u>	1866	1866	-
<u>NOVEMBER</u>	1866	933	933
<u>DECEMBER</u>	1866	1866	-
<u>TOTALS</u>	16794	12775	4019

STATE OF SOUTH CAROLINA
 COUNTY OF CHARLESTON
 SOUTH CAROLINA DEPARTMENT
 OF SOCIAL SERVICES,
 PLAINTIFF,
 -vs-
 DAVID A. BARDES,
 DEFENDANT.

IN THE FAMILY COURT

AFFIDAVIT OF ARREARS

Docket No: 04-DR-10-193

Betsy F. Bardes, being first duly sworn, deposes and says that the following is a schedule of support payments received and balance due:

20 01

	<u>AMOUNT DUE</u>	<u>AMOUNT PAID</u>	<u>ARREARS</u>
<u>JANUARY</u>	<u>1866</u>	<u>1866</u>	<u>-</u>
<u>FEBRUARY</u>	<u>1866</u>	<u>1866</u>	<u>-</u>
<u>MARCH</u>	<u>1866</u>	<u>1866</u>	<u>-</u>
<u>APRIL</u>	<u>1866</u>	<u>1866</u>	<u>-</u>
<u>MAY</u>	<u>1866</u>	<u>1366</u>	<u>500</u>
<u>JUNE</u>	<u>1866</u>	<u>1866</u>	<u>-</u>
<u>JULY</u>	<u>1866</u>	<u>1200</u>	<u>666</u>
<u>AUGUST</u>	<u>1866</u>	<u>1200</u>	<u>666</u>
<u>SEPTEMBER</u>	<u>1866</u>	<u>1200</u>	<u>666</u>
<u>OCTOBER</u>	<u>1866</u>	<u>1200</u>	<u>666</u>
<u>NOVEMBER</u>	<u>1866</u>	<u>1200</u>	<u>666</u>
<u>DECEMBER</u>	<u>1866</u>	<u>1200</u>	<u>666</u>
<u>TOTALS</u>	<u>22392</u>	<u>17896</u>	<u>4496</u>

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES,

PLAINTIFF,

-vs-

DAVID A. BARDES,

DEFENDANT.

IN THE FAMILY COURT

AFFIDAVIT OF ARREARS

Docket No: 01-DR-10-197

Betsy F. Bardes, being first duly sworn, deposes and says that the following is a schedule of support payments received and balance due:

20 02

	<u>AMOUNT DUE</u>	<u>AMOUNT PAID</u>	<u>ARREARS</u>
<u>JANUARY</u>	<u>1866</u>	<u>1200</u> ✓	<u>666</u>
<u>FEBRUARY</u>	<u>1866</u>	<u>1200</u> ✓	<u>666</u>
<u>MARCH</u>	<u>1866</u>	<u>1866</u> ✓	<u>-</u>
<u>APRIL</u>	<u>1866</u>	<u>1865</u>	<u>1</u>
<u>MAY</u>	<u>1866</u>	<u>1865</u> ✓	<u>1</u>
<u>JUNE</u>	<u>1866</u>	<u>1866</u> 933	<u>-</u>
<u>JULY</u>	<u>1866</u>	<u>-</u> 2000	<u>1866</u>
<u>AUGUST</u>	<u>1866</u>	<u>933</u> ✓ 2799	<u>933</u>
<u>SEPTEMBER</u>	<u>1866</u>	<u>1866</u> +100	<u>-</u>
<u>OCTOBER</u>	<u>1866</u>	<u>1866</u>	<u>-</u>
<u>NOVEMBER</u>	<u>1866</u>	<u>1866</u>	<u>-</u>
<u>DECEMBER</u>	<u>1866</u>	<u>1866</u>	<u>-</u>
<u>TOTALS</u>	<u>22392</u>	<u>18260</u>	<u>4132</u>

766+

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES,

PLAINTIFF,

-vs-

DAVID A. BARDES,

DEFENDANT.

IN THE FAMILY COURT

AFFIDAVIT OF ARREARS

Docket No: 01-DR-10-193

Betsy F. Bardes, being first duly sworn, deposes and says that the following is a schedule of support payments received and balance due:

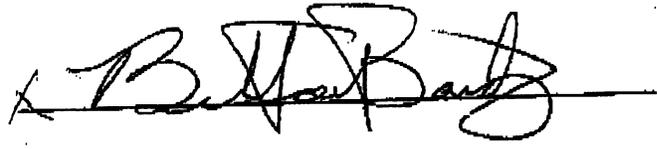
20 03

	<u>AMOUNT DUE</u>	<u>AMOUNT PAID</u>	<u>ARREARS</u>
<u>JANUARY</u>	<u>1866</u>	<u>1866 6515</u>	<u>—</u>
<u>FEBRUARY</u>	<u>1866</u>	<u>1866</u>	<u>—</u>
<u>MARCH</u>	<u>1866</u>	<u>1866</u>	<u>—</u>
<u>APRIL</u>	<u>1866</u>	<u>949.00 917 900</u>	<u>949</u>
<u>MAY</u>		<u>933 + 933</u>	
<u>JUNE</u>		<u>933 + 933</u>	
<u>JULY</u>		<u>933 933</u>	
<u>AUGUST</u>		<u>1866 + 933</u>	
<u>SEPTEMBER</u>		<u>933</u>	
<u>OCTOBER</u>		<u>933 (4010) 933 4020</u>	
<u>NOVEMBER</u>		<u>1866 8730</u>	
<u>DECEMBER</u>		<u>1866 0413</u>	
<u>TOTALS</u>	<u>7464</u>	<u>6515 8735</u>	<u>949</u>

0

ANNUAL SUMMARY OF CHILD SUPPORT ARREARS

<u>YEAR</u>	<u>AMOUNT DUE</u>	<u>AMOUNT PAID</u>	<u>ARREARS</u>
20 <u>00</u>	\$ <u>16794</u>	\$ <u>12775</u>	\$ <u>4019</u>
20 <u>01</u>	\$ <u>22392</u>	\$ <u>17896</u>	\$ <u>4496</u>
20 <u>02</u>	\$ <u>22392</u>	\$ <u>18260</u>	\$ <u>4132</u>
20 <u>03</u>	\$ <u>7464</u>	\$ <u>6515</u>	\$ <u>949</u>
20 <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
20 <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
20 <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
20 <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
20 <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
20 <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
20 <u> </u>	\$ <u> </u>	\$ <u> </u>	\$ <u> </u>
	TOTAL ARREARS:	\$ <u>13596</u>	



SWORN TO BEFORE ME this 18th

DAY OF March, 2003

Ali D. McSwain
Notary Public for S.C.

My Commission Expires: September 2, 2009

ajw:0589277

When John Magera was finished, I had proven, as the spreadsheet attested, I actually overpaid my due child support by \$12,633.91. Magera was faced with a mother who was guilty of perjury and five years in prison. The meeting ended with Magera telling me he would have to next meet with Betsy.

A few weeks later, on May 27, 2004, I received a letter from John Magera asking me for another copy of my spreadsheet, as he said he gave his only copy to Betsy. His letter reluctantly concurred that I was not in arrears, but that “there is a specific way that we need to take care of this.” (i.e. dealing with lying baby mama.)

(See Mysterious Letter from John Magera on next page.)

DSS

Serving Children and Families

KIM S. AYDLETTE, STATE DIRECTOR

May 27, 2004

David Andrew Bardes
1170 Winding Pond Rd
Manning, SC 29102



RE: DSS VS. David Andrew Bardes
-Case-ID: 0589277

Dear Mr. Bardes:

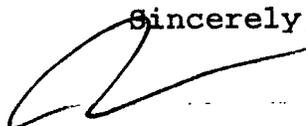
I have reviewed your fax dated 5-26-04. Please note that the arrears in your case are still in dispute and that issue has not been resolved. I do need for you to send me another copy of the spreadsheet that you prepared for our files, as I gave my only copy to your ex-wife.

I am attempting to resolve that issue and as you know from our meeting, I agree that most of "listed" arrears is not owed, but there is a specific way that we need to take care of this.

As far as your custody situation is concerned, I would suggest if the situation is as bad as you describe, then you should obtain a private attorney and file for custody.

Good luck in your endeavors.

Sincerely,



John M. Magera
State Attorney

jmm

This left me perplexed, why would a lawyer ever give away his only copy of a spreadsheet full of his handwritten notes, without ever making a copy for himself? And how would he know what payments to “dispute” when he did not have his original notes? Because he knew I had overpaid my child support.

(Much later, John Magera confessed to his employer, and also told my sister, who met with Magera to negotiate my release from jail, that Betsy gave John Magera oral sex in return for not prosecuting her. Betsy denies it to this day, but Magera was fired for it, actually placed on a fixed pension non-working status, and my sister was the one who informed me.)

I sent John Magera another copy of my spreadsheet, and on October 20, 2004, he got a family court judge to sign an order striking the falsely reported arrears, setting them to “zero.”

(See Judge’s order striking the falsely reported arrears on next page.)

DSS

Serving Children and Families

KIM S. AYDLETTE, STATE DIRECTOR

October 20, 2004

0589277

David A. Bardes
410 Willow Brook Ct
Mebane, NC 27302



RE: SCDSS -vs- David A. Bardes
File No. 0589277

Dear Mr. Bardes:

Enclosed please find a copy of the recent Order in the above-entitled case.

Sincerely,

Patricia A. Murray

Patricia A. Murray
Administrative Specialist

pam

Enclosure

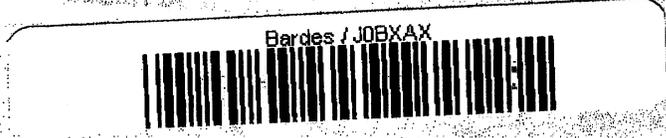
STATE OF SOUTH CAROLINA
COUNTY OF CHESAPEAKE
South Carolina Department of Social Services
Plaintiff,

IN THE FAMILY COURT

ORDER

vs. DAVID BARDES
Defendant.
Address: 416 William Bunch
Mobile, NC 27302
Social Security No.: 300-46-6100
DLN: _____ Exp. Date: _____
Employer: _____

2004 OCT 18 AM 11:30
Docket No. DR-193



The Court finds that the Defendant has provided proof that the 16th shall 3000 at the 11:30-03 order shall continue by order

Based upon the above findings,
IT IS THEREFORE ORDERED that the address shall be set at 7010 as of 4-30-03 order shall continue

AND IT IS SO ORDERED.

Charleston, S.C.

October 11 2004

DSS File No.: 589277

[Signature]
Judge of the Family Court

[Signature]
Judicial Circuit

By [Signature]
Attorney for DSS

SEAL
ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, FAMILY COURT

By [Signature]
DEPUTY CLERK

Yvonne Williams

RECEIVED

South Carolina Department of Social Services

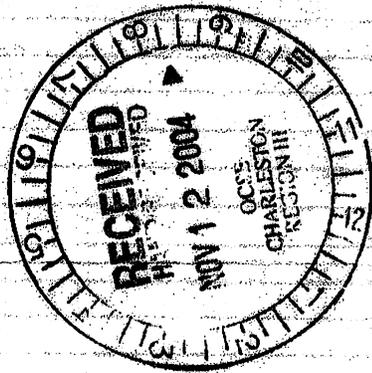
Number

Date

Address

City/State

Employer



It is the responsibility of the recipient to ensure that the information provided is accurate and complete.

THIS IS TO BE RETURNED TO THE OFFICE OF THE ATTORNEY GENERAL

Thank you for your cooperation.

Director

NOV 12 2004

Yvonne Williams

1234 Main Street
Charleston, SC 29401

500 Main Street, Room 1000, Charleston, SC 29401

DSSS

Serving Children and Families

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES
CHILD SUPPORT ENFORCEMENT DIVISION
P.O. BOX 150012, CHARLESTON, S.C. 29415-0012

WTR

058927



A
 C
 S

INSUFFICIENT ADDRESS
 ATTEMPTED NOT KNOWN
 NO SUCH NUMBER/ STREET
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

OTHER

RTS
RETURN TO SENDER



The problem was John Magera waited almost a year before obtaining the order striking the false arrears. What happened during that year, was stuff of horrors. Instead of having due process protecting the falsely accused, South Carolina instantly declares you guilty of child support arrears the moment the baby mama makes a claim. Your name and Social Security number are placed in county, state, and federal databases as a “mega” deadbeat dad. Over a thousand different punishment mechanisms go into instant effect.

I received in the mail, what I called “DSS destroy letters” which lists all the punishment destruction mechanisms being enforced against me.

(See DSS Destroy Letter on next page.)

CONTACT: SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES
CHILD SUPPORT ENFORCEMENT
SPECIAL COLLECTIONS UNIT
POST OFFICE BOX 1469
COLUMBIA, S.C. 29202-1469
PHONE IN-STATE ----- 1-800-922-0852
COLUMBIA AREA ----- 898-9314
OUT-OF-STATE ---- 1-888-454-5360

DATE OF NOTICE: May 11, 2004

YD885R01
PAGE 3,124



FEDERAL AND STATE TAX REFUND OFFSET PROGRAM

THIS AGENCY HAS DETERMINED THAT YOU OWE PAST-DUE CHILD AND/OR SPOUSAL SUPPORT. OUR RECORDS SHOW THAT YOU OWE AT LEAST THE AMOUNT SHOWN BELOW. IF YOUR CASE WAS SUBMITTED TO THE UNITED STATES DEPARTMENT OF TREASURY FOR COLLECTION IN THE PAST, THIS AMOUNT IS SUBJECT TO COLLECTION AT ANY TIME BY ADMINISTRATIVE OFFSET AND/OR FEDERAL TAX REFUND OFFSET. IF YOUR CASE HAS NOT ALREADY BEEN SUBMITTED TO THE UNITED STATES DEPARTMENT OF TREASURY AND YOU DO NOT PAY IN FULL WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE, THIS AMOUNT WILL BE REFERRED FOR COLLECTION BY ADMINISTRATIVE OFFSET AND/OR FEDERAL TAX REFUND OFFSET. UNDER ADMINISTRATIVE OFFSET (31 U.S.C. 3716), CERTAIN FEDERAL PAYMENTS THAT MIGHT OTHERWISE BE PAID TO YOU WILL BE INTERCEPTED, EITHER IN WHOLE OR IN PART, TO PAY PAST-DUE CHILD AND/OR SPOUSAL SUPPORT. UNDER FEDERAL TAX REFUND OFFSET (42 U.S.C. 664; 26 U.S.C. 6402), ANY FEDERAL INCOME TAX REFUND TO WHICH YOU MAY BE ENTITLED WILL BE INTERCEPTED TO SATISFY YOUR DEBT. THIS AMOUNT WILL BE REFERRED TO THE SOUTH CAROLINA DEPARTMENT OF REVENUE FOR STATE TAX REFUND OFFSET. UNDER STATE INCOME TAX REFUND OFFSET (S.C. CODE ANN. SEC. 12-56-10 (SUPP. 1996)), ANY STATE INCOME TAX REFUND TO WHICH YOU MAY BE ENTITLED MAY BE RETAINED TO SATISFY YOUR DEBT.

* IF YOU OWE ARREARAGES OF CHILD SUPPORT IN AN AMOUNT EXCEEDING \$5,000, AS CERTIFIED BY THIS AGENCY, THE U.S. SECRETARY OF STATE WILL REFUSE TO ISSUE A PASSPORT TO YOU, AND MAY REVOKE, RESTRICT, OR LIMIT A PASSPORT WHICH WAS PREVIOUSLY ISSUED. THE AMOUNT OF YOUR PAST-DUE SUPPORT WILL ALSO BE REPORTED TO CONSUMER REPORTING AGENCIES.

YOUR DEBT WILL REMAIN SUBJECT TO COLLECTION BY FEDERAL TAX REFUND OFFSET AND/OR ADMINISTRATIVE OFFSET UNTIL IT IS PAID IN FULL. IMPORTANT: IF YOU OWE CURRENT SUPPORT, ANY FURTHER ARREARS ACCRUING DUE TO PAYMENTS MISSED MAY BE ADDED TO YOUR DEBT AND WILL BE SUBJECT TO COLLECTION BY FEDERAL TAX REFUND OFFSET AND/OR ADMINISTRATIVE OFFSET NOW OR IN THE FUTURE WITHOUT FURTHER NOTICE. TO DETERMINE ADDITIONAL AMOUNTS OWED OR THE AMOUNT PAST-DUE WHICH THE AGENCY HAS SUBMITTED FOR COLLECTION, YOU MAY CONTACT US AT THE ADDRESS AND PHONE NUMBER LISTED ABOVE.

YOU HAVE THE RIGHT TO CONTEST OUR DETERMINATION THAT THIS AMOUNT OF PAST-DUE SUPPORT IS DUE BY REQUESTING AN ADMINISTRATIVE REVIEW. TO REQUEST A REVIEW, YOU MUST CONTACT US WITHIN 30 DAYS OF THE DATE OF THIS NOTICE AT THE ADDRESS OR PHONE NUMBER LISTED ABOVE. IF YOUR SUPPORT ORDER WAS NOT ISSUED IN OUR STATE, WE CAN CONDUCT THE REVIEW OR, IF YOU PREFER, THE REVIEW CAN BE CONDUCTED IN THE STATE WHICH ISSUED THE SUPPORT ORDER. IF YOU REQUEST THE LATTER, WE WILL CONTACT THAT STATE WITHIN 10 DAYS AFTER WE RECEIVE YOUR REQUEST AND YOU WILL BE NOTIFIED OF THE TIME AND PLACE OF YOUR ADMINISTRATIVE REVIEW BY THE STATE WHICH ISSUED THE ORDER. ALL REQUESTS FOR ADMINISTRATIVE REVIEW MUST BE MADE BY CONTACTING THE AGENCY IDENTIFIED ABOVE.

IF YOU ARE MARRIED FILING A JOINT FEDERAL INCOME TAX RETURN, AND YOU INCURRED THIS DEBT SEPARATELY FROM YOUR SPOUSE, WHO HAS NO LEGAL RESPONSIBILITY FOR THE DEBT AND WHO HAS INCOME AND WITHHOLDING AND/OR ESTIMATED TAX PAYMENTS, HE OR SHE MAY BE ENTITLED TO RECEIVE HIS OR HER PORTION OF ANY JOINT FEDERAL TAX REFUND. IF YOUR SPOUSE MEETS THIS CRITERIA, HE OR SHE MAY RECEIVE HIS OR HER PORTION OF THE JOINT FEDERAL REFUND BY FILING AN IRS FORM 8379 - INJURED SPOUSE CLAIM AND ALLOCATION. FORM 8379 SHOULD BE ATTACHED TO THE TOP OF THE IRS FORM 1040 OR 1040-A WHEN YOU FILE, OR BE FILED ACCORDING TO OTHER INSTRUCTIONS AS INDICATED ON THE FORM 8379.

IF YOU ARE MARRIED, FILING A JOINT STATE INCOME TAX RETURN, AND YOU INCURRED THIS DEBT SEPARATELY FROM YOUR SPOUSE, WHO HAS NO LEGAL RESPONSIBILITY FOR THE DEBT AND WHO HAS INCOME AND WITHHOLDING AND/OR ESTIMATED TAX PAYMENTS, HE OR SHE MAY BE ENTITLED TO RECEIVE HIS OR HER PORTION OF THE JOINT STATE REFUND. IF YOUR SPOUSE MEETS THIS CRITERIA, HE OR SHE MAY RECEIVE HIS OR HER PORTION OF THE JOINT STATE REFUND BY PROVIDING THIS AGENCY COPIES OF THE IRS 1040, THE SC DEPARTMENT OF REVENUE NOTICE OF ADJUSTMENT OR PROPOSED ASSESSMENT, AND ALL W2 FORMS NO LATER THAN 30 DAYS AFTER RECEIVING NOTIFICATION OF THE OFFSET.

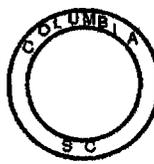
THIS AGENCY MAY MAKE USE OF THE LIEN, LEVY, AND SEIZURE OF REAL OR PERSONAL PROPERTY LOCATED IN OR OUT OF STATE TO SATISFY YOUR DEBT. PROPERTY SUBJECT TO THESE REMEDIES INCLUDES, BUT IS NOT LIMITED TO REAL ESTATE, MOTOR VEHICLES, BANK ACCOUNTS, STOCKS, BONDS, RENTAL RECEIPTS, PUBLIC AND PRIVATE PENSION OR RETIREMENT FUNDS, CASH-SURRENDER VALUE ON LIFE INSURANCE POLICIES, AND PERIODIC SOURCES OF INCOME INCLUDING WAGES, PENSIONS, WORKER'S COMPENSATION BENEFITS, DIVIDENDS AND INTEREST PAYMENTS.

YOUR NAME HAS BEEN SUBMITTED TO STC () IRS () BOTH (X) *
SSN 300460100 CASE NUMBER 8867645693 LOCAL ID 45019

PAST DUE CERTIFIED AMOUNT \$14,573.00 AS OF 03/31/2004

** IF THE ADDRESS ON THIS NOTICE IS INCORRECT, PLEASE CONTACT

STATE OF SOUTH CAROLINA
DEPARTMENT OF SOCIAL SERVICES
P. O. BOX 1520
COLUMBIA SC 29202-1520



PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE
PAID 1 OZ.
PERMIT NO. 1082

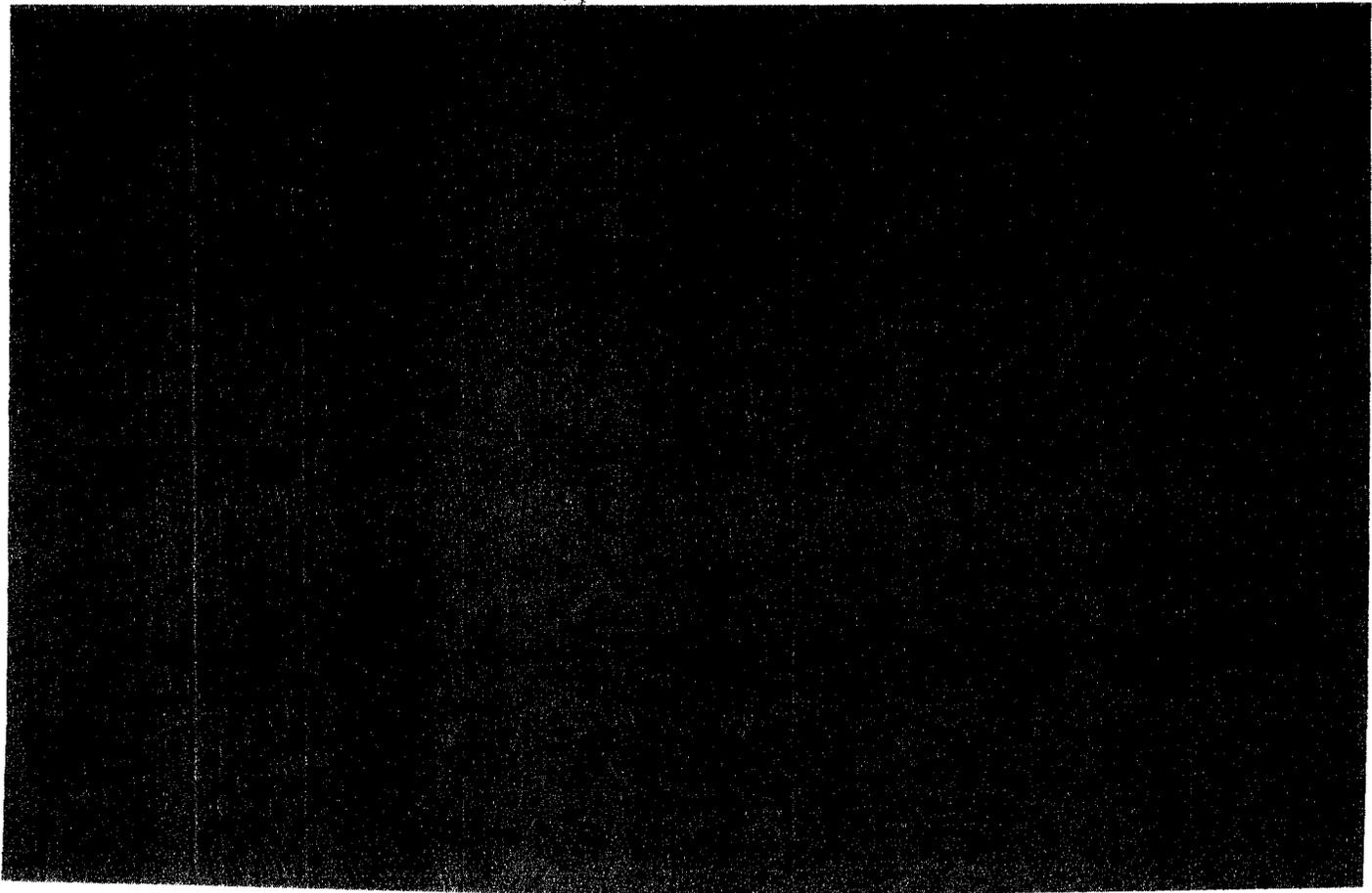
FORWARDING SERVICE REQUESTED

IVD-SCU

000001562

DAVID A BARDES
60 FENWICK HALL ALLEY
SUITE 121
JOHNS ISLAND SC 29455

DKBQHP1 29455



At the time, I was highly leveraged. I had invested all of my own money into moving and starting my own business. Which had gone well, as I had six figure billings and two employees. But I had loans for business cash flow, lines of credit, credit cards, mortgagees, RV loans, and auto loans.

So, when I was reading the DSS destroy letters, the one destruction mechanism that worried me was the reporting to business and personal credit bureaus. Which by the time I first read this, was already affected. At first my working capital was cut off, which led to the next, until after about eighteen months, I went from being a multi-millionaire to being broke, homeless, \$300,000 in debt, no credit, and severely depressed. As you can imagine.

I was not happy with the South Carolina Department of Social Services. I told Magera I was going to sue to get my money and life back. Magera's defense was to prosecute me to real child support arrears, as I did not have \$50,000 a year, I had nothing, thanks to them.

I was put on trial twice, and found not guilty twice. In fact, the judge in the second trial ordered John Magera and the DSS to sit down with me and work out a settlement for my great losses. Magera had no intentions on paying me a single penny, and issued what I understood as a death threat, to my family pastor outside the courthouse, saying in anger "Go tell Mr. Bardes he is Fucked!"

(See Pastor Peterson's affidavit on the next page.)

(Also, see transcripts of both trials in *The Public Trust*, the main exhibit of **Bardes v. Magera**, in PACER already.)

AFFIDAVIT OF DERON THOMAS PETERSON

STATE OF TEXAS §
 §
COUNTY OF Dallas §

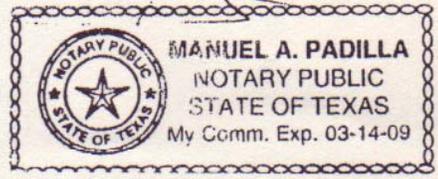
- 1 “My name is Deron Peterson. I am over eighteen (18) years of age. I have never been convicted of a felony. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.”

- 2 I was present at the Charleston County Family Courthouse on October 18, 2005 and had the following conversation with John M. Magera, State Attorney, DSS, and Betsy Foos-Bardes.

- 3 Mr. Magera stated to me in the presence of Ms. Foos- Bardes that in his opinion David Bardes Jr. was schizophrenic and needed to be institutionalized.

- 4 Ms. Foos-Bardes in turn claimed that Mr. David Bardes Jr. was in fact bi-polar, and in need of medical help.

- 5 I, Deron Thomas Peterson, responded by saying that I have had many conversations and had in fact spent the previous day with Mr. Bardes in his home. Mr. Bardes has always been consistent and coherent in his conversations with me always maintaining his innocence and his deep love for his children.



DERON THOMAS PETERSON
[Handwritten Signature]

6 At this point Mr. Magera became quite frustrated and stated angrily, "You go tell Mr. Bardes he's fucked!" I then asked him to calm down and refrain from using such profane language in mine and Ms. Foos-Bardes' presence .

7 I then accompanied Ms. Foos-Bardes to her car while Mr. Magera dismissed himself to attend to another matter.

8 In my conversation with Ms. Foos-Bardes she stated that Mr Bardes Jr. had never been physically abusive with either her or the children.

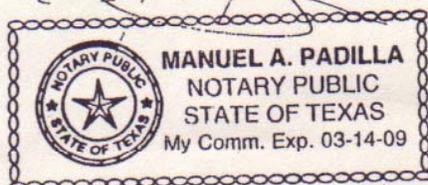
9 Ms Foos-Bardes in fact stated that Mr. Bardes was a good father and loving to the children.

10 Ms. Foos-Bardes stated that the children in fact love their father very much and miss him very much.

11 Ms. Foos-Bardes then stated that all she wanted was from Mr. Bardes Jr. was that he get help for his previously diagnosed depression.

12 I, Deron Thomas Peterson, also attest that Mr. David Bardes Jr. has in fact been in treatment in Florida.

13 I, Deron Thomas Peterson, do swear that these statements are true and factual.



Deron Thomas Peterson

A handwritten signature in black ink, appearing to read "Deron Thomas Peterson", written over a horizontal line.

The judge in the second trial made the mistake of asking Magera to draw up the order. Magera drew up the order without the requirement to sit down with me to work out a settlement. Then Magera pushed for a new trial. Which at the last minute Magera switched assigned judges to his close friend, the hanging judge, Judge Paul W. Garfinkel. When the court watchers notified me that the trial had been switched to Garfinkel, the dye had been cast. I was to be killed inside the jail.

But I was broke, disabled with severe depression, could not get a job that asked for my Social Security number, my picture had been posted on pizza boxes as a deadbeat dad on the run, and I was out of options. I willingly went to jail. Let them kill me was my accepted fate, which shows the depths of my depression at the time. John Magera had already issued his death threat through our family pastor, which any prudent person would also perceive, so I figured I would be killed in jail. I just did not know how or when. But I willingly went to jail.

3:00pm ET on April 3, 2006, Trial Before Judge Paul W. Garfinkel

The trial lasted about three minutes, (transcript is in *The Public Trust*, exhibit to *Bardes v. Magera*, already in PACER) Judge Garfinkel would not hear me or look at evidence, he just immediately jailed me for six months. Without goodtime or work credits. I looked the judge in the eyes, and yelled “You are fired. The Public Trust has fired you, you are a disgrace, get down from the bench!”

(It would take me and many others about six years to get Garfinkel fired. Wrote a lot of letters. Put up a website “JudgeGarkinkel.com.” People protested in the streets. The state had no choice, and fired him in the middle of his contract. Today Garfinkel is in private practice.)

I was hauled off to jail in a paddy wagon chained up like a criminal.

According to the jail’s transaction log, produced by the sheriff during discovery of my first federal lawsuit, *Bardes v. Magera*, halfway through the booking process, I was removed and locked in a temporary holding cell, down a hallway with three holding cells. Twenty minutes later I was moved into the holding cell next to the first one. Then twenty minute later I was moved into the third very small holding cell, cell 1613. That a guard later told me was the “intensive management” cell.

Cold Cell 1613



As I walked into the small cell, I heard a loud racket of machinery over my head, and then the hair on the back of my head was blown around by high velocity cold air coming from above. I sat down on the short bench, and looked up at the wall to not see a louvered vent like the other two holding cells, but rather a hole in the wall with a steel grate over it. The rooftop air handler, on top of the one-story building, was right above it, making the loud racket. Then the highly refrigerated air coming off the handler, blasted into the tiny cell, causing my ears to pop due to the air pressure.

I estimated the temperature of the air about fifty degrees F. Industry standards for refrigerated coil compressor-based air handlers was either forty or forty-five-degrees F. This was some sort of highly engineered cell designed to be made specifically very cold. Having had extensive field training in avoiding hypothermia while ice climbing, and snow cave camping, I knew right away this blasting cold air would induce hypothermia if I was left for too long in this engineered cold cell.

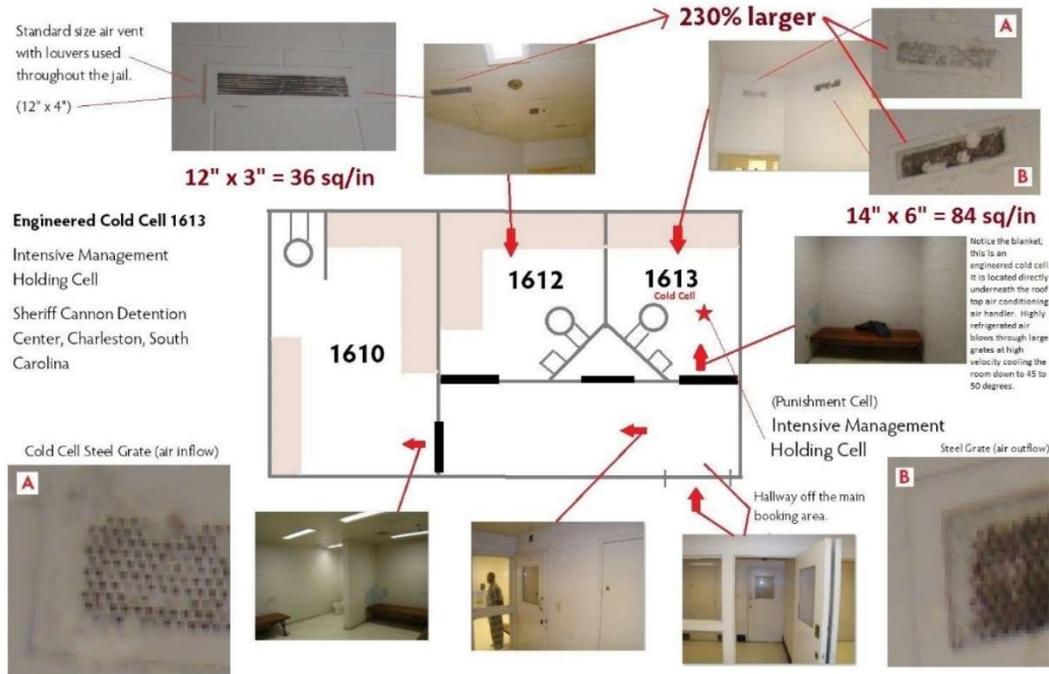
I was wearing khaki pants and a short sleeve yellow polo shirt, as the guards took away my blue blazer. My exposed arms and chest took the brunt of the cold at first. I knocked on the door and asked for my jacket, but was denied. The sheriff admitted during discovery that I asked for my jacket and was denied. I ended up asking three times, and was denied three times.

I pulled my arms and head inside of my yellow shirt, forming a tent blocking the blowing air. But my perspiration caused the shirt to become wet, then cold and wet. I was hastening my own demise.

The steel grates over the holes in the wall, had balls of dried toilet paper stuck in them. Called snowballs by the inmates, these wads of water-soaked toilet paper would be heaved up into the vent, cutting off a portion of the air. If enough snow balls are heaved, the cold air can be cut off, and the inmates can stay alive.



I looked around the cell for toilet paper as the toilet and sink were against one wall, but there was no toilet paper. And the sink faucets had been turned off to prevent snowballs. This cold cell 1613 was not only designed to be cold, it was actively managed as a punishment holding cell, purposely inflicting painful shivering upon the victims.



I was to learn later, the cold air is used for punishment because it is so effective in soliciting complaint behavior, and leaves no scar, no bruise, no blood evidence.

When I took the deposition of the mugshot lady, Tomincina Dyer, on February 11, 2010, I got about as close as I could to proving cell 1613 is used for punishment. The federal magistrate denied me access to the jail, as I could have proved my case in five minutes, instead the judge ordered the sheriff to give me pictures of every cell and room I was held, along with the size and dimensions of all the air vents in each cell and room.



The picture of cell 1613 had a blanket on the bench. No other cell had a blanket. Some inmate needed a blanket because the cell was cold. The air vents in cell 1613 were 230% larger than the air vents in the other cells. Because the high-pressure force of the blasting cold air would destroy the louvered air vents.

In the below transcript extract, I am asking the mugshot lady about cell 1613, and just when inmates would be locked inside. Remember, cold cell torture is widespread today because it is so effective, and works quickly.

Bardes: **Would it be something that you would recommend to a guard to put someone into a holding ["intensive management"] cell for awhile?**

Dyer: **We put them into holding cells if they come in acting up. I mean, any of the officers, non-civilian people can put someone in a hold cell.**

Bardes: **Okay. When you said acting up you put them in a holding cell..**

Dyer: **Yes, until they calm down.**

The intense pain from prolonged violent shivering as your body temperature is forcibly reduced, yields immediate compliance just to not be murdered in the cold.

Bardes: **And how long if somebody is being put in there because they are acting up, how long would you normally keep them in there until they calmed down I guess is the..**

Dyer: **There's no certain time.**

Bardes: A couple of minutes, an hour, two hours?

Dyer: There's no certain time as in..it depends on what they did. I mean, if the supervisor says, okay let him out, let him out. If they just stop acting up we just let them out. There is no certain time. Like there are no rules that say we have to leave them in for 30 minutes or an hour, nothing like that.

The Blanket on the Bench

Bardes: Right. The blanket on the bench, why do you think a guard would place a blanket in the bench in cell 1613?

Dyer: We're not supposed to give out blankets anyway.

Obviously, the policy is not to give blankets to cold inmates, but some kind guard violated policy by giving a shivering inmate a blanket. Hence the picture with a blanket on the bench. The blanket defeats the punishment.

As far as punishment, I was unaware of doing anything wrong. I was told to not smile for my mugshot, to look guilty, but the decision to pull me out of the booking process, and lock me into cell 1613, purposely not given my jacket, came from outside the jail, but just whom I was never able to ascertain. I figured Judge Garfinkel was angry because I fired him, and I already knew from Magera's death threat that he wanted me dead. But I was unable to prove either one. Someone was calling the shots, and not letting me out of cell 1613 under any circumstances. I was to be killed in the cold.

Locked in a cell made so cold it could kill me, it dawned on me this was how and when they were going to try to kill me. Immediately. Before mugshot. I prayed to God "If you get me out of here alive, I will do everything I can to report and bring an end this use of cold air torture."

Five minutes of painful shivering causes a horrific amount of pain, but hours of violent shivering is the stuff of horrors. I was locked in cell 1613 at 6:20pm ET, by midnight the shivering stopped, I was unable to shiver to keep myself with heat. I had entered hypothermic shock.

A guard came into the cell and I told him they will soon have a "cold dead body on their hands if they did not get me out of that cell." The guard said "I will do no such thing until you comply." I said that was "his decision to make," and the guard

left, locking me back inside. I was being killed, and there was nothing I could do about it.

What happened during those last three hours in the cold, from midnight to 3am the next morning, is detailed in my book “*Unspeakable Pain.*” I suffered through the last stages of a slow hypothermic death, and around 3am on the second day, I lost consciousness, and slipped into hypothermic coma.

Hypothermic coma used to be a mystery to doctors until recently. As a victim may appear dead, with no heart beat or respirations, yet fully reanimate naturally and recover. It was discovered that the cold preserved the brain fully intact, much like meat in the refrigerator, such the heart did not need to beat, nor lungs breath. Then when the victim warmed, normal heart beat and respirations would resume, just as the brain requires. The problem is 99.99% of hypothermic coma patients never recover, they just stay dead. In a hospital setting the survival rate can go high as 30%, set by one hospital in Europe with skiers in hypothermic coma.

I was fortunate to survive those odds naturally. As at 3:05am ET on the third day in cell 1613, I reanimated from hypothermic coma. During those 24 hours over two days I was unconscious, someone put a gun to the lower right quadrant of the stomach, aimed at my spine, shot me, and then sutured up the bullet wound hole closed with three overhand cadaver sutures. No one told me I had been shot with a gun, but I had the immediate health problems from the damage the bullet caused, which I thought and blamed on the hypothermia. It would be five years later when two doctors discovered the bullet on an x-ray of my right hip.

We do not know who shot me or why. During discovery when I took depositions, I did not know about the bullet, and no one offered such, which left me unable to prove I was even tortured in the cold. I proved during discovery I was locked in cell 1613 for three days, and that cell 1613 is an engineered “intensive management” cold cell, but there was just no way to prove I had been tortured in the cold air. You cannot see cold in pictures.

But once the bullet was discovered by the doctors, and they informed me I had been shot with a gun, did logic begin to piece together, such the bullet proved hypothermic coma, being the only medical condition that could account for a direct gun discharge, then recovery without meaningful medical intervention, or even

knowledge. And hypothermic coma proved hypothermic torture to the bitter end. Sadly, the proof of my torture came a year after my first lawsuit was dismissed, and even after the US Supreme Court denied my petition.

What Happened During Those 24 Hours Over Two Days

I was not dead, obviously, and I do not claim I died. I may have been close, but I beat the odds and survived. But during this period of unconsciousness, I cannot testify as to what happened. This requires the application of inductive reasoning based on what we do know afterwards.

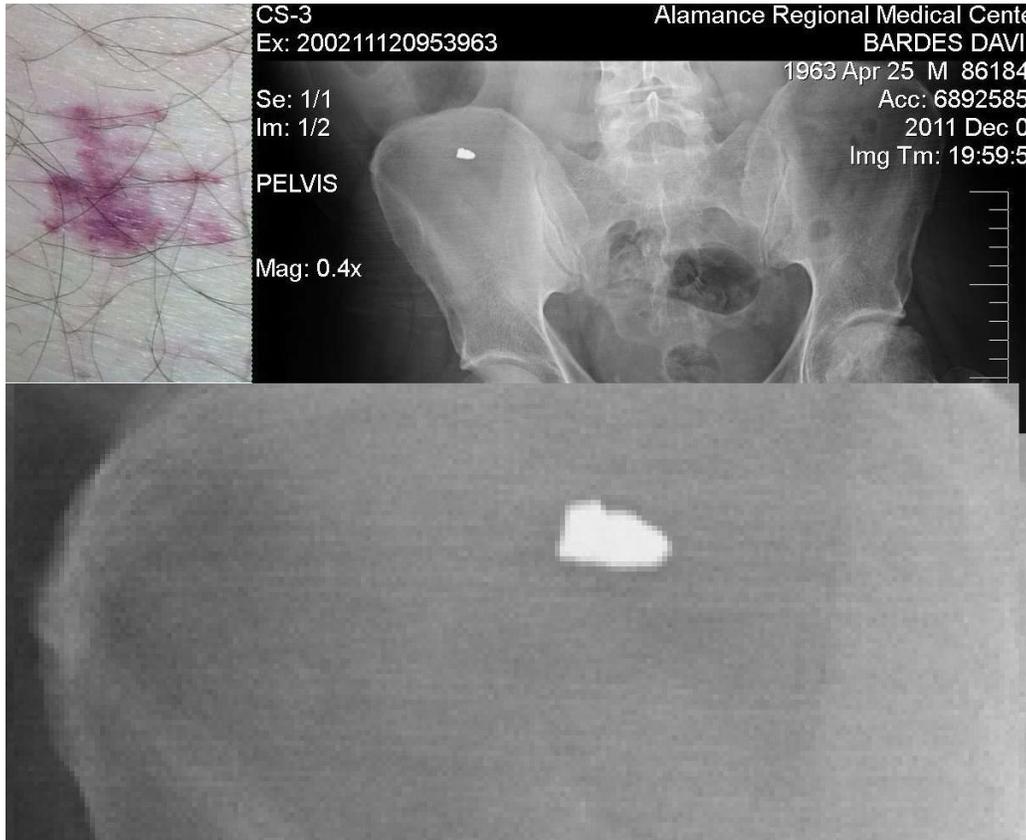
Hypothermic coma is a death like medical condition. When the guards looked inside the large window in the door, and saw me not looking much alive, they would have entered and checked for a pulse. Appearing blue and very cold, no heartbeat, no breathing, after I had earlier told them I was in hypothermic shock and would not be alive much longer, the guards would have contacted the night nurse upstairs, as it was 3:05am in the morning. The nurse would then have to get the doctor to make the determination and call of a deceased inmate. There was obviously no effort to get me to a hospital, or even taken upstairs to the jail's hospital on the fourth floor.

The guards are required to immediately contacted the sheriff on his "bat phone" (cell phone on him 24/7) as the guards called it, to notify him of a dead inmate.

At some point the sheriff and the doctor are standing over me in cell 1613. The doctor tells the sheriff I died from hypothermia. The sheriff then had the problem of the medical examiner determining the cause of death to be hypothermia due to rapid loss of temperature over a short period of time. This would cause alarm, and give away the existence of an engineered punishment cold cell, and I also would have been the fourth dead inmate in as many weeks, so the sheriff was under intense pressure from the outside public.

In order to fool the medical examiner preventing a cause of death by hypothermia, the decision was made to leave my body in cell 1613 for another two days, to allow my body to otherwise cool down naturally, giving the medical examiner no time frame to conclude hypothermia. Another cause of death would have to be determined. Like from a gunshot?

It appears the sheriff, and likely the doctor, concocted some hairbrained plan to shoot me with a gun, then sewed up the wound with temporary sutures, such the medical examiner would snip to examine the entrance wound. Finding the bullet, making the determination death by gunshot. But this is a guess of course.



(Above x-ray – notice how the bullet is deformed, this proves the bullet ricocheted off my spine doing the nerve damage, then came to rest in the tissue of my right hip.)

Whoever shot me, would need to have confirmation that I was dead first, which only a doctor can declare someone dead. We do not know if the sheriff pulled the trigger, or he told someone else to, and only the doctor is able to give assurances of death, and/or a nurse sutured up wound. The authority of the shooter had to be high enough to cover up the entire incident. Therefore, inductive reasoning places the shot caller being the sheriff, and the medical staff, at least the doctor and/or nurse being complicit. Beyond that it is anyone's guess.

(See the jail's transaction log on the next page.)

- The following is based on:
1. Jail Transaction Log (jail's computer network)
 2. Medical records.
 3. Handwritten notes taken on April 13th, 2006.
 4. My records and recollection.

April 2006 (United States)

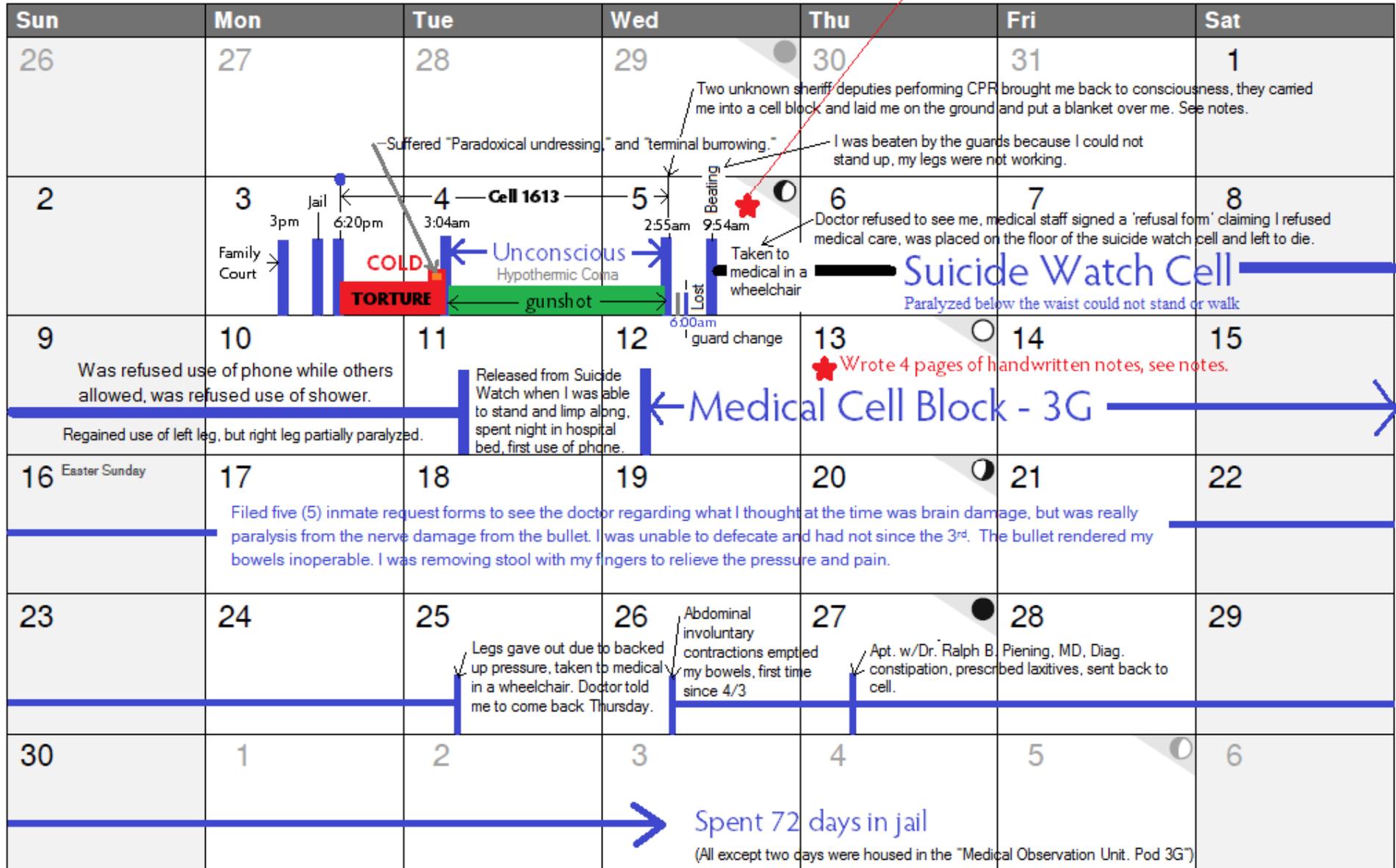
Sheriff Cannon Detention Center
Charleston, South Carolina

Inmate No. 1254373
David A. Bardes

May 2006

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Missing then found vital signs on April 5, temperature 88 degrees F, (10 hrs after removal from cold cell) decision made to not get me to the emergency room.



Inmate 0001254373 - BARDES, DAVID was released on 06/14/06 at 04:46PM

Num ne	Change	Transactions	Date	Time	Who	Li
1	Inmate Booked		04/03/06	15:14	VSH	
2	Inmate Property Taken		04/03/06	15:16	VSH	
3	Inmate placed in suspended booking		04/03/06	15:14	VSH	
4	Cell Changed due to NEW BOOK		04/03/06	15:38	VSH	
5	Inmate Changed Cells from 1605 to FCM		04/03/06	15:38	VSH	
6	Inmate removed from suspended booking		04/03/06	18:16	CLG	
7	Complaints and Charges updated		04/03/06	18:18	CLG	
8	Medical Information Entered		04/03/06	18:19	CLG	
9	Observations Data Entered		04/03/06	18:19	CLG	
10	Suicide Risk Data Entered		04/03/06	18:19	CLG	
11	Arrest Information Updated		04/03/06	18:19	CLG	1
12	Inmate Changed Cells from FCM to FCM		04/03/06	18:19	CLG	
13	Cell Changed due to NEW BOOK		04/03/06	18:20	CLG	
14	Inmate Changed Cells from FCM to 1610		04/03/06	18:20	CLG	
15	BLK BAND WATCH Moved from TEMP VP SEAL-6884 to VP152		04/03/06	18:26	CLG	
16	Commissary Deposit of 69.00		04/03/06	18:30	CLG	
17	Inmate Property Taken		04/03/06	18:26	CLG	
g 1	Medical Information Changed FROM 'N' TO 'Y'		04/03/06	18:31	CLG	8 P
g 2	Medical Information Changed FROM 'N' TO 'Y'		04/03/06	18:31	CLG	3 P
g 2	Medical Information Changed		04/03/06	18:34	CLG	3 P
g 2	Medical Information Changed FROM 'N' TO 'Y'		04/03/06	18:34	CLG	4 P
g 2	Medical Information Changed		04/03/06	18:35	CLG	4 P
g 2	Medical Information Changed FROM 'N' TO 'Y'		04/03/06	18:35	CLG	7 P
g 2	Medical Information Changed		04/03/06	18:36	CLG	7 P
g 3	Medical Information Changed FROM 'N' TO 'Y'		04/03/06	18:36	CLG	4 P
26	Medical Information Changed		04/03/06	18:36	CLG	4 P

Inmate 0001254373 - BARDES, DAVID was released on 06/14/06 at 04:46PM

Num ne	Change	Transactions	Date	Time	Who	Li
g 3						
27	Medical Information Changed		04/03/06	18:37	CLG	6 P
g 3						
28	Suicide Risk Changed FROM 'N' TO 'Y'		04/03/06	18:38	CLG	9
29	Suicide Risk Changed		04/03/06	18:38	CLG	COM
MENTS						
30	Activated on phone system		04/03/06	18:46	TTD	
31	Warnings/Notes Added		04/03/06	18:47	TTD	
32	Phone release refund of 0.00		04/03/06	18:55	TTD	
33	Complaints and Charges updated		04/03/06	19:19	TTD	
34	BLK BAND WATCH Moved from VP152719 to VP205		04/04/06	02:02	DMM	
35	Cell Changed due to NEW		04/04/06	03:04	CLG	
36	Inmate Changed Cells from 1610 to 1613		04/04/06	03:04	CLG	
37	Complaints and Charges updated		04/04/06	05:00	SDS	
38	Cell Changed due to NEW		04/05/06	02:55	DSC	
39	Inmate Changed Cells from 1613 to NB1		04/05/06	02:55	DSC	
40	Cell Changed due to SUICIDE WATCH		04/05/06	09:54	JRM	
41	Inmate Changed Cells from NB1 to 4343M		04/05/06	09:54	JRM	
42	YLW SHIRT Moved from WEAR to B-49		04/05/06	10:06	JDR	
43	Inmate Issued Property		04/05/06	10:06	JDR	
44	Warnings/Notes Added		04/05/06	11:52	SNC	
45	Commissary Deposit of 25.00		04/06/06	19:14	DMM	
46	Inmate Changed Cells from 4343M to 4343M		04/07/06	18:43	DNH	
47	Mail Log Updated		04/09/06	05:52	MCA	
48	Complaints and Charges updated		04/10/06	13:15	ACH	
49	Mail Log Updated		04/11/06	01:41	CNF	
50	Activated on phone system		04/11/06	15:59	TTD	
51	Warnings/Notes Item Deleted		04/11/06	16:02	TTD	

The Morning of the Third Day – April 5, 2006

The jail's transaction log shows I was removed from cell 1613 to North Block (old part of jail) at 2:55am ET on the morning of the third day. From there, at 9:54am ET, I was taken to the jail's hospital on the 4th floor in a wheelchair, as my legs were paralyzed from the bullet ricocheting off my spine. The sheriff admitted during discovery that I was taken to the 4th floor hospital in a wheelchair, as in the security camera videos, I appear limp, my head down to one side. I was really out of it.

Once I was in the care of the same medical staff and doctor who were previously aware I had died, enough so to give okay to shoot, then sutured me up, ready for the morgue, only to now find out I was very much alive and completely unaware I was shot. This caused a big uproar among the medical staff. One male nurse urged me to sign his form to get me to the hospital, but my hands were not working, and I could not read his form without my glasses. He said "I want you to sign it without reading it first." I said no. I was to later learn his form was a waiver of liability, so the jail's health contract provider, called Correct Care Solutions, would not have to pay any costs.

But this caused the nursing staff to then have to protect themselves. Five nurses, even a security guard signed a "refusal to treat" form as witnesses, claiming I refused to fill out some questionnaire. As a result, I was denied medical care. I turned down medical care? When I walked into jail three days prior, I did not need any medical care. Suddenly paralyzed in a wheelchair? Whatever medical care I needed was denied.

(See Refusal Form on the next page.)



REFUSAL OF TREATMENT

Inmate Name: Burdes, David ID#: 1254373 DOB: _____

I, David Burdes (Name of Inmate) have, this day, knowing that I have a condition requiring medical care as indicated below:

- A. Refused medication
- B. Refused dental care
- C. Refused an outside medical appointment.
- D. Refused laboratory services
- E. Refused X-Ray service
- F. Refused other diagnosis services
- G. Refused physical exam
- H. Other (Please specify)

IM refused screening including answering questions and signing form.

Reason For Refusal "I will not sign any kind of contract b/c you are legally responsible for me b/c I am in jail."

Potential Consequences Explained IM explained to that we can not care for him without the information and we can not be held responsible for the lack of medical information. He was informed that the medical screening is NOT a contract.

I acknowledge that I have been fully informed of and understand the above treatment recommendations and the risks involved in refusing them. I hereby release and agree to hold harmless CCS and correctional personnel from all responsibility and any ill effects which may result from this refusal and I shall personally assume responsibility for my welfare.

I have read this form and certify that I understand its contents.

Dawn Frazier, W
Witness Signature

Cynthia May RWD
Witness Signature

04/06/06
Date

refused to sign -> D. G. Fulano CW
Inmate Signature

1105
Time

Pleased to find out I was suffering from depression, gave them the excuse to lock me inside of the suicide watch room and placed on 15-minute watch cycle. They were certain I was going to die soon anyway. My left leg was working by then, but my right leg was limp. The nurses removed all my clothing, and wrapped a suicide vest around me, then I was placed on the floor in the corner of the suicide watch cell. Left to die. Denied medical care, having been shot, after prolong torture in the cold.

But once again, I beat the odds, and survived. I spent seven days on the floor of that suicide watch cell, no one ever asked me about suicide, but they purposely would not let me use the phone, like the others did every day. They would not let me use a pen and paper, and would not let me shower, lest I discover the bullet wound sutured closed. But after seven days of preventing me from communicating with my people, they had no choice. I was very much still alive. On my tenth day in jail, I was transferred downstairs to the “Medical Observation Unit.” The medical staff still wanted to keep watch over me 24/7.

Once in the medical observation cell block, I was able to obtain a pencil and paper, for the first time. I made four pages of handwritten notes about exactly what happened over the previous ten days. What is ironic, is the time frame from my memory and notes, lines up perfectly with the jail’s transaction log later obtained during discovery.

In my notes I estimated I was locked in cold cell 1613 around 6:00pm ET on April 3, 2006. According to the jail’s transaction log, I was locked in cell 1613 at 6:20pm ET. Then I had estimated I was tortured in the cold and lost consciousness after nine hours, around 3:00am ET on April 4, 2006. The jail log shows 3:04am ET, as when they discovered me unconscious. Then I had estimated the two unknown sheriff deputies that revived me on the morning of the third day, did so around 5:00am ET. It was actually 2:55am ET when I was removed from cold cell 1613.

(See four pages of handwritten notes on the next page.)

DAB 1

4/13/06

Amy - Pills

Dr. Higgins - Pills

Robert Ricker - Hanahan - Deaf 36

Scott Condon - 5 - 5 h.

Thomas - Gulla ~ 24-25 - Pills - 5

Bob Smith, Smalls? - 5 - Vietnam vet

Van - CO - was at 9/11. Leaving Jail → Base

Memory - Notes

Apr 3 - 3:00 pm - Trial

3:30

- Custody, Body Chains

Chain Gang Truck to Jail

~ 4:00

5:00

- Check In. Did not sign any agreements/contracts, put in cell, moved no picture or prints,

- Not Rummy checked in - just street clothes

~ 6:00 pm - Put in Torture Room ~ 50°, two high

powered freezer vents blowing air at

full blast, never stops. Room has no

air intake, just blows under door,

Several people put in room for brief

periods ~ 10 minutes they are very cold

and want out. Room is concrete block

concrete floor, solid bench - all freezing cold.

Can only stand or sit. If you lay down, the

cold sucks heat away from body. All I

had on was shirt + pants + boxers

Sink did not work, so drank out of toilet. Water was FRESH

Goto DAB 2



INMATE CASH TRANSACTION RECEIPT
04/12/06 - 18:54

Inmate 0001254373 -- BARDES, DAVID

TOTAL COMMISSARY CASH DEPOSITED \$25.00

INMATE SIGNATURE _____

DAB 3

(cont) I was trying to grab a memory before it would be destroyed to try to remember as much of it as I could before it was gone.

At some point, the horror + pain became terroristic so that I knew end was close and the last thoughts of my life were of David + Allie, in

that order - Allie was last thought of my life !!!

~ 3am - ? Nothing, not even dreaming
- 40 Hours later - Q: I hang onto my daughter to the last. Is that part of human instinct to survive the children it says cost? save

~ 5am 4/5/06 (who brought me back to life) - being dead is very cold.

saw two men that had uniforms + badges. They came running in saying "Oh shit, we have to get him out of here." They carried me to a unit (old south?) a pad, a blanket - sleep next to toilets bodies everywhere - still cold, but not dead.

- That Morning ~ 7:30am
Woke up with a bunch of people yelling "What is your name, who are you? Where is your ID? Why are you in street clothes in Jail?"

Goto
DAB 4

(DAB 4)

I said "I don't know", "I can't remember", I could not even move, more or less, think, or speak. They said they would ^{try to} find out who I was. They told me my name was David Barnes. They wanted me to stand up, could not. Beat me high in the chest, head, stomach, legs. Someone lifted me up - They said "drop him on his head". Got wheel chair, "Illa tazar yo ass and see who gets in that chair" some lady said. Pain everywhere. Put in wheel chair and strapped me in. Taken to suicide room - They took off my clothes because I could not move my limbs.

- Kept Asking for Jacket

- men taking pulse
lying down
CPR?

Before stitching

But for the first twenty-three (23) days in the jail, I was unable to defecate. I had to remove stool with my fingers and a spoon to relieve the pressure. This caused me to have a fecal impaction. Which caused my legs to give out once again, and on April 25th I was taken to the doctor in a wheelchair. But the doctor refused to see me, and told me to come back in two days, which I found to be very odd. With a fecal impaction, I was facing death if not alleviated. I was sent back to my cell to face death once again.

The next day, on April 26th, my lower body began to contract involuntarily, and I forcibly expelled the contents of my bowels into the toilet, in great relief. My legs then worked again. The next day, on April 27th, I saw the doctor and filled him in.

Dr. Ralph B. Piening did a rectal exam and found traces of blood. This was caused by the internal bleeding from the bullet, but I thought it was from profound hypothermia, as I had no idea I had been shot.

The doctor's notes found on the next page, read "I can't urinate sitting down, but I can urinate standing up/" Further "Patient had bowel movement on 4/3. Next bowel movement was yesterday [4/26.] Felt better. Abdominal pain started about ten days ago. Pain comes in waves. Uses finger to remove stool."

My poor body was a mess. I had no idea all this damage was from a bullet no one bothered to tell me about. And this doctor and head nurse, knew I had been shot, as one of them sutured up the entrance wound closed.

The doctor prescribed two laxatives, and sent me back to my cell.

(See Dr's Pienings notes on next page.)

Charleston County Detention Center Clinic Note

Date: 4-27-06

Name: Burke David
ID: 1254373

SC CC FU Oth

Subj: "I can't urinate sitting down, but I can urinate standing up"

Pt. had BM 4/3. Next BM was yest. -lg. Felt better. Abdominal pain started ~ 10d ago. Pain comes in waves use finger to remove stool.

Obj: BP 102/72 HR 80 Temp 96.8 RR 18 wt =137 1/2

General: WD/WN NAD Cooperative A+O Other _____
Head: NC/AT Other _____
Eyes: EOMI PERRL nl fundoscopic exam Other _____
Ears: nl EAC nl TM Other _____
Nose: patent no discharge Other _____
Throat: nl tonsils no edema no exudates Other _____
Neck: supple FROM nl T4 no ln no bruits no jvd Other _____
Lungs: resp even, unlabored ctab Other _____
Heart: reg S1, S2 no m, rubs, g nl pmi Other _____
Abd: soft non-tender +bs no masses no hsm no distension
 no guarding no rebound Other _____
Skin: no rashes no lesions Other _____

GU Male: circ nl testes no lesions Other _____

GU Female: nl vag no cmt nl uterus nl adnexa
Other _____

Extrem: no edema nvi Other _____

Psych: nl speech nl thought nl judgement no halluc Other _____

Neuro: nl cn 2-12 nl motor nl dtr nl sensation nl cerebellar

Rectal: no lesions nl tone nl prostate neg fobt Other _____

Asses & Plan:

Trace Heme (+).
Pt. has been using finger to disimpact rectum

Constipation: Metamucil.
MOM 30ml QD x 2 wks.

RTC - 3 wks for repeat DRE.

Ralph B. Piening, M.D.
RBP

My left leg was back to full working use, but I walked with a heavy limp to my right leg. Which I thought was due to the hypothermia. My right leg had nerve damage from the bullet ricocheting off my spine.

After 72 days in jail, my brother, sister, father, and a hired lawyer negotiated with John Magera and Judge Garfinkel for my release pending payment of half of the alleged child support arrears. The jailhouse agreement called for me to permanently leave South Carolina and that I could not sue anyone over my conditions of confinement. I signed the agreement under great duress, needless to say.

My sister Cindy flew to Charleston for my release and first met with John Magera. Magera warned her I would be killed if I ever returned to South Carolina, and that Betsy had given him oral sex. Magera had told his employer about the oral sex, to which they terminated his employment. He was actually given a state pension payment plan and retired, as corruption payment.

When I got out of jail, I stayed with my brother in Tampa. I experienced a severe abdominal attack and drove myself to the emergency room of the University Community Hospital. The doctors could not find anything wrong and discharged me.

I was looking for work and it would take a year before I was gainfully employed with health insurance. Once I had coverage, I sought several doctors to find the source in my brain that was causing the paralysis in my right leg. I thought it was due to some sort of brain damage from the hypothermia.

On March 12, 2007, neurologist Dr. Gregory J. Esper, MD, of the Emory University Department of Neurology, performed an MRI of my brain. Dr. Esper found my brain to be working perfectly, no signs of any damage.

On August 7, 2007, I had a severe abdominal attack I thought was due to a heart attack, and was rushed to Piedmont Hospital in Atlanta. The doctors took an MRI of my heart. The doctor said my heart was as strong as 25-year-old, and suggested I get a colonoscopy an endoscopy to try to determine the source of the abdominal attack.

But my colonoscopy and endoscopy were both normal. I then had an EEG to see if any seizure activity in my brain was causing the leg problems. The EEG was normal, so I then had a 24-hour monitored EEG. I had dozens of wires glued to my head, with wires wrapped around my neck down to a fanny pack computer. Below is a selfie of the monitored EEG. I just wanted to find the source of the paralysis in my right leg. I did not know it was from a bullet.



The results from the 24-hour EEG showed absolutely no seizure activity the entire time. After this, I gave up trying to medically find the source of paralysis in my right leg. I was just going to have to live with the damage.

(See the medical exhibits on next page.)



Name: Bardes, David
Age: 44Y DOB: 04/25/1963
Gender: M
Medrec: 334548
Acct: 89172969
Attending: TGL
Primary Nurse: PJM
Bed: ED MAIN 3-GYN

UNIVERSITY COMMUNITY HOSPITAL – CW DISCHARGE INSTRUCTIONS

PLEASE READ CAREFULLY

FOLLOW-UP

On-Call Physician Referral: You have been referred to the on-call physician that best meets the needs identified during your visit. Please follow up with the assigned on-call physician or a specialist of your choosing within 24 hours after your Emergency Department visit to schedule an appointment. The on-call physician will provide at least one office follow-up to your Emergency Room visit.

On-call physicians are not employees of the hospital. Care provided by the on-call physician is not included in your Emergency Room bill. The physician's office staff can address any questions you may have about your insurance coverage and payment for services. You may follow up with a different physician of your choice if preferred, but it is your responsibility to make those these arrangements.

Primary Care Physician: It is your responsibility to contact your primary care physician about your Emergency Department visit for coordination of care or services with your insurance company for follow-up referrals.

If you have problems that we have not discussed, **CALL OR VISIT YOUR PRIMARY CARE PHYSICIAN RIGHT AWAY.** If you cannot reach your doctor, **RETURN IMMEDIATELY TO THE EMERGENCY ROOM FOR ANY CONCERNS OR PROBLEMS.**

Please follow these instructions carefully. You are the most important factor in your recovery.

FINAL DIAGNOSIS

acute epi/L sided abdominal pain

FOLLOWUP CONTACTS

SPECIAL INSTRUCTIONS

follow with gastroenterologist in 3-4 days
return to er for abdominal pain, not tolerating fluids or worsening symptoms

MEDICAL INSTRUCTIONS

EPIGAST PAIN, UPPER ABD PAIN WORK UP

EVALUATION OF UPPER ABDOMINAL PAIN:

Pain in the upper abdomen usually starts in the stomach, upper small intestine, liver, bile ducts, or pancreas. We need more tests to see what is causing your pain. Most often, we find gallstones, ulcers, or gastritis.

The nature of the pain helps us decide which test to order first. We may start with stomach x-rays (UGI series), ultrasound, or endoscopy.

Return if you vomit blood, become yellow (jaundice), become lightheaded, pass black or tar-like stool, or if the pain is worsening.

ABD PAIN UNKNOWN ETIOLOGY

ABDOMINAL PAIN:



Name: Bardes, David
 Age: 44Y DOB: 04/25/1963
 Gender: M
 Medrec: 334548
 Acct: 89172969
 Attending: TGL
 Primary Nurse: PJM
 Bed: ED MAIN 3-GYN

UNIVERSITY COMMUNITY HOSPITAL – CW DISCHARGE INSTRUCTIONS

There are many causes of abdominal pain. Pain can mean a serious problem requiring surgery (such as appendicitis), or an innocent problem, which goes away on it is own (such as a viral infection). Often, time must pass to determine the cause of pain.

The physician does not feel that hospitalization is necessary, at present. Conditions may change, however, within the next 24 hours. Therefore, call the doctor or come back for re-examination if any problems occur, such as:

- 1) Pain, which becomes more severe, steady, or becomes concentrated in one specific area. Also, pain, which is more severe with movement or coughing.
- 2) Vomiting which persists or becomes more frequent.
- 3) Blood in the vomitus, urine, or bowel movements. Blood in the stool may have a tarry or black appearance.
- 4) Shaking chills or fever greater than 100 degrees F.
- 5) The abdomen becomes more distended or swollen.
- 6) Bowel movements cease.
- 7) Failure to improve as expected.

PRESCRIPTIONS

Prilosec : Delayed Release Capsule : 20 mg : Oral
 Dispense: 30, Quantity: 20, Schedule: DAILY

XRAYS

The interpretation of x-rays at the time of the emergency visit may only be a preliminary report. You will be notified if there is a change in the interpretation when the x-rays are reviewed by the radiologist. Please review your telephone / address information to assure that we have correct information in order to reach you if necessary. Registration can assist with changes.

To request x-rays for your follow-up appointment with your physician, please call the Radiology Department 24 hours (or as much as possible) prior to your appointment, to allow adequate time to process your request.*

Medical Center (Fletcher Ave) Radiology- 615-7225

Carrollwood (Dale Mabry) Radiology- 558-8025

*Please note that requesting your x-rays on a walk in basis will involve a wait.

CULTURES

Cultures taken at the time of the emergency visit are not ready until one to several days afterwards. If culture results are positive, you will be notified if change in the treatment is necessary. Please review your telephone / address information to assure that we have the correct information in order to reach you if necessary. Registration can assist with changes.

MEDICATION REFILLS AFTER EMERGENCY DEPARTMENT VISIT

Please contact your primary care physician or on-call / referral physician for medication refills of any prescription ordered by the Emergency Room Physician, Physician Assistant (PA), or Advanced Registered Nurse Practitioner (ARNP).

MEDICAL RECORDS

If you need a copy of your Emergency Room visit please contact our Medical Records Department

Medical Center (Fletcher Ave) Medical Records- 615-7292

Carrollwood (Dale Mabry) Medical Records- 558-8754



Name: Bardes, David
Age: 44Y DOB: 04/25/1963
Gender: M
Medrec: 334548
Acct: 89172969
Attending: TGL
Primary Nurse: PJM
Bed: ED MAIN 3-GYN

UNIVERSITY COMMUNITY HOSPITAL – CW DISCHARGE INSTRUCTIONS

*Please note that requesting your medical records on a walk in basis will involve a wait.

BILLING

If you have a question regarding your Emergency Room bill, please contact our Billing department at 615-7848 between the hours of 8:30am to 4:30pm.

THANK YOU for choosing the Emergency Services Department at University Community Hospital. We are continually working to enhance our services to better serve you and your family. Your feedback is important to us, and on an ongoing basis we perform random surveys of patients who have been treated in our Emergency Department.

If you receive a survey, please take the time to complete it and return it to us so we may continue to improve the services we provide.

We strive for a rating of "Very Good" here at University Community Hospital. If there is something that you feel needs immediate attention or you would like to personally discuss your visit today, feel free to contact:

Mary Whillock, R.N.-C.O.O., in Administration at (813) 558-8012.

Again, thank you for visiting the Emergency Services Department at University Community Hospital. We value your opinion and appreciate your time.

Warm regards,

Mary Whillock R.N.
Chief Operating Officer
UCH-Carrollwood

In an effort to best meet your needs, the following is a list of additional resources for your area that are free or on a sliding scale clinics, domestic violence and substance abuse resources.

Medicaid Offices:

1-866-762-2237

(Call to find the correct office for your Zip Code, their phone number is busy).

Social Security Administration Offices:

1-800-772-1213  3415 Frontage Road East

1-800-771-1213  1447 N Dale Mabry Hwy

Hillsborough County Healthcare Plan: (813) 272-5040

(Quick reference number. Call for the clinic closest to you. Clinics are assigned according to your zip code.

Medical Clinics Free or Sliding Scale:

Lee Davis Health Clinic  3402 N 22nd Street  (813) 272-6240

Judeo Christian Clinic  4120 ½ N Mac Dill Avenue  (813) 870-0395 or 879-5964

EMORY HEALTHCARE

General Neurology Information Sheet

Department of Neurology

1365 Clifton Road NE

Building A, 3rd Floor

Atlanta, GA 30322

Phone: 404-778-3444

Fax: 404-778-2162

Today, you saw:

Gregory J. Esper, MD William Hewitt, MD Valencia Hawthorne, NP

RESULTS OF TESTS AND RADIOLOGY: will be sent by mail generally within 2 weeks.

PRESCRIPTION REFILL REQUESTS: have pharmacy FAX a request to our office

PHONE CALLS: Valencia Hawthorne, NP will be answering non-emergent phone calls ONLY on WEDNESDAY MORNING 9 AM-12 PM

EMERGENCIES: will be handled on a case-by-case basis

Examples:

- Sudden change in strength
- Sudden change in sensation
- Sudden change in vision (not experienced before)
- Sudden change in ability to chew, swallow, or talk
- Sudden change in bowel or bladder function

HEADACHE POLICIES:

- If headache therapy is not working BUT IS NOT EMERGENT, please call during phone consult hours on WEDNESDAY 9 AM-12 PM
- If seen in an ER, you must schedule a follow up visit within two weeks of the ER visit
- We do not prescribe opiate medications (Fioricet, Percocet, Vicodin, Oxycontin, etc)

FOLLOW-UP VISIT:

- Have a complete list of your medications
- Have a list of medication refills needed
- Have the fax number of your primary care doctor and referring physician ready



0303

PIEDMONT HOSPITAL

Please check box if address is incorrect or insurance information has changed, and indicate change(s) on reverse side.

DAVID BARDES
925 CANTERBURY RD NE 1021
ATLANTA, GA 30324-2898

IF PAYING BY MASTERCARD, DISCOVER, VISA OR AMERICAN EXPRESS, FILL OUT BELOW.		
CHECK CARD USING FOR PAYMENT		
<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> DISCOVER	<input type="checkbox"/> VISA
<input type="checkbox"/> AMERICAN EXPRESS	<input type="checkbox"/> AMERICAN EXPRESS	
CARD NUMBER	AMOUNT	
SIGNATURE	EXP. DATE	
PATIENT NAME BARDES, DAVID		DATE DUE
ACCOUNT NUMBER P0721902038	AMOUNT DUE	AMOUNT PAYING \$

652606B

PIEDMONT HOSPITAL
P.O. BOX 102570
ATLANTA, GA 30368-2570

31307*T5POJ05PA001667

STATEMENT

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.
PLEASE RETAIN BOTTOM PORTION FOR YOUR RECORDS.

Dear David Bardes,
If insurance coverage is indicated on this account, your bill has been sent to your insurance company. Future statements will reflect the insurance company payments and adjustments.

ACCOUNT SUMMARY

Statement Date	08/16/2007
Service Date(s)	08/07/2007-08/08/2007
Account Number	P0721902038
Total Charges	\$10,501.15
Total Payments	\$0.00
Total Adj/Contractuals	\$0.00

IMPORTANT INFORMATION

Billing question or an itemized bill request? Call your customer service representative at 678-842-2000, Monday-Friday, 8:00 am to 4:30 pm. See back for more information.

You may now pay your bill online at www.piedmonthospital.org

Account Balance \$10,501.15

INSURANCE INFORMATION

Please notify us if this information is incorrect.

- 1st Insurance UHC HMO/POS
- 2nd Insurance UHC PROFEE
- 3rd Insurance
- 4th Insurance

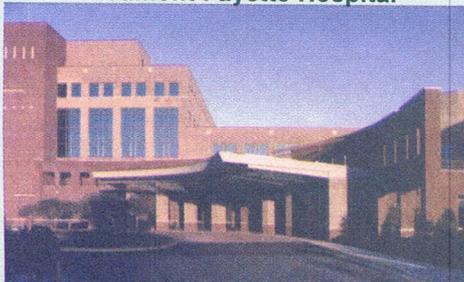
HOW ARE WE DOING??

Our goal is to exceed your expectations for great patient care and service, and we rely on your feedback. If you receive a satisfaction survey in the mail, please take a few moments to complete and return it. Thank you for the privilege of caring for you.

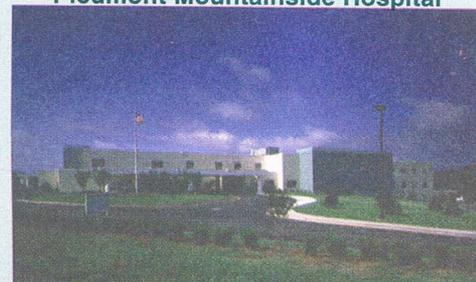
Piedmont Hospital



Piedmont Fayette Hospital



Piedmont Mountainside Hospital





Paces West Two
Suite 1000
2727 Paces Ferry Rd.
Atlanta, GA 30339

31307

RETURN SERVICE REQUESTED
PIEDMONT HOSPITAL

PAGE: 2 of 3

IF PAYING BY MASTERCARD, DISCOVER, VISA OR AMERICAN EXPRESS, FILL OUT BELOW.		
CHECK CARD USING FOR PAYMENT		
<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> DISCOVER	<input type="checkbox"/> VISA
<input type="checkbox"/> AMERICAN EXPRESS	<input type="checkbox"/> VISA	<input type="checkbox"/> AMERICAN EXPRESS
CARD NUMBER	AMOUNT	
SIGNATURE	EXP. DATE	
PATIENT NAME BARDES, DAVID		DATE DUE
ACCOUNT NUMBER P0721902038	AMOUNT DUE	AMOUNT PAYING \$

652607A

DAVID BARDES
925 CANTERBURY RD NE 1021
ATLANTA, GA 30324-2898

PIEDMONT HOSPITAL
P.O. BOX 102570
ATLANTA, GA 30368-2570

31307*T5PJ05PA001667

DATE	DESCRIPTION	QUANTITY	ITEM PRICE	TOTAL CHARGES
08/07/07	1785 MORPHINE 2 MG INJ	1	28.00	28.00
08/07/07	1785 MORPHINE 2 MG INJ	1	28.00	28.00
08/07/07	1785 MORPHINE 2 MG INJ	1	28.00	28.00
08/08/07	1785 MORPHINE 2 MG INJ	1	28.00	28.00
08/08/07	1785 MORPHINE 2 MG INJ	1	28.00	28.00
08/08/07	99999 NON-FORMULARY MEDICATION TOTAL PHARMACY	2	0.00	0.00 140.00
08/07/07	50729 SOL SODIUM CHLORIDE INJ 1000 TOTAL IV SOLUTIONS	1	63.00	63.00 63.00
08/07/07	194 ALPRAZOLAM 0.25MG TAB UD	2	6.10	12.20
08/07/07	2589 AMBIEN 5MG TAB	1	26.30	26.30
08/07/07	2920 NITROGLYCERIN 2% OINT 1GM	1	8.75	8.75
08/07/07	4639 ESOMEPRAZOLE 40MG CAPSULE	1	21.40	21.40
08/08/07	76 UNISOL PF SALINE SOLN.15ML U	1	4.40	4.40
08/08/07	1085 LORTAB	1	6.10	6.10
08/08/07	40601 RT ALBUTEROL TOTAL NON-COVERED PHARMACY	1	12.00	12.00 91.15
08/07/07	81110 VENIPUNCTURE	1	21.00	21.00
08/08/07	81110 VENIPUNCTURE TOTAL LABORATORY	1	21.00	21.00 42.00
08/07/07	80619 LIPASE	1	114.00	114.00
08/07/07	82977 COMPREHENSIVE METABOLIC PANE	1	190.00	190.00
08/07/07	83081 TROPONIN I, QUANT	1	167.00	167.00
08/07/07	83090 CKMB WITH REFLEX CK AND INDE	1	123.00	123.00
08/08/07	82262 *BS TROI	1	100.00	100.00
08/08/07	82262 *BS TROI	1	100.00	100.00
08/08/07	82264 *BS MYOGLOBIN	1	233.00	233.00
08/08/07	82264 *BS MYOGLOBIN	1	233.00	233.00
08/08/07	82265 *BS CKMB	1	82.00	82.00
08/08/07	82265 *BS CKMB	1	82.00	82.00
08/08/07	84166 LIPID PROFILE TOTAL CHEMISTRY	1	158.00	158.00 1,582.00
08/07/07	82648 CBC (HEMAGRAM W/AUTO DIFF) TOTAL HEMATOLOGY	1	60.00	60.00 60.00

31307*T5PJ05PA001667





Paces West Two
Suite 1000
2727 Paces Ferry Rd.
Atlanta, GA 30339

31307

RETURN SERVICE REQUESTED
PIEDMONT HOSPITAL

PAGE: 3 of 3

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CHECK CARD USING FOR PAYMENT		
<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> DISCOVER	<input type="checkbox"/> VISA
<input type="checkbox"/> AMERICAN EXPRESS	<input type="checkbox"/> AMERICAN EXPRESS	
CARD NUMBER		AMOUNT
SIGNATURE		EXP. DATE
PATIENT NAME BARDES, DAVID		DATE DUE
ACCOUNT NUMBER P0721902038	AMOUNT DUE	AMOUNT PAYING \$

652607A

DAVID BARDES
925 CANTERBURY RD NE 1021
ATLANTA, GA 30324-2898

PIEDMONT HOSPITAL
P.O. BOX 102570
ATLANTA, GA 30368-2570

31307*T5POJ05PA001667

DATE	DESCRIPTION	QUANTITY	ITEM PRICE	TOTAL CHARGES
08/07/07	70072 CR CHEST PORTABLE TOTAL DX X-RAY/CHEST	1	271.00	271.00 271.00
08/08/07	73361 NM MYOCARD PERF W/EF COG	1	798.00	798.00
08/08/07	73362 NM PERF WALL MOTION COG	1	798.00	798.00
08/08/07	73363 NM STRESS/REST MUOCARD SPEC TOTAL NUCL MED/DIAGNOSTIC	1	2,649.00	2,649.00 4,245.00
08/08/07	40011 RT AEROSOL RX INITIAL TOTAL RESPIRATORY SERVICES	1	91.00	91.00 91.00
08/07/07	37045 ER LEVEL V VISIT TOTAL EMERGENCY ROOM	1	1,209.00	1,209.00 1,209.00
08/08/07	50000 STRESS TEST-NUCLEAR TOTAL STRESS TEST	1	1,168.00	1,168.00 1,168.00
08/07/07	2033 ZOFRAN 4MG INJ	1	23.00	23.00
08/07/07	2033 ZOFRAN 4MG INJ	1	23.00	23.00
08/08/07	73712 ISO MYOVIEW PER DOSE TOTAL DRUGS/DETAIL CODE	2	228.00	456.00 502.00
08/07/07	37030 ER EKG TOTAL EKG/ECG	1	228.00	228.00 228.00
08/07/07	99035 OBSERVATION STATUS-ADJ TOTAL OBSERVATION ROOM	1	790.00	790.00 790.00
08/07/07	93500 PF EKG. TOTAL PRO FEE/EKG	1	19.00	19.00 19.00
08/08/07	92288 PF NUCLEAR STRESS-COG*	1	0.00	0.00
08/08/07	92860 **PF NUCL THALLIUM/SUPV-COG	1	0.00	0.00
08/08/07	92862 **PF NUCL THALLIUM/INTERP-CO TOTAL PRO FEE/CONSULTATION	1	0.00	0.00 0.00
	TOTAL CHARGES			10,501.15
	TOTAL PAYMENTS/ADJUSTMENTS			0.00

31307*T5POJ05PA001667



POST PROCEDURE DISCHARGE INSTRUCTIONS

David Bardes | 246206 | 04/25/1963

Colonoscopy | Friday, August 31, 2007 | Steven J. Morris, MD

IF YOU RECEIVED SEDATION FOR YOUR PROCEDURE

- Do not drive or operate any machinery today.
- Do not consume alcohol, tranquilizers or sleeping medications for eight hours.
- Avoid making critical decisions or signing legal documents today.
- It is strongly recommended that you have someone at home with you.
- If IV site is painful, place a warm wet compress on site until soreness is relieved.
- Call your physician's office if there is no improvement.
- Post procedure you may resume diet and medication unless otherwise instructed.
- Special diet instruction: _____

YOU HAD A POLYP REMOVED, PLEASE FOLLOW THE INSTRUCTIONS BELOW TO AID IN THE PREVENTION OF COMPLICATIONS:

- Rest quietly with minimal activity for the first 24 hours.
- Avoid exercise, jogging, heavy lifting, and strenuous activity for today.
- Avoid Aspirin or other blood thinning medications for 7 days.

BIOPSIES WERE TAKEN CALL THE OFFICE IN 7-10 DAYS.

YOU DID NOT HAVE A POLYP REMOVED.

ACCEPTABLE RESPONSES

- **Post Esophagogastroduodenoscopy (EGD)**, you may experience a minor sore throat for day or two. Lozenges and gargle may help. You may cough up small amounts of blood-tinged secretions.
- **Post colonoscopy**, you may experience abdominal discomfort for several hours, this is due to the air used to open the bowel. You may also experience rectal soreness, passing of gas, and passing of small amounts of blood-tinged secretions.

CALL PHYSICIAN'S OFFICE FOR THE FOLLOWING:

- INCREASING PAIN, NAUSEA, VOMITING, FEVER/CHILLS
- NEW INCREASED BLEEDING ORAL/RECTAL
- NEW ABDOMINAL DISTENSION (SWELLING)
- PROLONGED PAIN
- ANY SIGNS OF INFECTION

The Crawford Long Office # 404-881-1094

Douglasville Office # 678-784-5020

Piedmont Office # 404-351-9512

Impressions: - The colon is normal.

Recommendations: We are waiting for your pathology results.

ADDITIONAL INFORMATION: A physician may be reached 24 hours a day 7 days a week by calling **404-881-1089**. After normal office hours the answering service will answer the phone, take a message and contact the Physician on call. Complaints or grievances may be directed to the **Clinical Director @ 404 253 6823** or call the **Endoscopy Center @ 404 253-6820** and speak to the nurse in charge .

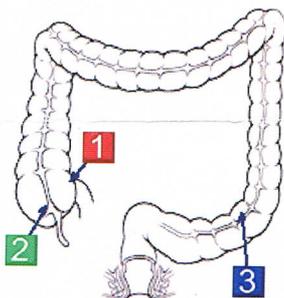


Steven J. Morris, MD

Signed Date: 08/31/2007 09:20:24

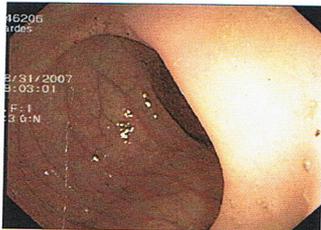
This report has been signed electronically.

Procedure Images

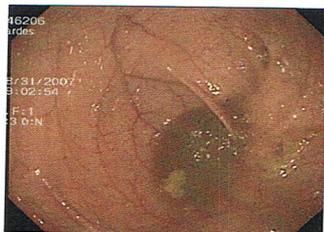


The Colon

Additional Images



1 Ileocecal Valve



2 Cecum



3 Sigmoid Colon

Lawyers Could Not Help Me

I contacted lawyers in Charleston, Columbia, Charlotte, and Atlanta about suing my torturers in South Carolina. None could help me. They explained all federal torture lawsuits were instantly dismissed due to George Walker Bush, Dick Cheney, and the CIA's use of torture after the attacks of 9/11. The courts had cited torture as "too hot" of a topic to address at the time.

There was no way on God's green earth could I not seek redress for my sufferings, which had left me both physically and mentally injured. I had to figure out a way to represent myself. I thought I had a strong case, as I could march a jury into engineered cold cell 1613 while on full blast. My case would be over in five minutes.

I wrote a book called *The Public Trust* with the whole story, the court transcripts, and the evidence from the medical records and doctor in the jail. This became the exhibit to my first federal torture lawsuit, *Bardes v. Magera*, filed in 2008. Nowhere in the book or lawsuit do I ever mention being shot, as I did not know that until 2011. Below are two excerpts discussing my right leg not working, and the pain being horrific (I had been shot, but did not know.) I am discussing the period when the jail medical staff put me on suicide watch keeping me from contacting anyone.

Page 140

My brain slowly turned back on. Interestingly enough it turned back on in the same order that it shut down. My first thoughts were of my children, but I could not remember their names. As I lay on that mat, unable to get up or stand on my own, I took an inventory of my body parts. My right leg was not working and was all knotted up with pain. My right forearm was the same way, but I could open and close my hand but not move my fingers. I was unable to keep my left eyelid open unless I forced it open. The index finger on my left hand would not move. I also had little to no feeling from the waist downward. My heart was racing and the pounding of my chest was interrupted by skipped heart beats. I was suffering from Ventricular Tachycardia.

Page 141

I also had little memory as my brain was still coming on line. I could not even remember the names of my ex-wife or children. I could not stand on my own, as my right leg was not working and my right arm, left hand, and my left eye were not working either. The pain was horrific.

Below is a newsletter from the Director of the "Equal Justice Foundation," a non-profit who helps fathers navigate bias in family courts. I was just starting to learn about the widespread use of hypothermic torture.

From: "Dr. Charles E. Corry" <ccorry@ejfi.org>
To: "EJF comments" <comments@ejfi.org>
Sent: Friday, December 14, 2007 11:25 PM
Subject: EJF newsletter - Taken into custody, tortured and outraged

While we've heard convincing stories from men in jails all across America about all these forms of torture, the one most commonly used appears to be hypothermia. Many jails in the United States have a "cold cell" where additional air conditioning ducts are run with cold air blasting the inmates. Sometimes they simply turn down the thermostat or heat isn't provided. The temperature in these cells seems to be about 50° and prisoners have only their jump suits for warmth, as no blankets are provided. A single day observing [DV court in El Paso County](#) (Colorado Springs), Colorado, was sufficient to find one case of such treatment. Another case in Christian County, Missouri, was reported to me while writing this. The best documented case, however, is in Charleston, South Carolina, where David Bardes was kept in a "cold cell" for three days, April 3-5, 2006, and nearly died. His ordeal is documented in his book *The Public Trust: Statement of Fact*. There is little recourse and the public largely does not believe it because, as far as they are concerned, men who are being put in cold cells, tasered, sprayed, and beaten by police "must have done something wrong" to have gained the attention of the police and the courts. However, the major crime the men who contact the Equal Justice Foundation are guilty of is being a father.

Dr. John Wheeler, PhD

I then took my exhibit *The Public Trust* and my lawsuit to a psychologist and said I needed to hire him to make sure I did not come across as sounding crazy as I had a hard to believe story. Dr. Wheeler read everything and said it was well written and logical and that I was suffering from PTSD.

(It would later be Doctor Wheeler who cured me of PTSD, telling me I no longer needed to see him.)

In 2008, Dr. Wheeler issued the enclosed diagnosis letter.

(See Dr. Wheeler's diagnosis letter on next page.)

JOHN. T. WHEELER, PH.D.

1132 Greenwood Cliff
Charlotte NC 28204
704-332-6778/ 980-253-8136

Psychological Summary

David A Bardes
2912 Ethan Point Drive, Suite 10112
Burlington, NC 27215

May 21, 2008

Mr. Bardes initiated psychological assistance with this psychologist on February 26, 2008. He is a 44 year old, divorced, caucasian male with two children, a son, 14 years old and daughter, 12 years old. The presenting request were for treatment and support to deal with a significant past event and the on-going legal process to address that event.

Mr. Bardes reported that as a result of his ex- wife claiming he was in arrears of child support the South Carolina Department of Social Services had a warrant issued for his arrest. He voluntarily went to the Charleston City Jail. While in the jail, he reported that he was placed in a room where the temperature was extremely cold. He subsequently experienced hypothermia and went into a coma. Eventually he was removed from the room and fortunately survived. He has written a book about his life, events leading up to this imprisonment, and the jail experience itself.

Since that experience, Mr. Bardes has been under the care of a psychiatrist for medication management. He suffers from nightmares and daytime recall of the jail experience. This recall precipitates anxiety and at times panic attacks. He also experiences periodic depression episodes.

It is my professional opinion that Mr. Bardes suffers from Post- Traumatic Stress Disorder, DSM IV 309.81. The event was consistent with the threat of death and of an intense fear and sense of helplessness. This trauma is currently re- experienced through nightmares, flashbacks, and physiologic reactivity similar to those experiences in the trauma event, e. g. cold. Persistent symptoms of sleep disturbance, hypervigilance, difficulty with concentration and attention continue to exist.

Respectfully submitted,



John T. Wheeler, PhD
Licensed Psychologist

Social Security Disability

I had applied for Social Security Disability for PTSD and was declined, as is just about everyone. I have provided their first rejection letter, where you can see I had applied for disability in part due to “bowel problems” and “right leg paralysis.” Notice, there is no claim of being shot, just the listed injuries from the then unknown bullet.

(See Social Security denial letter on next page.)

Social Security Administration
Retirement, Survivors, and Disability Insurance
Notice of Disapproved Claim

Claim Number: 



Date: March 11, 2010

DAVID ANDREW BARDES
2016 GLENDALE LN
BURLINGTON NC 27215

We are writing about your claim for Social Security disability benefits. Based on a review of your health problems, you do not qualify for benefits on this claim. This is because you are not disabled under our rules.

We have enclosed information about the disability rules and more details about the decision on your claim.

In deciding the claim, we considered evidence from:

ATLANTA GASTROENTEROLOGY ASSOCIATES report received 12/01/2009
GUILFORD NEUROLOGICAL ASSOCIATES INC report received 11/24/2009
PIEDMONT HOSPITAL report received 12/23/2009
DR GEORGE V STEPHENS report received 11/20/2009
EMORY UNIVERSITY report received 11/25/2009
DAVID JOHNSON MA (BURLINGTON) report received 03/09/2010
JAMES B BARBER MD(BURLINGTON) report received 02/24/2010

We have determined that the condition is not severe enough to preclude work. We considered the medical and other information, age, education, training, and work experience in determining how the condition affects the ability to work.

On your application you stated that you are disabled because of post traumatic stress disorder, depression, acute anxiety, panic attacks, memory loss, bowel problems, right leg paralysis, hypothermia, seizures, dizziness, and weakness.

The medical evidence shows that your condition is not severe enough to be considered disabling. You are able to think, act in your own interest, communicate, handle your own affairs, and adjust to ordinary emotional stresses without significant difficulties. We realize that your condition keeps you from doing any of your past jobs, but it does not keep you from doing less demanding work. Based on your age, education, and past work experience, you can do other work. It has been decided, therefore, that you are not disabled according to the Social Security Act.

If the condition gets worse and precludes work, write, call or visit any Social Security office about filing another application.

About the Decision

Specially trained staff, who had doctors available to discuss this case, looked at this case and made this decision. They work for the State but used our rules.

Please remember that there are many types of disability programs, both government and private, which use different rules. A person may be receiving benefits under another program and still not be entitled under our rules. This may be true in this case.

Rules for Social Security Disability

XXX-XX-0100 BARDES, DAVID ANDREW

Broken Hip

My left leg was my strong leg, and it carried more of the load, as my right leg had nerve damage from the bullet. But on flat level ground, my right leg was working voluntarily without any limp. But on uneven ground or stairs, I had to take it slowly and consciously tell my right leg to take each step. The toes on my right leg curled downward painfully unless I was wearing shoes. But years of overloading my left leg, took its toll.

One morning in 2009, I suddenly awoke with a sharp pain in my left hip socket. It was extremely painful and no position lessened the pain. This was the first tiny fracture in the top of my femoral head of my left hip bone. Since I did not have health insurance, and had been denied Medicaid, I had no choice but to continue walking on the fractured hip. But the more I walked, the more fractured the bone became.

After two years, my left leg became a half inch shorter than the right leg, indicating the damage to my femoral head. I could only ambulate with a cane.

On December 9, 2011, while driving back through a college campus to my rented house, stopped at a crosswalk, I was rear ended by a college student in an SUV traveling at about twenty-five miles per hour. My seat belt performed perfectly, holding my body secure from damage, but my already broken left hip crushed even further with a loud pop. Another inch of my left femur was crushed. The pain immobilized me. An ambulance took me to the Alamance Regional Medical Center in Burlington, North Carolina.

Betsy, my ex-wife, and adult daughter Allie, met me in the emergency room. The two x-ray doctors called us back to their illuminated wall with the x-rays of my hip. The doctor's showed us the crushed femur, and also diagnosed the femur head with avascular necrosis (dead bone,) showing the femur had been broken for a long time.



One of the doctor's pointed to a metal object in my right hip, and asked me what was I shot with a gun? I looked at Betsy, then Allie, and the three of us answered together "never, not that we were aware." The doctors looked bewildered, and said I had a bullet in my right hip.

It did not register until after the three of us got into Betsy's car to drive home, as I was on crutches, did it dawn on me that "those bastards in South Carolina shot me with a gun while I was in hypothermic coma." This explained the scar on my stomach, the paralysis down my right leg, the medical staff denying medical care to protect themselves, the source of the abdominal attacks, all the medical evidence finally made sense.

As Betsy's affidavit from 2013 testifies, since she was 13 years old, and I was 15 years old, I had never been shot with a gun. The only time someone could have shot me without me knowing, was during those two days I was unconscious in cell 1613.

(See Betsy's affidavit about gunshot and scar on the next page.)

State of North Carolina: Alamance County
Fourth Circuit Court of Appeals
Bardes v. South Carolina No. 13-2133

Betsy Foos Bardes, appearing before the undersigned notary public and being duly sworn, says that:

1. My name is Betsy Foos Bardes. I am over eighteen (18) years old. I have never been convicted of a felony. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are true and correct.
2. I have known David Andrew Bardes since I was 13 years old and he was 15 years old. I married David on January 19th, 1990. We have been divorced since 2000. We have remained in constant contact, as we have co-parented our two children. David was never shot by a gun during our dating years or our married years. He never had a mark on his abdomen either.
3. He was a leader in the community as well as earned a six figure salary. When he was released from South Carolina jail, he had a scar on his abdomen and lost his memory. Since then, he is a completely different person. He has poor memory and suffers PTSD attacks. Whatever happened to him in that jail changed him. He is handicapped now.
4. He has not been able to obtain employment either. He was indigent for some years and even lived in an out building for a year on my property. This has financially damaged me and my children as we have not received any child support for years.
5. This is my affidavit stating that David was not shot by a gun before he was in jail.

David did not have a scar before either. It is my beliefs that he received the bullet while he was in SC jail and that he did not remember the weeks of recovery because he was brain damaged by the hyperthermia coma that they put him in by leaving him in the "cold" room for almost 3 days.

X Betsy Foos Bardes

Betsy Foos Bardes
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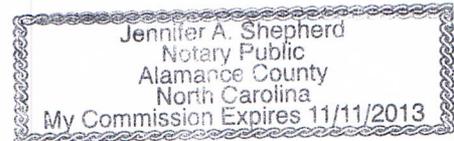
Sworn to (or affirmed) and subscribed before me this 8th day of October, 2013.

Jennifer A. Shepherd

Signature of Notary Public

Official Seal

My commission expires 11-11, 2013.



2012 - Social Security Disability Approved Benefits

Once I submitted the x-ray of the broken hip and bullet to Social Security disability, I was approved for benefits as having PTSD. The bullet proved the torture, causing the PTSD.

FBI and DOJ

After two doctors discovered the bullet in my right hip, I thought I had enough evidence to get the DOJ or FBI to finally investigate what had then become an obvious crime inside that Charleston County jail. I had tried for years to get the South Carolina SLED and the FBI to investigate, to do anything.

I was fighting against the headwinds of George Walker Bush, the CIA, FBI, and DOJ's long efforts to cover up and avoid prosecution for cold cell torture and murder, such it manifested itself in the below two emails.

I reported the bullet to the criminal division of the DOJ and to the FBI in Charlotte. The DOJ emailed me back telling me to contact the FBI. The FBI replied telling me to go away, go hire a lawyer. The government saves their emails forever, so producing them, to prove them here, is a single search.

Email from the DOJ:

From: Division, Criminal [Criminal.Division@usdoj.gov]
Sent: Wednesday, December 28, 2011 1:23 PM
To: davidbardes@davidbardes.com
Subject: David A. Bardes FW: I am a gunshot victim
Attachments: DearJudgeAuld2.pdf

Dear David A. Bardes:

Thank you for your recent email to the Criminal Division. I have been asked to respond to you on the division's behalf.

We rely on investigative agencies to gather the relevant facts. If you believe this matter may constitute criminal activity, please contact the Federal Bureau of Investigation (FBI), the investigative arm of the Department of Justice. The FBI will determine whether a federal investigation may be warranted. If appropriate, the FBI will refer the matter to a United States Attorney for a final determination regarding legal action.

Any future correspondence with this office regarding this same matter would be unnecessary. We regret we cannot be of further assistance.

Email from the FBI:

From: Charlotte Public [Charlotte.Public@ic.fbi.gov]
Sent: Thursday, December 22, 2011 4:19 AM
To: David A. Bardes
Subject: RE: I am a gunshot victim

This is not something the FBI would handle. You should contact an attorney.

**FBI Charlotte Division
(704)672-6100**

I should contact a civil litigation attorney? Blown off in thirteen words? This came right after the US Supreme Court denied my first cold cell torture petition. I was fully aware of being engulfed in a proxy battle with George Walker Bush and the CIA protecting themselves from the death penalty for brutally torturing to death innocent Muslims, and there was just no way to penetrate the dam of “Babylon.” This was at the height of the TortureGate scandal, where every torture lawsuit was instantly dismissed, so no attorney could ever help me anyway. No attorney on earth could help anyone with torture cases.

**Reported the bullet to the Elon Police Department.
Confined to the Loony Bin for six days because Dr. Clapacs would not believe me.
North Carolina Medical Board.**

I covered the above three events in my recent motion requesting an extension of time to object, no need to repeat here. Dr. Clapacs declared me insane and locked me in the loony bin for six days, because he would not believe I was shot with a gun and did not know it. They thought I was faking a broken hip. After he learned the truth, by checking his own records in the hospital, he profusely apologized three times and released me.

But Dr. Clapacs’ disbelief was common. So was the shock and regret when learned the story was true.

March 12, 2013 – Total Hip Joint Replacement Surgery

I had to wait out ObamaCare to be able to “afford” and “buy with preexisting conditions” health insurance so I could obtain hip surgery and walk again. On March 12, 2013, I had total hip joint replacement surgery. My surgeon noted massive damage to my femoral head. The next day I walked home from the hospital. Being able to walk for the first time in four (4) years. No more wheelchair.



The Bullet Proved the Cold Cell Torture

When I first got out of jail and told others about my hypothermic torture and hypothermic coma, they asked me how could I prove I was tortured in the cold.

The reason cold cell torture is used widespread by jails and prisons is not just due to how effective it is soliciting desired behaviors, but rather because it leaves behind no evidence, no scars, no blood, no bruise, no broken bones. No one believes inmates anyway. "Oh, you were cold, poor baby."

How can you prove the cold? You cannot see cold, cold does not show up on pictures or video. I had no way of proving I was tortured in the cold. This plagued me in my federal lawsuit. I proved I had been confined into holding cell 1613 for three days and fed no meals, given no toilet paper. I proved cell 1613 was a highly engineered "cold" cell used for punishment, called an "intensive management cell," but I could not directly prove it was cold when I was locked inside.

Not until five (5) years later was the evidence discovered proving I suffered from hypothermic coma during those three (3) days in cold cell 1613. Why? Because during the 24-hour period over two days that I was unconscious, I was shot with a gun, by someone with authority to shoot a gun AND with authority to cover it up, and then someone with licensed medical experience, who sutured up the entrance wound closed. Ready for the morgue.

When the two x-ray doctors in the emergency room after an auto accident asked me when was I shot with a gun, I answered never, not that I was aware. So, my testimony here today saying I was shot with a gun, does not come from me. At no time did I claim to be shot. That fact came 100% from two medical doctors examining medical evidence. I specifically mention this now, as I do not want you to respond to my words saying "Plaintiff claims he was shot with a gun..." rather "Plaintiff was told by two doctors he was shot with a gun..."

The unknown bullet proved hypothermic coma. When the bullet was blasted into my body, it tore through tissue, my intestines and bowels, ricocheted off of my spine leaving behind nerve damage, coming to rest in the tissue of my right hip.

The fact I was left for two more days in that cell without heartbeat or blood pressure, the severed tissue had time to self-heal before blood pressure started back up again. Everything held when pressure resumed, except my bowels, and the nerve damage down my legs.

Hypothermic coma is the only known medical condition that can allow a prolonged period without cardiac function, take a bullet without knowledge, and then fully reanimate naturally to full function without knowledge of being shot. There is no other known medical condition that could account for what is known. I stand corrected if you find another fit.

Therefore, hypothermic coma proves prolonged hypothermic torture forcing rapid loss of body temperature before losing consciousness. Cold Cell 1613 was in fact cold, very cold for those three days (and when the picture of the blanket on bench was taken.) The bullet, therefore, not only proved I was tortured in the cold, but that my torture was far worse than I had even testified.

(end)